

5055 Santa Teresa Blvd., Gilroy, CA 95020

www.gavilan.edu

(408) 848-4800

Steven M. Kinsella, DBA, CPA, Superintendent/President

## GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

Citizens' Oversight Committee Meeting

August 24, 2015 – 6:00 p.m.

Gavilan College

5055 Santa Teresa Boulevard, Gilroy, CA 95020

Student Center, North/South Lounges

### AGENDA

I. CALL TO ORDER

1. Roll Call and Introductions

II. APPROVAL OF AGENDA

III. CONSENT AGENDA

1. Minutes – March 16, 2015

IV. COMMENTS FROM THE PUBLIC

This is a time for the public to address the Citizens' Oversight Committee (a maximum of five minutes will be allotted to each speaker)

V. INFORMATION ITEM(S)

1. Citizens' Oversight Committee Member Orientation

2. Item(s) presented at board meetings for information or approval by the Board of Trustees:  
April 14, 2015

- Ratify contract amendments to three firms for extension of services related to the Water Storage Tank, Distribution, and Well Improvements Project
- IBI Group Architecture and Planning Project Assignment Amendment
- Authorize Capital Project Change Order #5 for the Water Tank, Distribution and Well Improvements Project
- (Resolution #990 Authorizing the Issuance of Gavilan Joint Community College District (Santa Clara and San Benito Counties, California) 2015 General Obligation Refunding Bonds
- Resolution #991 of the Board approving amended and restated Bylaws for the Gavilan Joint Community College District Independent Citizens' Bond Oversight Committee

May 14, 2015

- Measure E Bond Quarterly Financial Status Report at March 31, 2015
- Status Report on Educational Centers
- Recommendation for Water Supplier at the Coyote Valley Educational Center site
- Land Lease for the new home of the Aviation Maintenance Technology Program at the South County Airport in San Martin



Board of Trustees: Tom Breen  
Laura A. Perry, Esq.

Kent Child  
Lois Locci

Mark Dover  
Walt Glines

Jonathan Brusco

- Gilbane Building Company Construction Management Services Project Assignment Amendment extension for the Water System Replacement Project, Construction Oversight
- Three(3) Gilbane Building Company Project Assignment Amendments for Construction Management Services

June 9, 2015

- Payment of Participating Special Entity Fees to the Santa Clara Valley Habitat Agency for the Coyote Valley Campus Phase I Project
- Agreement with Reshape, LLC to provide free fill dirt at the Coyote Valley Educational Center site
- Gilbane Building Company Project Assignment Amendment (PAA) for the Fire Alarm Replacement – Student Center, Library and Theater Buildings

July 14, 2015

- IBI Group Architecture and Planning Project Assignment Amendments
- Water Tank Replacement Project Change Order #6

August 11, 2015

- Consider and Accept Bids for the San Martin Modular Relocatable Restroom Project
- Consider and Accept Bids for the Coyote Valley Ed Center Modular Buildings, Covered Walkways & Canopies Project
- Approve the Rodriguez Real Estate Services, LLC Agreement for Consultant Services related to Campus and Off-Site Land Development Projects

VI. DISCUSSION ITEM(S)

1. Update Measure E Activities

VII. ACTION ITEM(s)

1. Set Next Meeting Date(s)

VIII. CLOSING ITEMS

1. Adjournment

GAVILAN COLLEGE MISSION

Gavilan College cultivates learning and personal growth in students of all backgrounds and abilities through innovative practices in both traditional and emerging learning environments; transfer pathways, career and technical education, developmental education, and support services prepare students for success in a dynamic and multicultural world.

PUBLIC COMMENTS – Individuals wishing to address the Citizens' Oversight Committee (COC) on a non-agenda item may do so during the Comments from the Public.

However, no action may be taken on an item, which is not on the agenda.

The public is welcomed to address the COC on particular agenda items and may do so at the time it is presented. Guidelines for Comments from the Public will be as follows:

A maximum of 5 minutes will be allotted to each speaker with a maximum of 20 minutes to a subject area. No disruptive conduct will be permitted at any Gavilan College Citizens' Oversight Committee meeting.

AGENDA ITEMS – Individuals wishing to have an item appear on the agenda must submit the request in writing to the Superintendent/President two weeks prior to the meeting. The COC Chair and Superintendent/President will determine what items will be included in the agendas.

Items listed under the Consent Agenda are considered to be routine and are acted on by the COC as one motion. There is no discussion of these items prior to COC vote unless a member of the COC, staff, or public requests those specific items are discussed and/or removed from the Consent Agenda. It is understood that the Administration recommends approval on all consent items. Each item on the Consent Agenda approved by the COC shall be deemed to have been considered in full and adopted as recommended.

In compliance with the Americans with Disabilities Act, if you need special assistance to access the board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact Nancy Bailey at 408-848-4711. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the COC meeting.

Members of the public may inspect agenda documents distributed to the committee at the President's Office, SC130, during regular working hours, or at <http://www.gavilan.edu/board/agenda.php>

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Please help keep Gavilan College a litter-free campus and preserve its park-like setting. Thank you.

**CONSENT**

**Gavilan Joint Community College District  
Citizens' Oversight Committee Agenda**

August 24, 2015

Consent Agenda Item No.            III.1.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.

Office of the President

**SUBJECT:** Minutes – March 16, 2015

Resolution:

Information Only

Action Item

**Proposal:**

That the Citizens' Oversight Committee approve minutes from the Citizens' Oversight Committee Meeting of March 16, 2015.

**Background:**

See attached.

**Budgetary Implications:**

None.


**Follow Up/Outcome:**

No further action required.

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By: Nancy Bailey, Executive Assistant to the Superintendent/President

Agenda Approval:



\_\_\_\_\_  
Dr. Steven M. Kinsella, Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT  
Citizens' Oversight Committee Meeting  
March 16, 2015 – 6:00 p.m.  
Gavilan College  
5055 Santa Teresa Boulevard, Gilroy, CA 95020  
Student Center, North/South Lounges

## MINUTES

### I. CALL TO ORDER

#### 1. Roll Call

Committee Members Present: Issa Ajlouny, Donna Bakich, Suzanne Bulle, Cindy Dalla, Tim Day, and Ryan Shook

Committee Members Absent: Sandy Habr

Dr. Steven M. Kinsella, Superintendent/President  
Frederick E. Harris, Vice President of Administrative Services  
Nancy Bailey, recorder

John Roeder, Irene Day, and Stephen Sowa

### II. APPROVAL OF AGENDA

MSC (S. Bulle/D. Bakich) 4 ayes, 0 nays to approve; R. Shook and C. Dalla late arrivals.

### III. CONSENT AGENDA

#### 1. Minutes – December 15, 2014

MSC (D. Bakich/I. Ajlouny) 5 ayes, 0 nays to approve; C. Dalla late arrival.

### IV. COMMENTS FROM THE PUBLIC

No comment from public.

### V. INFORMATION ITEM(S)

#### 1. Item(s) presented at board meetings for information or approval by the Board of Trustees:

##### January 13, 2015

- Approval of an agreement with Live Oak Associates, Inc. for an EIR Addendum for Coyote Valley Educational Center

##### February 10, 2015

- Reconfiguration of a portion of the Child Development Center
- Measure E Bond Quarterly Financial Status Report at December 31, 2014
- FY 2013-2014 Measure E General Obligation Bond Audit Reports
- Addendum to the Final Environmental Impact Report to the Gavilan College – Coyote Campus Project
- Application for consideration of Participating Special Entity (PSE) status under the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (SCVHP) for the Gavilan College Coyote Valley Campus Phase I Project, located in the City of San Jose, Santa Clara, California

##### March 10, 2015

- Recommendation for Water Supplier at the Coyote Valley Educational Center Site
- IBI Group Architecture and Planning Project Assignment Amendments

VI. DISCUSSION ITEM(S)

1. Update Measure E Activities

Fred Harris reviewed the Measure E items presented to the Board of Trustees. Information given by Dr. Steve Kinsella and Fred Harris in response to committee members' questions included the following:

- Dr. Kinsella said the Gavilan Board of Trustees accepted the report from the auditing firm of Crowe Horwath LLP, at the February 10, 2015 meeting.
- Fred Harris said the reconfiguration of southwest corner of the Child Development Center will include a separate outside entrance to preserve security for the Center.
- Fred Harris spoke on the need for an analysis on the options for supplying water to the Coyote Valley site. He summarized the report prepared by C2G Civil Consultants Group, Inc. which was presented to the Gavilan Board of Trustees as an information item. Fred Harris noted that the options for the district are Great Oaks Water Company and San Jose Municipal Water.

John Roeder, Chairman and CEO of Great Oaks Water Company, provided the Citizens' Oversight Committee (COC) with a report which he stated "corrected" a variety of statements made by C2G in their analysis. Dr. Kinsella asked John Roeder to comment on his report. John Roeder stated that the report prepared by C2G was "flawed". Dr. Kinsella thanked John Roeder for the information and requested that Fred Harris meet with both John and the consultant to reconcile the differences.

Tim Day said as a committee, the COC is not a decision maker; however, they could make a recommendation to the Gavilan Board of Trustees. He did not feel he could make a recommendation with the conflicting facts presented. Donna Bakick suggested getting a 3<sup>rd</sup> party engineering recommendation and the articles of incorporation and by-laws from Great Oaks Water Company. Many items were discussed including service jurisdiction, any legal implications for the district, and cost differences.

Dr. Kinsella said the administration will make a recommendation to Gavilan's Board of Trustees at their April 14, 2015 meeting if at all possible.

- Fred Harris reported on other Measure E projects. Occupancy of the Coyote Valley site is scheduled for summer 2016. The aviation mechanics program project should be completed by summer 2016. Phase 2 of the Technology funds is underway which is an overall assessment of the district's data processing needs and infrastructure update.
- Dr. Kinsella reported on the Physical Education project which was a state bond funded project requiring a 50% match. Measure E funds were reserved for the \$7 million match. With no state funds available, the \$7 million reserve will be used to make improvements on the instructional athletic fields and ADA compliance issues in the Physical Education building. He said the rest of the needed renovations will have to be repackaged and submitted again for a state funded project.

VII. ACTION ITEM(S)

1. Set Next Meeting Date

MSC (D. Bakich/C. Dalla) 6 ayes 0 nays to schedule the next meeting on June 15 at 6:00 p.m.

VIII. CLOSING ITEMS

1. .Adjournment

MSC (D. Bakich/S. Bulle) 6 ayes 0 nays to adjourn at 6:55 p.m.



# **INFORMATION/STAFF REPORTS**

**Gavilan Joint Community College District  
Citizens' Oversight Committee Agenda**

August 24, 2015

Office of the President

Consent Agenda Item No.  
Information/Staff Reports No.     V.1.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.

**SUBJECT:** Citizens' Oversight Committee Member Orientation

- Resolution:
- Information Only
- Action Item

**Proposal:**

The members of the Citizens' Oversight Committee will receive an orientation on the role and responsibilities of the members. A representative from Stradling Yocca Carlson & Rauth will provide the information.

**Background:**

Attached for your review are two documents:

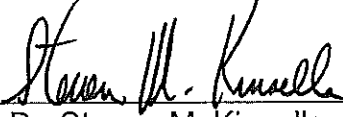
"Independent Citizens' Bond Oversight Committee Amended and Restated Bylaws'  
and the "Resolution of the Board of Trustees of the Gavilan Joint Community College  
District Ordering an Election, and Establishing Specifications of the Election Order".

**Budgetary Implications:**

**Follow Up/Outcome:**

Hold annual orientation.

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By:   
Dr. Steven M. Kinsella, Superintendent/President

Agenda Approval:   
Dr. Steven M. Kinsella, Superintendent/President

**INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE  
AMENDED AND RESTATED BYLAWS**

**Section 1. Committee Established.** The Gavilan Joint Community College District (the "District") was successful at the election conducted on March 2, 2004 (the "Election"), in obtaining authorization from the District's voters to issue up to \$108,000,000 aggregate principal amount of the District's general obligation bonds ("Measure E"). The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is now obligated to establish the Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Gavilan Joint Community College District (the "Board") hereby establishes the Independent Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

**Section 2. Purposes.** The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure E. Regular and scheduled maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

**Section 3. Duties.** To carry out its stated purposes, the Committee shall perform the duties set forth in Section 3.1, 3.2 and 3.3 and shall refrain from those activities set forth in Sections 3.4 and 3.5:

3.1 **Inform the Public.** The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee

3.2 **Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in Measure E; and (b) no bond proceeds were used for any inappropriate teacher or administrative salaries or other operating expenses, in accordance with Attorney General Opinion 04-110 issued on November 9, 2004.

3.3 **Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(i) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and

(ii) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board/Superintendent/President. Either the Board or the Superintendent/President, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (i) Approval of construction contracts.
- (ii) Approval of construction change orders.
- (iii) Appropriation of construction funds.
- (iv) Handling of all legal matters.
- (v) Approval of construction plans and schedules.
- (vi) Approval of scheduled maintenance plans, and
- (vii) Approval of the sale of bonds.

3.5 Measure E Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

(i) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.

(ii) The establishment of priorities and order of construction for the bond projects shall be made by the Superintendent/President in his or her sole discretion.

(iii) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.

(iv) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) by the Board in its sole discretion and shall report to the Committee on any cost saving techniques considered or adopted by the Board.

(v) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(vi) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

(vii) The appointment or reappointment of qualified applicants to serve on the Committee.

**Section 4. Authorized Activities.**

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(i) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Prop. 39 (Article XIII A of the California Constitution).

(ii) Inspect college facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Superintendent/President.

(iii) Review copies of scheduled maintenance proposal or plans developed by the District.

(iv) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

**Section 5. Membership.**

5.1 Number.

The Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) student enrolled and active in a community college support group, such as student government.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member active in a support organization for the college, such as a foundation.
- Two (2) members of the community at-large.

5.2 Qualification Standards.

- (i) To be a qualified person, he or she must be at least 18 years of age.

(ii) The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest. Members of the Committee are not subject to Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code §§ 81000 et seq.), and are not required to complete the Form 700. However, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Amended and Restated Bylaws.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing as of the later of the date of appointment by the Board or the date at which the Amended and Restated Bylaws are approved by the Board of Trustees. No member may serve more than three (3) consecutive terms. At the Committee's first meeting, members may draw lots to select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term. Members whose term has expired may continue to serve on the Committee until a successor has been appointed. Members serving on the original Measure E Committee shall remain on the Committee and may serve for new terms as described herein.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District shall advertise for members in accordance with its customary practices, including through local newspapers and the District website; (b) appropriate local groups will be solicited for applications; (c) the Superintendent/President will review the applications; and (d) the Superintendent/President will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The District shall seek to fill vacancies within 90 days.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District, (b) Individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual; and (c) the Committee and its members shall have the right to request and receive only copies of reports and records relating to Measure E projects which have been prepared for the Board and which have become a public record.

## Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee is required to meet at least once a year including an annual organizational meeting, but may not meet more frequently than quarterly.

6.2 Location. All meetings shall be held within the jurisdiction of the Gavilan Joint Community College District.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 et seq. Meetings shall be conducted according to such

additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business.

**Section 7. District Support.**

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(i) preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;

(ii) provision of a meeting room, including any necessary audio/visual equipment;

(iii) preparation and copies of any documentary meeting materials, such as agendas and reports; and

(iv) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

7.2 District staff and/or District consultants shall attend all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

7.3 No bond proceeds of Measure E may be made to provide District support of the Committee.

**Section 8. Reports.** In addition to the Annual Report required in Section 3.3, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

**Section 9. Officers.** The Board, upon the recommendation of the Superintendent/President shall appoint the initial Chair of the Committee to serve for one year as Chair. Thereafter, the Committee shall elect the Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. No person shall serve as Chair for more than three consecutive years.

**Section 10. Amendment of Bylaws.** Any amendment to these Bylaws shall be approved by a majority vote of the Board.

**Section 11. Termination.** The Committee shall automatically terminate and disband concurrently with the Committee's submission of its final Annual Report which reflects the final accounting of the expenditure of all the proceeds of Measure E.

**CITIZENS' BOND OVERSIGHT COMMITTEE  
ETHICS POLICY STATEMENT**

This Ethics Policy Statement provides general guidelines for Committee members to follow in carrying out their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

**POLICY**

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the Committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.
  
- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.
  
- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Gavilan Joint Community College District;
  
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.



RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
GAVILAN JOINT COMMUNITY COLLEGE DISTRICT  
ORDERING AN ELECTION, AND ESTABLISHING  
SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") has determined that certain properties and equipment within the Gavilan Joint Community College District (the "District"), within Santa Clara County ("Santa Clara County") and San Benito County ("San Benito County") need to be acquired, constructed, improved, and equipped to enable the District to maintain Gavilan College as a valuable community resource, to train local residents for higher-paying and skilled jobs, and to enhance the educational opportunities of the students in the District who desire to transfer to four-year colleges; and

WHEREAS, the Board has determined that the addition of new classrooms, and instructional laboratories, instructional equipment; the seismic repair of older facilities; the installation of fire safety equipment; the improvement of electrical, lighting, ventilation and fire detection systems in existing classrooms; the need for disabled access improvements; the increase of available parking spaces; the expansion of the library to include a high-tech learning resource center; and the improvement of campus safety are among the highest priorities of the Board; and

WHEREAS, notwithstanding ongoing efforts to obtain sufficient facility money from the State of California (the "State"), the State has been unable to provide the District with enough money for the District to adequately develop Gavilan College for all its students; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding for such facility, technology, and safety needs by means of a general obligation bond; and

WHEREAS, Proposition 46, approved by the voters of the State of California on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision which exempts from the 1% of full cash value limitation, those ad valorem taxes used to pay for debt service of any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which, as of its effective date, reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a community college district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight which are contained in Proposition 39 and the Act; and

WHEREAS, the Board determines that the restrictions in Proposition 39 which prohibit any bond money to be used for administrator salaries and expenses be strictly enforced by a Citizens' Oversight Committee; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on March 2, 2004, and to request each of the Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters to perform certain election services for the District; and

WHEREAS, in the judgment of the Board, it is advisable to request each of the Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters to call an election pursuant to Proposition 39 on the question of whether general obligation bonds shall be issued and sold on behalf of the District for purposes set forth below;

NOW THEREFORE, THE BOARD OF THE GAVILAN COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 and Government Code Section 53506, hereby requests the Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters to call an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount not to exceed \$108 million (the "Bonds") shall be issued and sold to raise money for the purposes described in Exhibits "A" and "B" hereto.

Section 2. That the date of the election shall be March 2, 2004.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A" and incorporated by reference herein, containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot proposition in Exhibit "A" is subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall only be used for the purposes set forth in the ballot measure and not for any other purpose, including teacher and administrator salaries and other school operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B", evaluated the safety, enrollment, class size and information technology needs of the District;

(c) that the Board will cause to be conducted an annual, independent performance audit to ensure that the Bond moneys get expended for the projects identified in Exhibit "B" hereto;

(d) that the Board will cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended;

(e) that the Board will cause the appointment of a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274;

(f) that the tax levy authorized to secure the bonds of this election shall not exceed the Proposition 39 limits per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution; and

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.* and 15264 *et seq.* and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Section 5322 of the Education Code.

Section 6. That the Santa Clara County Registrar of Voters, the Santa Clara County Board of Supervisors, the San Benito County Registrar of Voters, and the San Benito County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on March 2, 2004 within the District.

Section 7. That this Resolution shall stand as the "order of election" to each of the Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters to call an election within the boundaries of the District on March 2, 2004.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters no later than December 4, 2003.

Section 9. That the maturity of any Bonds issued pursuant to Section 15100 of the Education Code, and Bonds issued pursuant to Section 53506 of the Government Code shall not exceed the maturity limits set forth therein, respectively. The maximum interest rate on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 10. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

Section 11. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of each of Santa Clara County and San Benito are requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse each of Santa Clara County and San Benito County, such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate

statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 11<sup>th</sup> day of November, 2003.

BOARD OF TRUSTEES OF THE GAVILAN JOINT  
COMMUNITY COLLEGE DISTRICT

By \_\_\_\_\_  
Board President

Attest:

\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA    )  
  )ss  
SANTA CLARA COUNTY    )

I, \_\_\_\_\_, do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_, which was duly adopted by the Board of Trustees of the Gavilan Joint Community College District at meeting thereof held on the 11<sup>th</sup> day of November, 2003, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By \_\_\_\_\_  
Secretary

EXHIBIT B  
FULL TEXT BALLOT PROPOSITION  
OF THE GAVILAN JOINT COMMUNITY COLLEGE DISTRICT  
BOND MEASURE ELECTION MARCH 2, 2004

The following is the full proposition presented to the voters of the Gavilan College District.

**Gavilan College Job Training, Overcrowding, Repair/Safety Measure:** To prepare students for jobs/four-year colleges, accommodate increasing enrollment and upgrade Gavilan College campuses in Gilroy, San Benito and the Morgan Hill area by:

- Improving fire safety and security;
- Upgrading plumbing/sewer systems;
- Upgrading wiring for computer technology;
- Repairing, acquiring, constructing, equipping classrooms, buildings, libraries and sites

shall Gavilan Joint Community College District issue \$108,000,000 in bonds at legal rates with **citizen oversight, guaranteed annual audits, no money for administrators' salaries?"**

**PROJECTS**

The Board of Trustees of the Gavilan Joint Community College District evaluated the District's urgent and critical facility needs, including safety issues, enrollment growth, energy efficiency and information and computer technology, in developing the scope of projects to be funded, as outlined in the Gavilan College Facilities Master Plan, dated January 9, 2001, updated on November 11, 2003, incorporated herein, and as shall be further amended from time to time. In developing the scope of projects, the faculty, staff and students have prioritized the key health and safety needs so that the most urgent and basic repairs that will make Gavilan College operational and safe for learning are included. The Board conducted independent facilities evaluations and received public input and review in developing the scope of college facility projects to be funded, as listed in the Facilities Master Plan which was unanimously approved by the Board of Trustees. This input of faculty, community and business leaders concluded that it would be less expensive to upgrade and repair aging community college buildings and classrooms now, than in the future. **In preparing the Facilities Master Plan, the Board of Trustees made three critical determinations:**

(i) In tough economic times, community colleges, including Gavilan College, are critically important to re-train people who want to expand their job skills;

(ii) Statewide budget cuts are damaging Gavilan College's ability to provide a high-quality college education for local students; and

(iii) Because University of California and California State University systems are becoming more expensive, more people rely on community colleges, therefore Gavilan College must be upgraded so it can provide local students with a high quality education they might not otherwise receive.

The Master Facilities Plan is on file at the District's Office of the Superintendent/President, and includes the following projects:

EXHIBIT A

**Gavilan College Job Training, Overcrowding, Repair/Safety Measure:** To prepare students for jobs/four-year colleges, accommodate increasing enrollment and upgrade Gavilan College campuses in Gilroy, San Benito and the Morgan Hill area by:

- Improving fire safety and security;
- Upgrading plumbing/sewer systems;
- Upgrading wiring for computer technology;
- Repairing, acquiring, constructing, equipping classrooms, buildings, libraries and sites

shall Gavilan Joint Community College District issue \$108,000,000 in bonds at legal rates with **citizen oversight**, guaranteed annual audits, no money for administrators' salaries?"

Bonds - Yes

Bonds -- No

## GAVIL

### AN COLLEGE – GILROY CAMPUS

- **Repair, Upgrade, and/or Replace Aging Obsolete Classrooms, Science Labs, Instructional Facilities, Sites and Utilities:**

Repair, renovate and/or replace deteriorating roofs, corroding pipes and power lines, plumbing, sewer, drainage, electrical systems, wiring, unsanitary and run down bathrooms, antiquated boiler systems, telecommunications, foundations, classrooms, fields and grounds, science laboratories, pools, lecture halls, performing arts, and other instructional facilities, wire classrooms for computers and technology, increase campus security, installation and repair of fire safety equipment, including alarms, smoke detectors, sprinklers, emergency lighting, fire safety doors, increase energy efficiency, reduce operating costs and improve job training and academic instruction, and meet legal requirements for disabled access.

- **Safety Improvements:**

Upgrade existing fire alarms, sprinklers, smoke detectors, intercoms and fire doors; install security systems, exterior lighting, emergency lighting, door locks and fences.

- **Expand Job Training and Academic Classroom, Library and Facility Capacity:**

Increase classroom capacity for academic and job training classes, including math, business, english, science labs, library complex, physical and health education facilities; upgrade, repair, equip, and expand student services buildings to include academic and job training and counseling centers, study areas, lecture/meeting/seminar rooms, computer hook-up and other student support, as well as fine and performing arts, labs; expand maintenance building to support facilities, high technology learning resource center, and classrooms for partnering with a 4-year university to allow residents to obtain a bachelor's degree without commuting.

- **Energy Efficiency Improvements; Repair, Replace and Upgrade Electrical, Mechanical, Old Boiler and Energy Systems To Reduce Energy Consumption:**

Replace old boiler and energy systems, heating, ventilation and air conditioning system and related utility systems; energy efficiency projects designed to increase efficiency.

- **Information Technology Wiring and Equipment:**

Upgrade electrical systems and wiring for computer technology and Internet access; upgrade and replace outdated technology including computers, laboratory equipment and classroom furnishings.

- **Refinance Existing Lease Obligations To Lower Interest Rates and Increase Funds Available For Instruction and Ongoing Maintenance of Classrooms and Buildings.**

- **Safety and Security; Sites; Site Accessibility; Improve Emergency Access:**

Improve pedestrian access routes across campus for safety; improve campus safety and security by adding exterior lighting; implement safety upgrades to relieve gridlock, traffic flow and parking congestion; redesign campus walkways to eliminate unsafe conditions; repair or replace outdated natural gas, water, sewer, storm drain systems; acquire property to expand student capacity, alleviate traffic congestion in neighborhoods adjacent to campus, increase access for emergency vehicles; add parking to accommodate increasing student population.

## **GAVILAN COLLEGE – SAN BENITO CAMPUS**

- **Establish Gavilan College Education Center in San Benito County to Accommodate Growth and Increasing Student Enrollment:**

Provide permanent classrooms, labs, library, job training and college transfer counseling and partner with a 4-year university to allow residents to obtain a bachelor's degree without commuting. Improvements at the San Benito Campus will be funded from a combination of local bond money and State matching funds.

## **GAVILAN COLLEGE – GREATER MORGAN HILL AREA CAMPUS**

- **Establish Gavilan College Education Center to Accommodate Growth and Increasing Student Enrollment:**

To provide permanent classrooms, labs, job training and college transfer counseling buildings facilities in the Greater Morgan Hill area, including the acquisition of a site(s) to allow local students greater access to an affordable education. Improvements at the greater Moran Hill Area campus will be funded from a combination of local bond money and State matching funds.

Listed repairs, rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of equipment, architectural, engineering, and similar planning costs, construction management, and a customary contingency for unforeseen design and construction costs. The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed.

The bond program is designed to provide facilities which will serve current and expected enrollment. In the event of an unexpected slowdown in development or enrollment of students at Gavilan College, or its several outreach centers, certain of the projects described above will be delayed or may not be completed. In such case, bond money will be spent on only the most essential of the projects listed above. The District will work with the Citizens' Oversight Committee on prioritizing those projects in the event factors beyond the District's control require that project be reconsidered.

**FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS ARE SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.**

**NO ADMINISTRATOR SALARIES. PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE USED ONLY FOR THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION, OR REPLACEMENT OF COLLEGE FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF COLLEGE**



FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES. BY LAW, ALL FUNDS CAN ONLY BE SPENT ON REPAIR AND IMPROVEMENT PROJECTS.

**Gavilan Joint Community College District  
Citizens' Oversight Committee Agenda**

August 24, 2015

Office of the President

Consent Agenda Item No.  
Information/Staff Reports No. V.2.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.

**SUBJECT:** Item(s) presented at Board meetings for information or approval by the Board of Trustees

- Resolution:  
 Information Only  
 Action Item

**Proposal:**  
None

**Background:**  
Information for items presented at Board meetings.

**Budgetary Implications:**

**Follow Up/Outcome:**

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/President

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/President

April 14, 2015

**Gavilan Joint Community College District  
Governing Board Agenda**

April 14, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (c)

Administrative Services

**SUBJECT:** Ratify contract amendments to three firms for extension of services related to the Water Storage Tank, Distribution, and Well Improvements Project

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

That the Board of Trustees approve three separate contract amendments for extension of services related to the Water Storage Tank, Distribution and Well Improvements Project due to construction delays associated with the additional time required to complete easement negotiations, obtain DSA approval of the foundation design, and unforeseen conditions.

**Background:**

On May 13, 2014, the Board ratified agreements for Inspector of Record, Geotechnical and Laboratory of Record services for the period of May 13, 2014 to May 13, 2015:

- DFH Inspections, Inc. for required DSA certified Project Inspector.
- Cleary Consultants, Inc. for required Geotechnical of Record services to complete test/inspection of project construction materials and soils.
- HP Inspections, Inc. for required services of a DSA certified Laboratory Inspector.

Separate amendments for each of these firms totaling \$90,600 are proposed for ratification now to extend these services from May 13, 2015 to June 26, 2015:

- DFH Inspections, Inc. increase of \$50,000
- Cleary Consultants, Inc. increase of \$35,600
- HP Inspections, Inc. increase of \$5,000

**Budgetary Implications:**

The efficient use of State Capital Outlay and Measure E Bond Program Funds.

**Follow Up/Outcome:**

Process the agreement.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

APPROVED BY THE BOARD OF TRUSTEES  
DATE: April 14, 2015  
N. Bailey

Prepared By:

Frederick E. Harris

Frederick E. Harris, Vice President of Administrative Services

Agenda Approval:

Steven M. Kinsella

Dr. Steven M. Kinsella, Superintendent/President

**Gavilan Joint Community College District  
Governing Board Agenda**

April 14, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (e)

Administrative Services

**SUBJECT:** IBI Group Architecture and Planning Project Assignment Amendment

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

That the Board of Trustees approves IBI Group Architecture and Planning Project Assignment Amendment (PAA) for the Water System Replacement Project, Construction Oversight – Additional Services.

**Background:**

On July 12, 2011, the Board ratified an On-Going Architectural Services Agreement with BFGC-IBI Group Architecture and Planning. The Architectural Services Agreement stipulates that for each individual district project, a separate Project Assignment Amendment (PAA) will be entered into. On May 13, 2014 the Board ratified a PAA that ended December 31, 2014. This is a new agreement for additional services for the period December 31, 2014 to May 31, 2015.

P.A.A. for Water System Replacement - Construction Oversight, Additional Services:

- To expedite the DSA approval of the water tank foundations, Hohbach-Lewin, structural engineers, was retained to provide additional structural calculations and provide a peer review of the manufacturer's foundation design that resulted in a savings of over \$100,000 of additional construction costs.
- Due to the additional time required to complete easement negotiations, obtain DSA approval of the foundation design and unforeseen conditions, the construction period has been extended from 12/31/2014 to 5/31/2015 requiring additional meetings and construction support.
- A total additional cost of \$30,000

**Budgetary Implications:**

The efficient use of State capital project funds and Measure E Bond program funds.

**Follow Up/Outcome:**

Process the agreement.

APPROVED BY THE BOARD OF TRUSTEES  
DATE April 14, 2015  
N. Bailey

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By:

Frederick E. Harris

Frederick E. Harris, Vice President of Administrative Services

Agenda Approval:

Steven M. Kinsella

Dr. Steven M. Kinsella, Superintendent/President

**Gavilan Joint Community College District  
Governing Board Agenda**

April 14, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (g)

Administrative Services

**SUBJECT:** Authorize Capital Project Change Order #5 for the Water Tank, Distribution and Well Improvements Project

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees authorize a capital project change order request for the Water Tank, Distribution and Well Improvements Project.

**Background:**

Public Contract Code § 20659 provides that if any change of a contract is ordered by the governing board of a community college district, such change shall be specified in writing and the cost agreed upon between the governing board and the contractor, and further provides that the board may authorize the contractor to proceed with performance of this change without the formality of securing bids, if the cost so agreed upon does not exceed ten percent of the original contract price. The following Change Order (CO) request has been submitted:

Water Tank Replacement Project  
Anderson Pacific Engineering, CO #5 for \$88,579.00

A detailed Change Order Cover Page is attached for this project.

**Budgetary Implications:**

The efficient use of Bond Program Funds.

**Follow Up/Outcome:**

Upon Board approval, the change order will be issued to the contractor.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/President

APPROVED BY THE BOARD OF TRUSTEES  
DATE: April 14, 2015  
N. Bailey



**Change Order for Water Tank, Distribution & Well Improvements Project**

**CHANGE ORDER #05 - Anderson Pacific Engineering**

PCO #	Description	Amount	Additional Days (Calendar)
15	Premium time for fire main tie-ins at Chemistry building, CDC building, Humanities, and Gym. Domestic tie-ins at Library, Library restroom, TV Studio and Chemistry. Cut and capped domestic water at softball fields.	\$5,885.00	0
16	Pipe re-route due to unforeseen underground utilities at CDC, Parking Lot E, Humanities, Health building, Life Science, Library, and Pool deck.	\$46,354.00	0
18	unforeseen domestic water line tie-in Library building.	\$6,380.00	0
21	Golf course domestic water line was connected to an irrigation water line therefore a new domestic water line had to be installed to make it potable.	\$29,960.00	0
<b>TOTAL</b>		<b>\$ 88,579.00</b>	<b>0</b>

Contract Amount	\$ 4,375,000.00
Net Change By Previously Authorized Change Orders	\$ 238,934.00
Revised Contract Amount Prior to this Change Order	\$ 4,613,934.00
Change Order #05	\$ 88,579.00
<b>New Contract Amount Including this Change Order</b>	<b>\$ 4,702,513.00</b>

Contract Start Date	April 14, 2014
Contract Substantial Completion Date	December 30, 2014
New Contract Substantial Completion Date (By Previously Authorized Change Orders)	June 26, 2015
<b>New Contract Substantial Completion Date (Including this Change Order)</b>	<b>June 26, 2015</b>

**Gavilan Joint Community College District  
Governing Board Agenda**

April 14, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (j)

Administrative Services

**SUBJECT:** Resolution #990 Authorizing the Issuance of Gavilan Joint Community College District (Santa Clara and San Benito Counties, California) 2015 General Obligation Refunding Bonds

- Resolution: BE IT RESOLVED, that Resolution #990 be approved.
- Information Only
- Action Item

**Proposal:**

Approval of Resolution #990 Authorizing the Issuance of Gavilan Joint Community College District (Santa Clara and San Benito Counties, California) 2015 General Obligation Refunding Bonds.

**Background:**

An Election was held in the Gavilan Joint Community College District on March 2, 2004 authorizing the issuance and sale of general obligation bonds of the District for various purposes in the maximum amount of \$108,000,000 (the "Authorization"). The District has previously issued \$50,000,000 original principal amount of Gavilan Joint Community College District General Obligation Bonds, Election of 2004, Series C (the "Series 2004C Bonds") under the Authorization. The District now desires to issue up to \$51,000,000 of general obligation refunding bonds (the "Refunding Bonds") to refund a portion of the outstanding Series C Bonds. All the benefits of refunding must be given to the local taxpayers; the District will not receive any money from the transaction. In addition, the final maturity of the Refunding Bonds will not exceed the final maturity date of the Series 2004C Bonds.

(a) Bond Resolution. This Resolution authorizes the issuance of general obligation refunding bonds (the "Refunding Bonds"), in one or more series of federally taxable and federally tax-exempt bonds. The resolution specifies the basic terms, parameters and forms of the Bonds, and approves the forms of Purchase Contract, Escrow Agreement and Preliminary Official Statement described below. The Bonds are only authorized to be issued as current interest bonds. Capital appreciation bonds are not authorized. In particular, Section 1 of the Resolution establishes the maximum aggregate principal amount of the Refunding Bonds to be issued (\$51,000,000). Section 4 of the Resolution sets the maximum underwriter's discount (0.6%) with respect to the Refunding Bonds, and authorizes the Refunding Bonds to be sold at a negotiated sale.

(b) Form of Bond Purchase Contract. Pursuant to the Refunding Bond Purchase Contract, Piper Jaffray & Co. and Morgan Stanley & Co. LLC will agree to buy the Refunding Bonds from the District. All the conditions of closing the transaction are set forth in this

April 14, 2015  
*M. Bailey*

document, including the documentation to be provided at the closing by various parties. Upon the pricing of the Refunding Bonds, the final execution copy of the Refunding Bond Purchase Contract will be prepared following this form.

(c) Form of Preliminary Official Statement. The Preliminary Official Statement ("POS") is the offering document describing the Bonds which may be distributed to prospective purchasers of the Bonds. The POS discloses information with respect to among other things (i) the proposed uses of proceeds of the Bonds, (ii) the terms of the Bonds (interest rate, redemption terms, etc.), (iii) the bond insurance policy for the Bonds, if any, (iv) the security for repayment of the Bonds (the tax levy), (v) information with respect to the District's tax base (upon which such ad valorem taxes may be levied), (vi) District financial and operating data, (vii) continuing disclosure with respect to the Bonds and the District, and (viii) absence of litigation and other miscellaneous matters expected to be of interest to prospective purchasers of the Bonds. Following the pricing of the Bonds, a final Official Statement for the Bonds will be prepared, substantially in the form of the POS.

(d) Form of the Continuing Disclosure Certificate. The form of the Continuing Disclosure Certificate can be found in APPENDIX C to the POS. Effective July 3, 1995, all underwriters of municipal bonds, are obligated to procure from a bond issuer a covenant that such public agency will annually file "material financial information and operating data with respect to the District" through the web-based Electronic Municipal Market Access ("EMMA") system maintained by the Municipal Securities Rulemaking Board (which is the federal agency that regulates "broker-dealers," including investment bank firms that underwrite municipal obligation issuances). This requirement is expected to be satisfied by the filing of the District's audited financial statements and other operating information about the District, in the same manner the District has filed in connection with prior bond issuances. The purpose of the law is to provide investors in the Refunding Bonds with current information regarding the District. Similar laws have governed the corporate debt market for many years.

(e) Escrow Agreement. Pursuant to the Escrow Agreement, proceeds from the sale of the Refunding Bonds in an amount sufficient to redeem the outstanding Series 2004C Bonds will be deposited in an escrow fund (the "Escrow Fund") held by U.S. Bank National Association (acting as "Escrow Agent"). The monies in the Escrow Fund will be used by the Escrow Agent to refund portions of the Series 2004C Bonds on August 1, 2017. As a result of the deposit and application of funds so provided in the Escrow Agreement, the Series 2004C Bonds will be defeased and the obligation of Santa Clara and San Benito County to levy *ad valorem* taxes for payment of the Series 2004C Bonds will cease.

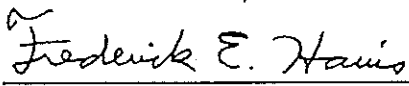
#### **Budgetary Implications:**

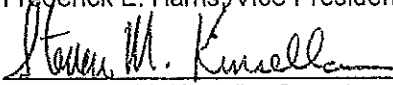
The efficient management of Bond Funds. There is no fiscal impact to the General Fund resulting from the issuance of the Refunding Bonds.

#### **Follow Up/Outcome:**

Upon Board approval of the resolution, the refunding bonds will be sold and the other documents finalized.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By:   
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval:   
Dr. Steven M. Kinsella, Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 990

**RESOLUTION AUTHORIZING THE ISSUANCE OF THE GAVILAN JOINT COMMUNITY COLLEGE DISTRICT (SANTA CLARA AND SAN BENITO COUNTIES, CALIFORNIA) 2015 GENERAL OBLIGATION REFUNDING BONDS**

**WHEREAS**, a duly called election was held in the Gavilan Joint Community College District (the "District"), in Santa Clara and San Benito Counties (the "Counties") on March 2, 2004 (the "2004 Authorization") and thereafter canvassed pursuant to law;

**WHEREAS**, at such election there was submitted to and approved by a vote of more than fifty-five percent of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum amount of \$108,000,000, payable from the levy of an *ad valorem* tax against the taxable property in the District;

**WHEREAS**, pursuant to the Authorization, on January 10, 2008, the Board of Supervisors of Santa Clara County issued on behalf of the District \$50,000,000 of Gavilan Joint Community College District (Santa Clara and San Benito Counties, California) General Obligation Bonds, Election of 2004, Series C (the "Series 2004C Bonds");

**WHEREAS**, pursuant to Section 53550 *et seq.* of the California Government Code, the District is authorized to issue general obligation refunding bonds (the "Refunding Bonds") to refund all or a portion of the outstanding Series 2004C Bonds (so refunded, the "Refunded Bonds");

**WHEREAS**, all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation refunding bonds of the District, and whereas the indebtedness of the District, including this proposed issue of Refunding Bonds, is within all limits prescribed by law; and

**WHEREAS**, at this time the Board desires to appoint professionals related to the issuance of the Refunding Bonds;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE GAVILAN JOINT COMMUNITY COLLEGE DISTRICT, SANTA CLARA AND SAN BENITO COUNTIES, CALIFORNIA AS FOLLOWS:**

**SECTION 1. Purpose.** To refund all or a portion of the outstanding principal amount of the 2004C Bonds, and to pay all necessary legal, financial, and contingent costs in connection therewith, the Board hereby authorizes the issuance of the Refunding Bonds in an aggregate principal amount not-to-exceed \$51,000,000, in one or more Series of Taxable or Tax-Exempt Bonds (each as defined herein), to be styled as the "Gavilan Joint Community College District (Santa Clara and San Benito Counties, California) 2015 General Obligation Refunding Bonds," with appropriate series designation if more than one Series of Refunding Bonds are issued. Additional costs authorized to be paid from the proceeds of the Refunding Bonds are all of the authorized costs of issuance set forth in Section 53550(e) and (f) and Section 53587 of the Government Code.

**SECTION 2. Paying Agent.** The Board hereby appoints the Paying Agent, as defined in Section 5 hereof, to act as paying agent, bond registrar, authentication agent and transfer agent for the Refunding Bonds on behalf of the District. The Board hereby authorizes the payment of the reasonable fees and expenses of the Paying Agent, as they shall become due and payable. The fees and expenses of the Paying Agent which are not paid as a cost of issuance of the Refunding Bonds may be paid in each year from *ad valorem* property taxes levied and collected for the payment thereof, insofar as permitted by law, including specifically Section 15232 of the Education Code.

**SECTION 3. Terms and Conditions of Sale.** The Refunding Bonds are hereby authorized to be sold at a negotiated sale upon the direction of the President or the Vice President, Administrative Services of the District, or such other officer or employee of the District as may be designated by the President or Vice President, Administrative Services for such purpose (collectively, the "Authorized Officers"). The Refunding Bonds shall be sold pursuant to the terms and conditions set forth in the Purchase Contract, as described below.

**SECTION 4. Approval of Purchase Contract.** The form of contract for purchase and sale of the Refunding Bonds (the "Purchase Contract") by and between District and the Underwriters (as defined herein), substantially in the form on file with the Secretary to the Board, is hereby approved and the Authorized Officers, each alone, are hereby authorized to execute and deliver the Purchase Contract, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same may approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that (i) the maximum interest rates on the Refunding Bonds shall not exceed that authorized by law, and (ii) the Underwriters' discount, excluding original issue discount, shall not exceed 0.6% of the aggregate principal amount of the Refunding Bonds issued. The Authorized Officers, each alone, are further authorized to determine the principal amount of the Refunding Bonds to be specified in the Purchase Contract for sale by the District up to \$51,000,000 and to enter into and execute the Purchase Contract with the Underwriters, if the conditions set forth in this Resolution are satisfied.

**SECTION 5. Certain Definitions.** As used in this Resolution, the terms set forth below shall have the meanings ascribed to them (unless otherwise set forth in the Purchase Contract):

- (a) "Authorization" means the 2004 Authorization.
- (b) "Authorizing Documents" means the authorizing resolution(s), indenture, agreement or other legal document(s) pursuant to which the Prior Bonds were authorized and issued.
- (c) "Act" means Sections 53550 *et seq.* of the California Government Code.
- (d) "Beneficial Owner" means, when used with reference to book-entry Refunding Bonds registered pursuant to Section 6 hereof, the person who is considered the beneficial owner of such Refunding Bonds pursuant to the arrangements for book-entry determination of ownership applicable to the Depository.
- (e) "Bond Insurer" means any insurance company which issues a municipal bond insurance policy insuring the payment of principal of and interest on the Refunding Bonds.
- (f) "Bond Payment Date" means, unless otherwise provided by the Purchase Contract, February 1 and August 1 of each year commencing August 1, 2015, with respect to the interest on the Refunding Bonds, and August 1 of each year commencing August 1, 2015, with respect to the principal payments on the Refunding Bonds.

(g) **“Bond Register”** means the registration books which the Paying Agent shall keep or cause to be kept on which the registered ownership, transfer and exchange of Refunding Bonds will be recorded.

(h) **“Code”** means the Internal Revenue Code of 1986, as the same may be amended from time to time. Reference to a particular section of the Code shall be deemed to be a reference to any successor to any such section.

(i) **“Continuing Disclosure Certificate”** means that certain contractual undertaking executed by the District in connection with the issuance of the Refunding Bonds pursuant to paragraph (b)(5) of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities and Exchange Act of 1934, dated as of the date of issuance of the Refunding Bonds, as amended from time to time in accordance with the provisions thereof.

(j) **“Date of Delivery”** means the date of initial issuance and delivery of the Refunding Bonds, or such other date as shall be set forth in the Purchase Contract or Official Statement.

(k) **“Depository”** means the entity acting as securities depository for the Refunding Bonds pursuant to Section 6(c) hereof.

(l) **“DTC”** means The Depository Trust Company, New York, New York, 55 Water Street, New York, New York 10041, a limited purpose trust company organized under the laws of the State of New York, in its capacity as the initial Depository for the Refunding Bonds.

(m) **“Escrow Agent”** means U.S. Bank National Association, or any other successor thereto, in its capacity as escrow agent for the Refunded Bonds.

(n) **“Escrow Agreement”** means the Escrow Agreement relating to the Refunded Bonds, by and between the District and the Escrow Agent.

(o) **“Federal Securities”** means securities as permitted, in accordance with the respective Authorizing Documents, to be deposited with the Escrow Agent for the purpose of defeasing the Prior Bonds.

(p) **“Holder”** or **“Owner”** means the registered owner of a Refunding Bond as set forth in the Bond Register maintained by the Paying Agent pursuant to Section 6 hereof.

(q) **“Information Services”** means Financial Information, Inc.’s “Financial Daily Called Bond Service; Standard & Poor’s J.J. Kenny Information Services’ Called Bond Service; or Mergent Inc.’s Called Bond Department.

(r) **“Moody’s”** means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and assigns, or, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the District.

(s) **“Nominee”** means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to Section 6(c) hereof.

(t) **“Official Statement”** means the Official Statement for the Refunding Bonds, as described in Section 17 hereof.

(u) **“Outstanding”** means, when used with reference to the Refunding Bonds, as of any date, Bonds theretofore issued or thereupon being issued under this Resolution except:

(i) Refunding Bonds canceled at or prior to such date;

(ii) Refunding Bonds in lieu of or in substitution for which other Refunding Bonds shall have been delivered pursuant to Section 8 hereof; or

(iii) Refunding Bonds for the payment or redemption of which funds or Government Obligations in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Refunding Bonds), in accordance with Section 19 of this Resolution

(v) **“Participants”** means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(w) **“Paying Agent”** means initially U.S. Bank National Association, or any other Paying Agent as shall be named in the Purchase Contract or Official Statement, and afterwards any successor financial institution, acting as paying agent, transfer agent, authentication agent and bond registrar for the Refunding Bonds.

(x) **“Record Date”** means the close of business on the fifteenth day of the month preceding each Bond Payment Date.

(y) **“S&P”** means Standard & Poor’s Ratings Services, a Standard & Poor’s Financial Services LLC business, its successors and their assigns, or, if such entity shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the District.

(z) **“Securities Depository”** means The Depository Trust Company, 55 Water Street, New York, New York 10041 with Cede & Co. as its nominee.

(aa) **“Series”** means any Refunding Bonds executed, authenticated and delivered pursuant to the provisions hereof and identified as a separate series of bonds.

(bb) **“Taxable Bonds”** means any Refunding Bonds not issued as Tax-Exempt Bonds.

(cc) **“Tax-Exempt Bonds”** means any Refunding Bonds the interest on which is excludable from gross income for federal income tax purposes and is not treated as an item of tax preference for purposes of calculating the federal alternative minimum tax, as further described in an opinion of Bond Counsel supplied to the purchasers of such Refunding Bonds.

(dd) **“Term Bonds”** means those Refunding Bonds for which mandatory sinking fund redemption dates have been established in the Purchase Contract.

(ee) **“Treasurer”** means the Director of Finance or the Treasurer and Tax Collector of Santa Clara County.

(ff) **“Underwriters”** means Piper Jaffray & Co. and Morgan Stanley & Co. LLC.

## SECTION 6. Terms of the Refunding Bonds.

(a) Denomination, Interest, Dated Dates. The Refunding Bonds shall be issued as bonds registered as to both principal and interest, in the denominations of \$5,000 or any integral multiple thereof. The Refunding Bonds will be initially registered to "Cede & Co.," the Nominee of DTC.

Each Refunding Bond shall be dated the Date of Delivery, and shall bear interest at the rates set forth in the Purchase Contract from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before the first Record Date, in which event it shall bear interest from the Date of Delivery. Interest on the Refunding Bonds shall be payable on the respective Bond Payment Dates and shall be computed on the basis of a 360-day year of twelve 30-day months.

No Refunding Bond shall mature later than the final maturity date of the Refunded Bonds to be refunded from proceeds of such Refunding Bond.

(b) Redemption.

(i) Optional Redemption. The Refunding Bonds shall be subject to optional redemption prior to maturity as provided in the Purchase Contract.

(ii) Mandatory Redemption. Any Refunding Bonds issued as Term Bonds shall be subject to mandatory sinking fund redemption as provided in the Purchase Contract.

(iii) Selection of Refunding Bonds for Redemption. Whenever provision is made in this Resolution for the redemption of Refunding Bonds and less than all Outstanding Refunding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Refunding Bonds for redemption as so directed and if not directed, in inverse order of maturity. Within a maturity, the Paying Agent shall select Refunding Bonds for redemption by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; provided, however, that with respect to redemption by lot, the portion of any Refunding Bond to be redeemed in part shall be in the principal amount of \$5,000 or any integral multiple thereof.

The Purchase Contract may provide that (i) in the event that a portion of any Term Bond is optionally redeemed pursuant to Section 6(b)(i) hereof, the remaining sinking fund payments shall be reduced proportionately or as otherwise directed by the District, in integral multiples of \$5,000, in respect to the portion of such Term Bond optionally redeemed, or (ii) within a maturity, Refunding Bonds shall be selected for redemption on a "Pro Rata Pass-Through Distribution of Principal" basis in accordance with DTC procedures, provided further that, such pro-rata redemption is made in accordance with the operational arrangements of DTC then in effect.

(iv) Redemption Notice. When redemption is authorized or required pursuant to this Resolution, the Paying Agent, upon written instruction from the District, shall give notice (a "Redemption Notice") of the redemption of the Refunding Bonds. Such Redemption Notice shall specify: the Refunding Bonds or designated portions thereof (in the case of redemption of the Refunding Bonds in part but not in whole) which are to be redeemed; the date of redemption; the place or places where the redemption will be made, including the name and address of the Paying Agent; the redemption price; the CUSIP numbers (if any) assigned to the Refunding Bonds to be redeemed, the Refunding Bond numbers of the Refunding Bonds to be redeemed in whole or in



part and, in the case of any Refunding Bond to be redeemed in part only, the principal amount of such Refunding Bond to be redeemed; and the original issue date, interest rate and stated maturity date of each Refunding Bond to be redeemed in whole or in part. Such Redemption Notice shall further state that on the specified date there shall become due and payable upon each Refunding Bond or portion thereof being redeemed at the redemption price thereof, together with the interest accrued to the redemption date thereon, and that from and after such date, interest thereon shall cease to accrue.

With respect to any Redemption Notice of Refunding Bonds, unless upon the giving of such notice such Refunding Bonds shall be deemed to have been defeased pursuant to Section 19 hereof, such notice shall state that such redemption shall be conditional upon the receipt by the Paying Agent (or an independent escrow agent selected by the District) on or prior to the date fixed for such redemption of the moneys necessary and sufficient to pay the principal of, premium, if any, and interest on, such Refunding Bonds to be redeemed, and that if such moneys shall not have been so received said notice shall be of no force and effect, the Refunding Bonds shall not be subject to redemption on such date and the Refunding Bonds shall not be required to be redeemed on such date. In the event that such Redemption Notice contains such a condition and such moneys are not so received, the redemption shall not be made and the Paying Agent shall within a reasonable time thereafter give notice, to the persons to whom and in the manner in which the Redemption Notice was given, that such moneys were not so received. In addition, the District shall have the right to rescind any Redemption Notice, by written notice to the Paying Agent, on or prior to the date fixed for such redemption. The Paying Agent shall distribute a notice of such rescission in the same manner as the Redemption Notice was originally provided.

The Paying Agent shall take the following actions with respect to such Redemption Notice:

(A) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Refunding Bonds designated for redemption by registered or certified mail, postage prepaid, at their addresses appearing on the Bond Register.

(B) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service to each of the Securities Depository.

(C) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, or (ii) overnight delivery service to one of the Information Services.

(D) To such other persons as may be required pursuant to the Continuing Disclosure Certificate.

A certificate of the Paying Agent or District to the effect that a Redemption Notice has been given as provided herein shall be conclusive as against all parties. Neither failure to receive any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Refunding Bonds. Each check issued or other transfer of funds made by the Paying Agent for the purpose of redeeming Refunding Bonds shall bear or include the CUSIP number identifying, by issue and maturity, the Refunding Bonds being redeemed with the proceeds of such check or other transfer. Such

Redemption Notice may state that no representation is made as to the accuracy or correctness of CUSIP numbers printed thereon, or on the Refunding Bonds.

(v) Partial Redemption of Refunding Bonds. Upon the surrender of any Refunding Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Refunding Bond or Refunding Bonds of like tenor and maturity and of authorized denominations equal in principal amounts to the unredeemed portion of the Refunding Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

(vi) Effect of Redemption Notice. Notice having been given as aforesaid, and the moneys for the redemption (including the interest accrued to the applicable date of redemption) having been set aside as provided in Section 19 hereof, the Refunding Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Refunding Bonds to be redeemed as provided in Section 6(b)(i) hereof, together with interest accrued to such redemption date, shall be held in trust as provided in Section 19 hereof, so as to be available therefor on such redemption date, and if a Redemption Notice thereof shall have been given as aforesaid, then from and after such redemption date, interest on the Refunding Bonds to be redeemed shall cease to accrue and become payable. All money held for the redemption of Refunding Bonds shall be held in trust for the account of the Owners of the Refunding Bonds so to be redeemed.

All Refunding Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 6 shall be cancelled upon surrender thereof and be delivered to or upon the order of the District. All or any portion of a Refunding Bond purchased by the District shall be cancelled by the Paying Agent.

(vii) Refunding Bonds No Longer Outstanding. When any Refunding Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which irrevocable instructions to call for redemption prior to maturity at the earliest redemption date have been given to the Paying Agent, in form satisfactory to it, and sufficient moneys shall be irrevocably held in trust for the payment of the redemption price of such Refunding Bonds or portions thereof, and accrued interest thereon to the date fixed for redemption, all as provided in this Resolution, then such Refunding Bonds shall no longer be deemed Outstanding and shall be surrendered to the Paying Agent for cancellation.

(c) Book-Entry System.

(i) Election of Book-Entry System. The Refunding Bonds shall initially be delivered in the form of a separate single fully-registered bond (which may be typewritten) for each maturity date of such Refunding Bonds in an authorized denomination. The ownership of each such Refunding Bond shall be registered in Bond Register maintained by the Paying Agent in the name of the Nominee, as nominee of the Depository and ownership of the Refunding Bonds, or any portion thereof may not thereafter be transferred except as provided in Section 6(c)(i)(4).

With respect to book-entry Refunding Bonds, the District and the Paying Agent shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds an interest in such Refunding Bonds. Without limiting the immediately

preceding sentence, the District and the Paying Agent shall have no responsibility or obligation with respect to: (i) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in the Refunding Bonds; (ii) the delivery to any Participant or any other person, other than an Owner as shown in the Bond Register, of any notice with respect to the Refunding Bonds, including any Redemption Notice; (iii) the selection by the Depository and its Participants of the beneficial interests in the Refunding Bonds to be prepaid in the event the District redeems the Refunding Bonds in part; (iv) or the payment by the Depository or any Participant or any other person, of any amount with respect to principal, premium, if any, or interest on the Refunding Bonds. The District and the Paying Agent may treat and consider the person in whose name each Refunding Bond is registered in the Bond Register as the absolute Owner of such Refunding Bond for the purpose of payment of principal of and premium and interest on and to such Refunding Bond, for the purpose of giving notices of redemption and other matters with respect to such Refunding Bond, for the purpose of registering transfers with respect to such Refunding Bond, and for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Refunding Bonds only to or upon the order of the respective Owner, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to payment of principal of, premium, if any, and interest on the Refunding Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a certificate evidencing the obligation to make payments of principal of, premium, if any, and interest on the Refunding Bonds. Upon delivery by the Depository to the Owner and the Paying Agent, of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect to the Record Date, the word "Nominee" in this Resolution shall refer to such nominee of the Depository.

(1) Delivery of Letter of Representations. In order to qualify the Refunding Bonds for the Depository's book-entry system, the District and the Paying Agent shall execute and deliver to the Depository a Letter of Representations. The execution and delivery of a Letter of Representations shall not in any way impose upon the District or the Paying Agent any obligation whatsoever with respect to persons having interests in the Refunding Bonds other than the Owners, as shown on the Bond Register. By executing a Letter of Representations, the Paying Agent shall agree to take all action necessary at all times so that the District will be in compliance with all representations of the District in such Letter of Representations. In addition to the execution and delivery of a Letter of Representations, the District and the Paying Agent shall take such other actions, not inconsistent with this Resolution, as are reasonably necessary to qualify the Refunding Bonds for the Depository's book-entry program.

(2) Selection of Depository. In the event (i) the Depository determines not to continue to act as securities depository for the Refunding Bonds, or (ii) the District determines that continuation of the book-entry system is not in the best interest of the Beneficial Owners of the Refunding Bonds or the District, then the District will discontinue the book-entry system with the Depository. If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or direct the preparation of a new single, separate, fully registered bond for each maturity date of such Refunding Bond, registered in the name of such successor or substitute qualified securities depository or its Nominee as provided in subsection (4) hereof. If the District fails to identify another qualified securities depository to replace the Depository, then the Refunding Bonds shall no longer be restricted to being registered in such Bond Register in the name of the Nominee, but shall be registered in whatever name or names the Owners transferring or exchanging such Refunding Bonds shall designate, in accordance with the provisions of this Section 6(c).

(3) Payments and Notices to Depository. Notwithstanding any other provision of this Resolution to the contrary, so long as all Outstanding Refunding Bonds are held in book-entry and registered in the name of the Nominee, all payments by the District or Paying Agent with respect to principal of and premium, if any, or interest on the Refunding Bonds and all notices with respect to such Refunding Bonds, including notices of redemption, shall be made and given, respectively to the Nominee, as provided in the Letter of Representations or as otherwise instructed by the Depository and agreed to by the Paying Agent notwithstanding any inconsistent provisions herein.

(4) Transfer of Refunding Bonds to Substitute Depository.

(A) The Refunding Bonds shall be initially issued as described in the Official Statement. Registered ownership of such Refunding Bonds, or any portions thereof, may not thereafter be transferred except:

(1) to any successor of DTC or its Nominee, or of any substitute depository designated pursuant to Section 6(c)(i)(4)(A)(2) ("Substitute Depository"); provided that any successor of DTC or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;

(2) to any Substitute Depository, upon (a) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (b) a determination by the District that DTC (or its successor) is no longer able to carry out its functions as depository; provided that any such Substitute Depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(3) to any person as provided below, upon (a) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (b) a determination by the District that DTC or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.

(B) In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(1) or (2), upon receipt of all Outstanding Refunding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent designating the Substitute Depository, a single new Refunding Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Refunding Bonds then Outstanding, registered in the name of such successor or such Substitute Depository or their Nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(3), upon receipt of all Outstanding Refunding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, new Refunding Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Paying Agent shall not be required to deliver such new Refunding Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.

(C) In the case of a partial redemption or advance refunding of any Refunding Bonds evidencing a portion of the principal maturing in a particular year, DTC or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Refunding Bonds indicating the date and amounts of such reduction in principal, in form acceptable to the Paying Agent, all in accordance with the Letter of Representations. The Paying Agent shall not be liable for such Depository's failure to make such notations or errors in making such notations.

(D) The District and the Paying Agent shall be entitled to treat the person in whose name any Refunding Bond is registered as the Owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Paying Agent or the District; and the District and the Paying Agent shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any Beneficial Owners of the Refunding Bonds. Neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to any such Beneficial Owners or to any other party, including DTC or its successor (or Substitute Depository or its successor), except to the Owner of any Refunding Bonds, and the Paying Agent may rely conclusively on its records as to the identity of the Owners of the Refunding Bonds.

**SECTION 7. Execution of Refunding Bonds.** The Refunding Bonds shall be signed by the President of the Board of Trustees, by his or her manual or facsimile signature or by such other member of the Board authorized to sign on behalf of the President, and countersigned by the manual or facsimile signature of the Chancellor, or the designees thereof, all in their official capacities. No Refunding Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Refunding Bond is signed by the Paying Agent as authenticating agent. Authentication by the Paying Agent shall be conclusive evidence that the Refunding Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.

**SECTION 8. Paying Agent; Transfer and Exchange.** So long as any of the Refunding Bonds remain Outstanding, the District will cause the Paying Agent to maintain and keep at its designated office all books and records necessary for the registration, exchange and transfer of the Refunding Bonds as provided in this Section. Subject to the provisions of Section 9 below, the person in whose name a Refunding Bond is registered on the Bond Register shall be regarded as the absolute Owner of that Refunding Bond for all purposes of this Resolution. Payment of or on account of the principal of and premium, if any, and interest on any Refunding Bond shall be made only to or upon the order of that person; neither the District nor the Paying Agent shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District's liability upon the Refunding Bonds, including interest, to the extent of the amount or amounts so paid.

Any Refunding Bond may be exchanged for Refunding Bonds of like tenor, Series, maturity and principal amount upon presentation and surrender at the designated office of the Paying Agent, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. A Refunding Bond may be transferred on the Bond Register only upon presentation and surrender of the Refunding Bond at the designated office of the Paying Agent together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. Upon exchange or transfer, the Paying Agent shall complete, authenticate and deliver a new Refunding Bond or Refunding Bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the principal amount of the Refunding Bond surrendered and bearing or accruing interest at the same rate and maturing on the same date.

If any Refunding Bond shall become mutilated, the District, at the expense of the Owner of said Bond, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Refunding Bond of like Series, tenor, maturity and principal amount in exchange and substitution for the Refunding Bond so mutilated, but only upon surrender to the Paying Agent of the Refunding Bond so mutilated. If any Refunding Bond issued hereunder shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Paying Agent and, if such evidence be satisfactory to the Paying Agent and indemnity for the Paying Agent and the District satisfactory to the Paying Agent shall be given by the

Owner, the District, at the expense of the Owner, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Refunding Bond of like Series, tenor, maturity and principal amount in lieu of and in substitution for the Refunding Bond so lost, destroyed or stolen (or if any such Refunding Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Refunding Bond, the Paying Agent may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Paying Agent and the District). The Paying Agent may require payment of a reasonable fee for each new Refunding Bond issued under this paragraph and of the expenses which may be incurred by the District and the Paying Agent

If signatures on behalf of the District are required in connection with an exchange or transfer, the Paying Agent shall undertake the exchange or transfer of Refunding Bonds only after the new Refunding Bonds are signed by the authorized officers of the District as provided in Section 7. In all cases of exchanged or transferred Refunding Bonds, the District shall sign and the Paying Agent shall authenticate and deliver Refunding Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid before the procedure is begun for the exchange or transfer. All Refunding Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Refunding Bonds surrendered upon that exchange or transfer.

Any Refunding Bond surrendered to the Paying Agent for payment, retirement, exchange, replacement or transfer shall be cancelled by the Paying Agent. The District may at any time deliver to the Paying Agent for cancellation any previously authenticated and delivered Refunding Bonds that the District may have acquired in any manner whatsoever, and those Refunding Bonds shall be promptly cancelled by the Paying Agent. Written reports of the surrender and cancellation of Refunding Bonds shall be made to the District by the Paying Agent as requested by the District. The cancelled Refunding Bonds shall be retained for three years, then returned to the District or destroyed by the Paying Agent as directed by the District.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any Refunding Bonds during a period beginning with the opening of business on the 16th business day next preceding either any Bond Payment Date or any date of selection of Refunding Bonds to be redeemed and ending with the close of business on the Bond Payment Date or any day on which the applicable Redemption Notice is given or (b) to transfer any Refunding Bonds which have been selected or called for redemption in whole or in part.

**SECTION 9. Payment.** Payment of interest on any Refunding Bond on any Bond Payment Date shall be made to the person appearing on the registration books of the Paying Agent as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date, such interest to be paid by check mailed to such Owner on the Bond Payment Date at his address as it appears on such registration books or at such other address as he may have filed with the Paying Agent for that purpose on or before the Record Date. The Owner in an aggregate principal amount of \$1,000,000 or more may request in writing to the Paying Agent that such Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date. The principal of and redemption premium, if any, payable on the Refunding Bonds shall be payable upon maturity or redemption upon surrender at the designated office of the Paying Agent. The principal of, premiums, if any, and interest on the Refunding Bonds shall be payable in lawful money of the United States of America. The Paying Agent is hereby authorized to pay the Refunding Bonds when duly presented for payment at maturity, and to cancel all Refunding Bonds upon payment thereof. The Refunding Bonds are obligations of the District payable solely from the levy of *ad valorem* property taxes upon all property subject to taxation within the District, which taxes are unlimited as to rate or amount. The Refunding Bonds do not constitute an

obligation of either of the Counties and no part of any fund of either of the Counties is pledged or obligated to the payment of the Refunding Bonds.

**SECTION 10. Form of Refunding Bonds.** The Refunding Bonds shall be in substantially the form attached as Exhibit A, allowing those officials executing the Refunding Bonds to make the insertions and deletions necessary to conform the Refunding Bonds to this Resolution, the Purchase Contract and the Official Statement, or to correct or cure any defect, inconsistency, ambiguity or omission therein.

**SECTION 11. Delivery of Refunding Bonds.** The proper officials of the District shall cause the Refunding Bonds to be prepared and, following their sale, shall have the Refunding Bonds signed and delivered, together with a final transcript of proceedings with reference to the issuance of the Refunding Bonds, to the Underwriters upon payment of the purchase price therefor.

**SECTION 12. Deposit of Proceeds of Refunding Bonds; Escrow Agreement.** An amount of proceeds from the sale of the Refunding Bonds necessary to purchase certain Federal Securities, or to otherwise refund the Refunded Bonds, shall be transferred to the Escrow Agent for deposit in the escrow fund established under the Escrow Agreement (the "Escrow Fund"), which amount, if uninvested, shall be sufficient, or if invested, together with an amount or amounts of cash held uninvested therein, shall be sufficient to refund the Refunded Bonds all as set forth in a certificate of an Authorized Officer. Premium or proceeds received from the sale of the Refunding Bonds desired to pay all or a portion of the costs of issuing the Refunding Bonds may be deposited in the fund of the District held by a fiscal agent selected thereby and shall be kept separate and distinct from all other District funds, and those proceeds shall be used solely for the purpose of paying costs of issuance of the Refunding Bonds.

Any accrued interest received by the District from the sale of the Refunding Bonds shall be kept separate and apart in the fund hereby created and established and to be designated as the "Gavilan Joint Community College District, 2015 General Obligation Refunding Bonds Debt Service Fund" (the "Debt Service Fund") for the Refunding Bonds and used only for payments of principal of and interest on the Refunding Bonds. The Debt Service Fund shall be held by Santa Clara County. A portion of the premium received by the District from the sale of the Refunding Bonds may be transferred to the Debt Service Fund or applied to the payment of cost of issuance of the Refunding Bonds, or some combination of deposits. Any excess proceeds of the Refunding Bonds not needed for the authorized purposes set forth herein for which the Refunding Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of the principal of and interest on the Refunding Bonds. If, after payment in full of the Refunding Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the general fund of the District.

The moneys in the Debt Service Fund, to the extent necessary to pay the principal of and interest on the Refunding Bonds as the same become due and payable, shall be transferred by the Treasurer to the Paying Agent which, in turn, shall pay such moneys to DTC to pay the principal of and interest on the Refunding Bonds. DTC will thereupon make payments of principal of and interest on the Refunding Bonds to the DTC Participants who will thereupon make payments of such principal and interest to the Beneficial Owners of the Refunding Bonds. Any moneys remaining in the Debt Service Fund after the Refunding Bonds and the interest thereon have been paid in full, or provision for such payment has been made, shall be transferred to the general fund of the District.

Except as required below to satisfy the requirements of Section 148(f) of the Code, interest earned on the investment of monies held in the Debt Service Fund shall be retained in the Debt Service Fund and used to pay principal of and interest on the Refunding Bonds when due.

### SECTION 13. Rebate Fund.

(a) General. If necessary, there shall be created and established a special fund designated the "Gavilan Joint Community College District 2015 General Obligation Refunding Bonds Rebate Fund" (the "Rebate Fund"). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the "Rebate Requirement") pursuant to Section 148 of the Code, as the same may be amended from time to time, and the Treasury Regulations promulgated thereunder (the "Rebate Regulations"). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and Section 14 of this Resolution and by the that certain tax certificate concerning certain matters pertaining to the use and investment of proceeds of the Refunding Bonds, executed and delivered to the District on the date of issuance of the Refunding Bonds, including any and all exhibits attached thereto (the "Tax Certificate").

#### (b) Deposits.

(i) Within forty-five (45) days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate) (1) the District shall calculate or cause to be calculated with respect to the Refunding Bonds the amount that would be considered the "rebate amount" within the meaning of Section 1.148-3 of the Rebate Regulations, using as the "computation date" for this purpose the end of such five Bond Years, and (2) the District shall deposit to the Rebate Fund from deposits from the District or from amounts available therefor on deposit in the other funds established hereunder, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the "rebate amount" so calculated.

(ii) The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the "rebate amount" calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section.

(iii) The District shall not be required to calculate the "rebate amount" and the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Refunding Bonds (including amounts treated as the proceeds of the Refunding Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148 (f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations or the small issuer exception of Section 148(f)(4)(D) of the Code, whichever is applicable, and otherwise qualify for the exception of the Rebate Requirement pursuant to whichever of said sections is applicable, or (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a "bona fide debt service fund." In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

(c) Withdrawal Following Payment of Refunding Bonds. Any funds remaining in the Rebate Fund after redemption of all the Refunding Bonds and any amounts described in paragraph (ii) of subsection (d) of this Section, including accrued interest, shall be transferred to the General Fund of the District.



(d) Withdrawal for Payment of Rebate. Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the “rebate amount” and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund,

(i) not later than sixty (60) days after the end of (a) the fifth (5th) Bond Year, and (b) each fifth (5th) Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the “rebate amount” calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Rebate Regulations; and

(ii) not later than sixty (60) days after the payment of all Refunding Bonds, an amount equal to one hundred percent (100%) of the “rebate amount” calculated as of the date of such payment (and any income attributable to the “rebate amount” determined to be due and payable) in accordance with Section 1.148-3 of the Rebate Regulations.

(e) Rebate Payments. Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service Center, Ogden, Utah 84201, on or before the date on which such payment is due, and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by or on behalf of the District.

(f) Deficiencies in the Rebate Fund. In the event that, prior to the time of any payment required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.

(g) Withdrawals of Excess Amount. In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the “rebate amount” calculated in accordance with said subsection, upon written instructions from the District, the District may withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.

(h) Record Retention. The District shall retain records of all determinations made hereunder until three years after the retirement of the Refunding Bonds.

(i) Survival of Defeasance. Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Refunding Bonds.

**SECTION 14. Security for the Refunding Bonds.** There shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* property tax annually during the period the Refunding Bonds are Outstanding in an amount sufficient to pay the principal of and interest on the Refunding Bonds when due, which moneys when collected will be placed in the Debt Service Fund of the District, and which monies, pursuant to Government Code Sections 5450 and 5451, are hereby pledged for the payment of the principal of and interest on the Refunding Bonds when and as the same fall due, and for no other purpose. The District covenants to cause the Counties to take all actions necessary to levy such *ad valorem* property tax in accordance with this Section 14 and Section 53559 of the Act.

The monies in the Debt Service Fund, to the extent necessary to pay the principal of and interest on the Refunding Bonds as the same become due and payable, shall be transferred by the Treasurer to the Paying Agent which, in turn, shall pay such monies to DTC to pay such principal and interest. DTC will thereupon make payments of principal of and interest on the Refunding bonds to the DTC Participants who will thereupon make payments of such principal and interest to the Beneficial Owners of the

Refunding Bonds. Any monies remaining in the Debt Service Fund after the Refunding Bonds and the interest thereon have been paid in full, or provision for such payment has been made, shall be transferred to the general fund of the District.

**SECTION 15. Arbitrage Covenant.** The District will restrict the use of the proceeds of the Refunding Bonds in such manner and to such extent, if any, as may be necessary, so that the Refunding Bonds will not constitute arbitrage bonds under Section 148 of the Code and the applicable regulations prescribed under that Section or any predecessor section. Calculations for determining arbitrage requirements shall be the sole responsibility of the District.

**SECTION 16. Legislative Determinations.** The Board hereby determines that all acts and conditions necessary to be performed thereby or to have been met precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid and binding general obligations of the District have been performed and have been met, or will at the time of delivery of the Refunding Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Refunding Bonds. Furthermore, the Board hereby finds and determines pursuant to Section 53552 of the Act that the prudent management of the fiscal affairs of the District requires that it issue the Refunding Bonds without submitting the question of the issuance of the Refunding Bonds to a vote of the qualified electors of the District.

**SECTION 17. Official Statement.** The Preliminary Official Statement relating to the Refunding Bonds, substantially in the form on file with the Secretary to the Board is hereby approved and the Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deliver such Preliminary Official Statement to the Underwriters to be used in connection with the offering and sale of the Refunding Bonds. The Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deem the Preliminary Official Statement "final" pursuant to 15c2-12 of the Securities Exchange Act of 1934, prior to its distribution and to execute and deliver to the Underwriters a final Official Statement, substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as an Authorized Officer executing such final Official Statement shall approve. The Underwriters are hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Refunding Bonds and is directed to deliver copies of any final Official Statement to the purchasers of the Refunding Bonds. Execution of the Official Statement shall conclusively evidence the District's approval of the Official Statement.

**SECTION 18. Insurance.** In the event the District purchases bond insurance for the Refunding Bonds, and to the extent that the Bond Insurer makes payment of the principal of or interest on the Refunding Bonds, it shall become the Owner of such Refunding Bonds with the right to payment of principal or interest on the Refunding Bonds, and shall be fully subrogated to all of the Owners' rights, including the Owners' rights to payment thereof. To evidence such subrogation (i) in the case of subrogation as to claims of past due interest, the Paying Agent shall note the Bond Insurer's rights as subrogee on the registration books for the Refunding Bonds maintained by the Paying Agent upon receipt of a copy of the cancelled check issued by the Bond Insurer for the payment of such interest to the Owners of the Refunding Bonds, and (ii) in the case of subrogation as to claims for past due principal, the Paying Agent shall note the Bond Insurer as subrogee on the registration books for the Refunding Bonds maintained by the Paying Agent upon surrender of the Refunding Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

**SECTION 19. Defeasance.** All or any portion of the Outstanding maturities of the Refunding Bonds may be defeased prior to maturity in the following ways:

(a) Cash: by irrevocably depositing with an independent escrow agent selected by the District an amount of cash which, together with amounts transferred from the Debt Service Fund, if any, is sufficient to pay and discharge all Refunding Bonds Outstanding and designated for defeasance (including all principal thereof, interest thereon and redemption premiums, if any) at or before their maturity date; or

(b) Government Obligations: by irrevocably depositing with an independent escrow agent selected by the District noncallable Government Obligations, together with cash and amounts transferred from the Debt Service Fund, if any, in such amount as will, together with interest to accrue thereon, in the opinion of an independent certified public accountant, be fully sufficient to pay and discharge all Refunding Bonds Outstanding and designated for defeasance (including all principal thereof, interest thereon and redemption premiums, if any) at or before their maturity date;

then, notwithstanding that any of such Refunding Bonds shall not have been surrendered for payment, all obligations of the District with respect to all such designated Outstanding Refunding Bonds shall cease and terminate, except only the obligation of the Paying Agent or an independent escrow agent selected by the District to pay or cause to be paid from funds deposited pursuant to paragraphs (a) or (b) of this Section, to the Owners of such designated Refunding Bonds not so surrendered and paid all sums due with respect thereto.

For purposes of this Section, "Government Obligations" shall mean:

Direct and general obligations of the United States of America, obligations that are unconditionally guaranteed as to principal and interest by the United States of America (which may consist of obligations of the Resolution Funding Corporation that constitute interest strips), or "prerefunded" municipal obligations rated in the highest rating category by Moody's or S&P. In the case of direct and general obligations of the United States of America, Government Obligations shall include evidences of direct ownership of proportionate interests in future interest or principal payments of such obligations. Investments in such proportionate interests must be limited to circumstances where (a) a bank or trust company acts as custodian and holds the underlying United States obligations; (b) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations; and (c) the underlying United States obligations are held in a special account, segregated from the custodian's general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated; provided that such obligations are rated or assessed at least as high as direct and general obligations of the United States by Moody's or S&P.

#### **SECTION 20. Other Actions, Determinations and Approvals.**

(a) Officers of the Board, District officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Refunding Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The Board hereby finds and determines that both the total net interest cost to maturity on the Refunding Bonds plus the principal amount of the Refunding Bonds will be less than the total net interest cost to maturity on the Refunded Bonds plus the principal amount of the Refunded Bonds.

(c) The Board anticipates that each series of the Refunded Bonds will be redeemed on the first respective optional redemption dates therefor following the issuance of the Refunding Bonds.

(d) The Board hereby appoints U.S. Bank National Association as Escrow Agent for the Refunding Bonds and approves the form of the Escrow Agreement substantially in the form on file with the Secretary to the Board. The Authorized Officers, each alone, are hereby authorized to execute the Escrow Agreement with such changes as they shall approve, such approval to be conclusively evidenced by such individual's execution and delivery thereof.

(e) The Board hereby appoints Piper Jaffray & Co. and Morgan Stanley & Co. LLC as Underwriters, Stradling Yocca Carlson & Rauth, a Professional Corporation, as Bond Counsel and Disclosure Counsel, and Dale Scott & Company Inc. as financial advisor with respect to the issuance of the Refunding Bonds.

(f) The provisions of this Resolution as they relate to the terms of the Refunding Bonds may be amended by the Purchase Contract. If the Purchase Contract so provides, the Refunding Bonds may be issued as crossover refunding bonds pursuant to Section 53558(b) of the Government Code.

**SECTION 21. Resolution to Treasurer.** The Clerk of the Board is hereby directed to provide a certified copy of this Resolution to the Treasurer immediately following its adoption.

**SECTION 22. Request to Counties to Levy Tax.** The Boards of Supervisors and officers of the Counties are obligated by statute to provide for the levy and collection of *ad valorem* property taxes in each year sufficient to pay all principal of and interest coming due on the Refunding Bonds in such year, and to pay from such taxes all amounts due on the Refunding Bonds. The District hereby requests the Boards of Supervisors to annually levy a tax upon all taxable property in the District sufficient to pay all such principal and interest coming due on the Refunding Bonds in such year, and to pay from such taxes all amounts due on the Refunding Bonds.

**SECTION 23. Continuing Disclosure.** The District hereby covenants and agrees that it will comply with and carry out all of the provisions of that certain Continuing Disclosure Certificate executed by the District and dated as of Date of Delivery of the Refunding Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The Board hereby approves the form of the Continuing Disclosure Certificate appended to the form of the Preliminary Official Statement on file with the Secretary to the Board as of the date hereof, and the Authorized Officers, each alone, are hereby authorized to execute and delivery such Continuing Disclosure Certificate with such changes therein or modifications thereto as shall be requested by the Underwriters and as such Authorized Officer executing the same shall approve. Any Bond Holder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this Section. Noncompliance with this Section shall not result in acceleration of the Refunding Bonds.

**SECTION 24. Further Actions Authorized.** It is hereby covenanted that the District, and its appropriate officials, have duly taken all actions necessary to be taken by them, and will take any additional actions necessary to be taken by them, for carrying out the provisions of this Resolution.

**SECTION 25. Recitals.** All the recitals in this Resolution above are true and correct and the Board so finds, determines and represents.

SECTION 26. Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 14th day of April, 2015.

AYES: T. Breen, J. Brusco, K. Child, M. Dover, W. Glines,  
L. Lois, L. Perry, and G. Sawyer—student advisory vote  
NOES: 0

ABSENT: 0

ABSTENTIONS: 0



\_\_\_\_\_  
President, Board of Trustees  
Gavilan Joint Community College District

Attest:



\_\_\_\_\_  
Secretary to the Board of Trustees  
Gavilan Joint Community College District

SECRETARY'S CERTIFICATE

I, Steven M. Kinsella, Secretary to the Board of Trustees of the Gavilan Joint Community College District (the "District"), hereby certify as follows:

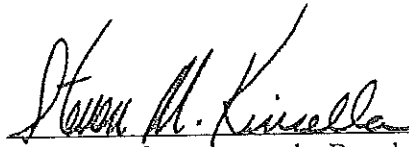
The foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Trustees of the District duly and regularly and legally held at the regular meeting place thereof on April 14, 2015, of which meeting all of the members of the Board had due notice and at which a quorum was present.

An agenda of said meeting was posted at least 72 hours before said meeting at a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda. A copy of said agenda is attached hereto.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: April 14,     , 2015



Secretary to the Board of Trustees  
Gavilan Joint Community College District

EXHIBIT A

(Form of Refunding Bond)

REGISTERED  
NO.

REGISTERED  
\$

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT  
(SANTA CLARA AND SAN BENITO COUNTIES, CALIFORNIA)  
2015 GENERAL OBLIGATION REFUNDING BONDS

INTEREST RATE:                      MATURITY DATE:                      DATED AS OF:                      CUSIP  
\_\_\_\_ % per annum                      August 1, \_\_\_\_\_, 2015                      \_\_\_\_\_

REGISTERED OWNER:                      CEDE & CO.

PRINCIPAL AMOUNT:

The Gavilan Joint Community College District (the "District") in Santa Clara and San Benito Counties, California, for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, on February 1 and August 1 of each year (the "Bond Payment Dates"), commencing August 1, 2015. This bond will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before July 15, 2015, in which event it shall bear interest from the Date of Delivery. Interest on this bond shall be computed on the basis of a 360-day year of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the Register maintained by the Paying Agent, initially U.S. Bank National Association. Principal is payable upon presentation and surrender of this bond at the designated office of the Paying Agent. Interest is payable by check mailed by the Paying Agent on each Bond Payment Date to the Registered Owner of this bond (or one or more predecessor bonds) as shown and at the address appearing on the bond register maintained by the Paying Agent at the close of business on the 15th day of the calendar month next preceding that Bond Payment Date (the "Record Date"). The Owner of Refunding Bonds in the aggregate principal amount of \$1,000,000 or more may request in writing to the Paying Agent that the Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date.

This bond is one of an authorization of bonds issued by the District pursuant to California Government Code Section 53550 *et seq.* (the "Act") for the purpose of refunding certain of the District's outstanding General Obligation Bonds, Election of 2004, Series C, and to pay all necessary legal, financial, and contingent costs in connection therewith. The bonds are being issued under authority of and pursuant to the Act, the laws of the State of California, and the resolution of the Board of Trustees of the District adopted on April 14, 2015 (the "Bond Resolution"). This bond and the issue of which this bond is one are general obligation bonds of the District payable as to both principal and interest solely

from the proceeds of the levy of *ad valorem* property taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount.

This bond is exchangeable and transferable for bonds of like tenor, maturity and principal amount and in authorized denominations at the designated office of the Paying Agent by the Registered Owner or by a person legally empowered to do so, upon presentation and surrender hereof to the Paying Agent, together with a request for exchange or an assignment signed by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute Owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 15th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The Refunding Bonds maturing on or before August 1, 20\_\_ are not subject to redemption prior to their fixed maturity dates. The Refunding Bonds maturing on or after August 1, 20\_\_ are subject to redemption on or after August 1, 20\_\_ or on any date thereafter at the option of the District, as a whole or in part, at a redemption price equal to the principal amount of the Refunding Bonds called for redemption, plus interest accrued thereon to the date fixed for redemption, without premium.

The Refunding Bonds maturing on August 1, 20\_\_ are subject to mandatory sinking fund redemption on August 1 of each year on and after August 1, 20\_\_, at a redemption price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption, without premium. The principal amounts represented by such Refunding Bonds to be so redeemed and the dates therefore and the final payment date is as indicated in the following table:

<u>Redemption Dates</u>	<u>Principal Amounts</u>
TOTAL	\$

The principal amount to be redeemed in each year shown above will be reduced proportionately or as otherwise directed by the District, in integral multiples of \$5,000, by any portion of the Refunding Term Bond optionally redeemed prior to the mandatory sinking fund redemption date.

If less than all of the Refunding Bonds of any one maturity shall be called for redemption, the particular Refunding Bonds or portions thereof of such maturity to be redeemed shall be selected by lot by the Paying Agent in such manner as the Paying Agent in its discretion may determine; provided, however, that the portion of any Refunding Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof. If less than all of the Refunding Bonds stated to mature on different dates shall be called for redemption, the particular Refunding Bonds or portions thereof to be redeemed



shall be called by the Paying Agent in any order of maturity as directed by the District or, if the Paying Agent is not so directed, in the inverse order of maturity.

Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the Refunding Bonds, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the Refunding Bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the Refunding Bonds; and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, the Gavilan Joint Community College District, Santa Clara and San Benito Counties, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signatures of the President of the Board of Trustees of the District and to be countersigned by the manual or facsimile signature of the Secretary to the Board of the District, all as of the date stated above.

GAVILAN JOINT COMMUNITY COLLEGE  
DISTRICT

By: \_\_\_\_\_  
(Facsimile Signature)  
President of the Board of Trustees

COUNTERSIGNED:

\_\_\_\_\_  
(Facsimile Signature)  
Secretary to the Board

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on \_\_\_\_\_, 2015.

U.S. BANK NATIONAL ASSOCIATION, as Paying  
Agent

By: \_\_\_\_\_  
Authorized Representative

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): \_\_\_\_\_ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: \_\_\_\_\_

Unless this bond is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any bond issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

\_\_\_\_\_  
(Facsimile Signature)

Secretary

(Form of Legal Opinion)

**Gavilan Joint Community College District  
Governing Board Agenda**

April 14, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (k)

Administrative Services

**SUBJECT:** Resolution #991 of the Board approving amended and restated Bylaws for the Gavilan Joint Community College District Independent Citizens' Bond Oversight Committee

Resolution: BE IT RESOLVED, that Resolution #991 be approved.

Information Only

Action Item

**Proposal:**

Resolution #991 of the Board approving amended and restated Bylaws for the Gavilan Joint Community College District Independent Citizens' Bond Oversight Committee.

**Background:**

The District was successful at the election conducted on March 2, 2004 in obtaining authorization from the District's voters to issue up to \$108 million in general obligation bonds per the requirements of the Strict Accountability in Local School Construction Bonds Act of 2000 ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District Board of Trustees subsequently established an Independent Citizens' Bond Oversight Committee in order to satisfy the accountability requirements of Prop 39. That Committee has the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

**Budgetary Implications:**

The efficient use of Measure E Bond Program Funds.

**Follow Up/Outcome:**

Upon approval of the Board, share these By-Laws with the Oversight Committee.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/President

APPROVED BY THE BOARD OF TRUSTEES  
DATE April 14, 2015  
NBailey

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 991

RESOLUTION OF THE BOARD OF TRUSTEES OF THE GAVILAN JOINT COMMUNITY COLLEGE DISTRICT APPROVING AMENDED AND RESTATED BYLAWS FOR THE GAVILAN JOINT COMMUNITY COLLEGE DISTRICT INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE

WHEREAS, the Board of Trustees (the "Board") of the Gavilan Joint Community College District (the "District") previously adopted a resolution requesting Santa Clara and San Benito Counties (the "Counties") to call an election for general obligation bonds (the "Bond Election") to be held on March 2, 2004; and

WHEREAS, notice of the Bond Election was duly given; and on March 2, 2004 the Bond Election was duly held and conducted for the purpose of voting a measure for the issuance of bonds of the District in the amount of \$108,000,000 ("Measure E"); and

WHEREAS, based on the Canvass and Statement of Results for the Counties, more than fifty-five percent of the votes cast on the Measure E were in favor of issuing the aforementioned bonds; and

WHEREAS, the Board has previously established an independent citizens' bond oversight committee (the "Committee") in connection with issuance of bonds under Measure E; and

WHEREAS, the Board has previously approved Bylaws governing such Committee but now desires to amend and restate such Bylaws, in whole.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE GAVILAN JOINT COMMUNITY COLLEGE DISTRICT DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. Authorization. Measure E was authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution in accordance with the requirements of the Strict Accountability In Local School Construction Bonds Act of 2000 (the "Act").

Section 2. Bylaws. The Committee shall operate pursuant to the Board approved Amended and Restated Bylaws. The Committee shall have only those responsibilities granted to them in the Act, in the resolutions calling for the election for Measure E and in the Amended and Restated Bylaws. The Amended and Restated Bylaws, as submitted herewith and attached hereto, are hereby approved. The previous Bylaws related to Measure E are rescinded and of no further force and effect.

Section 3. Other Actions. Officers of the Board and members of the Committee are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to give effect to and comply

with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

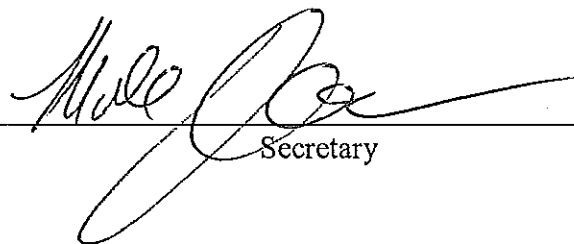
ADOPTED, SIGNED AND APPROVED this 14th day of April, 2015.

BOARD OF TRUSTEES OF THE GAVILAN  
JOINT COMMUNITY COLLEGE DISTRICT



\_\_\_\_\_  
President

ATTEST:



\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA    )  
  )ss  
SANTA CLARA COUNTY    )

I, Steven M. Kinsella, do hereby certify that the foregoing Resolution No. 991 was duly adopted by the Board of Trustees of the Gavilan Joint Community College District at a meeting thereof held on 14th day of April, 2015 and that it was so adopted by the following vote:

AYES:                    7 (T. Breen, J. Brusco, K. Child, M. Dover, W. Glines  
  L. Locci, L. Perry, and G. Sawyer-student advisory vote  
NOES:                    0  
ABSENT:                 0  
ABSTENTIONS:         0

By:   
Superintendent/President

**INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE**  
**AMENDED AND RESTATED BYLAWS**

**Section 1. Committee Established.** The Gavilan Joint Community College District (the "District") was successful at the election conducted on March 2, 2004 (the "Election"), in obtaining authorization from the District's voters to issue up to \$108,000,000 aggregate principal amount of the District's general obligation bonds (the "Measure E"). The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is now obligated to establish ~~the~~ **an Independent Citizens' Bond Oversight** Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Gavilan Joint Community College District (the "Board") hereby establishes the **Independent Citizens' Bond Oversight** Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

**Section 2. Purposes.** The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure E. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

**Section 3. Duties.** To carry out its stated purposes, the Committee shall perform only the following duties set forth in Sections 3.1, 3.2 and 3.3 hereof and shall refrain from those activities set forth in Sections 3.4 and 3.5:

3.1 **Inform the Public.** The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee.

3.2 **Review Expenditures.** The Committee ~~may~~ **shall** review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in Measure E; and (b) no bond proceeds were used for any teacher or administrative salaries or other operating expenses. in compliance with Attorney General Opinion 04-110 issued on November 9, 2004.

3.3 **Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(i) (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and



(ii) ~~(b)~~-A summary of the Committee's proceedings and activities for the preceding year.

3.4 ~~Duties of the Board and /Superintendent/President.~~ Either the Board or the Superintendent/President, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (i) ~~Approval~~Review and approval of construction contracts;<sub>2</sub>
- (ii) ~~Approval~~Review and approval of construction change orders;<sub>2</sub>
- (iii) ~~Expenditure~~Expenditures of construction**bond** funds;<sub>2</sub>
- (iv) Handling of all legal matters;<sub>2</sub>
- (v) ~~Approval~~Review and approval of construction**project** plans and schedules;<sub>2</sub>
- (vi) ~~Approval~~Review and approval of all deferred maintenance plans, and
- (vii) ~~Approval~~Review and approval of the sale of bonds.

3.5 ~~Vote Approved Measure E Projects Only.~~ In recognition of the fact that the Committee is ~~only~~ charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

(i) ~~(a)~~-Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds, ~~each of which~~ shall be outside the authority of the Committee.

(ii) ~~(b)~~-The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.

(iii) ~~(c)~~-The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.

(iv) ~~(d)~~-The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be determined by the Board in its sole discretion ~~and shall report to the Committee on any cost saving techniques considered or adopted by the Board.~~

(v) ~~(e)~~-The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(vi) ~~(f)~~-The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

(vii) ~~(g)~~ The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Prop 39.

#### Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(i) ~~(a)~~ Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Prop 39 (Article XIII A of the California Constitution) (together, the "Audits") at the same time said Audits are submitted to the District, and review the Audits.

(ii) ~~(b)~~ Inspect ~~college~~ District facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Superintendent/President.

(iii) ~~(c)~~ Review copies of deferred maintenance ~~proposal or~~ plans developed by the District.

(iv) ~~(d)~~ Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

(v) Receive from the Board, within three months of the District receiving the Audits, responses to any and all findings, recommendations, and concerns addressed in the Audits, and review said responses.

#### Section 5. Membership.

##### 5.1 Number.

The ~~committee~~ Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) student enrolled and active in a community college support group, such as student government.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior ~~citizen's~~ citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member active in a support organization for the college, such as a foundation.
- Two (2) members of the community at-large.

5.2 Qualification Standards.

(i) (a) To be a qualified person, he or she must be at least 18 years of age.

(ii) (b) The committee/Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest. ~~By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code. Additionally,~~

(i) Members of the Committee are not subject to the Political Reform Act (Gov. Code §§ 81000 et seq.), and are not required to complete Form 700; but each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws. "Attachment A" to these Bylaws,

(ii) Pursuant to Section 35233 of the Education Code, the prohibitions contained in Article 4 (commencing with Section 1090) of Division 4 of Title 1 of the Government Code ("Article 4") and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code ("Article 4.7") are applicable to members of the Committee. Accordingly:

(A) Members of the Committee shall not be financially interested in any contract made by them in their official capacities or by the Committee, nor shall they be purchasers at any sale or vendors at any purchase made by them in their official capacity, all as prohibited by Article 4; and

(B) Members of the Committee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to duties as a member of the Committee or with the duties, functions, or responsibilities of the Committee or the District. A member of the Committee shall not perform any work, service, or counsel for compensation where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of the District's Board of Trustees, except as permitted under Article 4.7.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, ~~commencing on the date of the first meeting of the Committee~~ as of the date of appointment by the Board or the date at which the Amended and Restated Bylaws are approved by the Board of Trustees. No member may serve more than ~~two~~ three (23) consecutive terms. At the Committee's first meeting, members will draw lots to select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term. Members whose terms have expired may continue to serve on the Committee until a successor has been appointed. Members serving on the original Measure E Committee shall remain on the Committee and may serve for new terms as described herein.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District shall advertise for members in accordance with its customary practices, including through local newspapers and the District website; (b) appropriate local groups or persons will be solicited for applications; ~~(b) the Superintendent/President or his/her~~

~~designee will review the applications;~~ (c) the Superintendent/President or his/her designee will review the applications; and (d) the Superintendent/President will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The Board shall seek to fill vacancies within 90 days.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District; ~~;~~ (b) ~~Individual~~ individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual; (c) The Committee shall not establish sub-committees for any purpose; and (d) the Committee and its members shall have the right to request and receive copies of any public records relating to Measure E funded projects.

## Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee ~~is required to~~ shall meet at least once a year, but ~~may meet as often as the Committee shall determine.~~ shall not meet more frequently than quarterly.

6.2 Location. All meetings shall be held within the jurisdiction of the Gavilan Joint Community College District, ~~located in Santa Clara and San Benito Counties, California.~~

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business ~~except adjournment of the~~ Committee.

## Section 7. District Support.

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(i) ~~(a)~~ preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;

(ii) ~~(b)~~ provision of a meeting room, including any necessary audio/visual equipment;

(iii) ~~(c)~~ preparation, translation and copies of any documentary meeting materials, such as agendas and reports; and

(iv) ~~(d)~~ retention of all Committee records, ~~keeping minutes of Committee meetings,~~ and providing public access to such records on an Internet website maintained by the District.

7.2 District staff and/or District consultants shall attend all Committee proceedings in order to report on the status of projects and the ~~expenditures~~expenditure of bond proceeds.

~~7.3—No bond proceeds shall be used to provide District support to the Committee.~~

Section 8. Reports. In addition to the Annual Report required in Section ~~3.2,~~3.3, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. ~~The Annual Report~~Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Board, upon the recommendation of the Superintendent/President shall appoint the initial Chair of the Committee to serve for an initial two (2) year term. The Committee shall elect an initial Vice one year as Chair. Thereafter, the Committee shall elect ~~at the~~ Chair and a Vice-Chair who shall act as chair Chair only when the Chair is absent. No person shall serve as Chair for more than three consecutive years.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the ~~entire Board of Trustees of the District.~~

Section 11. Termination. The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed. concurrently with the Committee's submission of its final Annual Report which reflects the final accounting of the expenditure of all the proceeds of Measure E.

## CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to ~~following~~follow in carrying out their ~~roles~~responsibilities. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

### POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the ~~committee~~Committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.

- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code ~~and the Brown Act~~) and all other applicable government entities, and the policies, procedures, rules and regulations of the Gavilan Joint Community College District;

- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.

**INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE  
AMENDED AND RESTATED BYLAWS**

**Section 1. Committee Established.** The Gavilan Joint Community College District (the "District") was successful at the election conducted on March 2, 2004 (the "Election"), in obtaining authorization from the District's voters to issue up to \$108,000,000 aggregate principal amount of the District's general obligation bonds ("Measure E"). The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is now obligated to establish an Independent Citizens' Bond Oversight Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Gavilan Joint Community College District (the "Board") hereby establishes the Independent Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

**Section 2. Purposes.** The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure E. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

**Section 3. Duties.** To carry out its stated purposes, the Committee shall perform only the duties set forth in Sections 3.1, 3.2 and 3.3 hereof and shall refrain from those activities set forth in Sections 3.4 and 3.5:

3.1 **Inform the Public.** The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee.

3.2 **Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in Measure E; and (b) no bond proceeds were used for teacher or administrative salaries or other operating expenses, in compliance with Attorney General Opinion 04-110 issued on November 9, 2004.

3.3 **Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(i) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and

- (ii) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board/Superintendent/President. Either the Board or the Superintendent/President, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (i) Review and approval of contracts.
- (ii) Review and approval of change orders.
- (iii) Expenditures of bond funds.
- (iv) Handling of all legal matters.
- (v) Review and approval of project plans and schedules.
- (vi) Review and approval of all deferred maintenance plans, and
- (vii) Review and approval of the sale of bonds.

3.5 Measure E Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

- (i) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.
- (ii) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.
- (iii) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.
- (iv) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be determined by the Board in its sole discretion.
- (v) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.
- (vi) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.



(vii) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Prop 39.

**Section 4. Authorized Activities.**

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(i) Receive copies of the District's annual independent performance audit and annual independent financial audit, required by Prop 39 (Article XIII A of the California Constitution) (together, the "Audits") at the same time said Audits are submitted to the District, and review the Audits.

(ii) Inspect District facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Superintendent/President.

(iii) Review copies of deferred maintenance plans developed by the District.

(iv) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

(v) Receive from the Board, within three months of the District receiving the Audits, responses to any and all findings, recommendations, and concerns addressed in the Audits, and review said responses.

**Section 5. Membership.**

5.1 Number.

The Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) student enrolled and active in a community college support group, such as student government.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member active in a support organization for the college, such as a foundation.
- Two (2) members of the community at-large.

5.2 Qualification Standards.

- (i) To be a qualified person, he or she must be at least 18 years of age.
- (ii) The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest.

(i) Members of the Committee are not subject to the Political Reform Act (Gov. Code §§ 81000 et seq.), and are not required to complete Form 700; but each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.

(ii) Pursuant to Section 35233 of the Education Code, the prohibitions contained in Article 4 (commencing with Section 1090) of Division 4 of Title 1 of the Government Code ("Article 4") and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code ("Article 4.7") are applicable to members of the Committee. Accordingly:

(A) Members of the Committee shall not be financially interested in any contract made by them in their official capacities or by the Committee, nor shall they be purchasers at any sale or vendors at any purchase made by them in their official capacity, all as prohibited by Article 4; and

(B) Members of the Committee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to duties as a member of the Committee or with the duties, functions, or responsibilities of the Committee or the District. A member of the Committee shall not perform any work, service, or counsel for compensation where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of the District's Board of Trustees, except as permitted under Article 4.7.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing as of the date of appointment by the Board or the date at which the Amended and Restated Bylaws are approved by the Board of Trustees. No member may serve more than three (3) consecutive terms. At the Committee's first meeting, members will draw lots to select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term. Members whose terms have expired may continue to serve on the Committee until a successor has been appointed. Members serving on the original Measure E Committee shall remain on the Committee and may serve for new terms as described herein.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District shall advertise for members in accordance with its customary practices, including through local newspapers and the District website; (b) appropriate local groups will be solicited for applications; (c) the Superintendent/President will review the applications; and (d) the Superintendent/President will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for

failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The Board shall seek to fill vacancies within 90 days.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District; (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual; (c) The Committee shall not establish sub-committees for any purpose; and (d) the Committee and its members shall have the right to request and receive copies of any public records relating to Measure E funded projects.

## Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee shall meet at least once a year, but shall not meet more frequently than quarterly.

6.2 Location. All meetings shall be held within the jurisdiction of the Gavilan Joint Community College District.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

## Section 7. District Support.

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(i) preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;

(ii) provision of a meeting room, including any necessary audio/visual equipment;

(iii) preparation, translation and copies of any documentary meeting materials, such as agendas and reports; and

(iv) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

7.2 District staff and/or District consultants shall attend all Committee proceedings in order to report on the status of projects and the expenditure of bond proceeds.

**Section 8. Reports.** In addition to the Annual Report required in Section 3.3, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

**Section 9. Officers.** The Board, upon the recommendation of the Superintendent/President shall appoint the initial Chair of the Committee to serve for one year as Chair. Thereafter, the Committee shall elect the Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. No person shall serve as Chair for more than three consecutive years.

**Section 10. Amendment of Bylaws.** Any amendment to these Bylaws shall be approved by a majority vote of the Board.

**Section 11. Termination.** The Committee shall automatically terminate and disband concurrently with the Committee's submission of its final Annual Report which reflects the final accounting of the expenditure of all the proceeds of Measure E.

**CITIZENS' BOND OVERSIGHT COMMITTEE  
ETHICS POLICY STATEMENT**

This Ethics Policy Statement provides general guidelines for Committee members to follow in carrying out their responsibilities. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

**POLICY**

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the Committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.

- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Gavilan Joint Community College District;

- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.

May 12, 2015

Gavilan Joint Community College District  
Governing Board Agenda

May 12, 2015

Consent Agenda Item No. 6 (h)  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.

Administrative Services

**SUBJECT:** Measure E Bond Quarterly Financial Status Report at March 31, 2015

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

That the Board of Trustees review the Measure E Bond Quarterly Financial Status Report

**Background:**

Attached is the Measure E Bond Quarterly Unaudited Financial Status Report for the period January 1, 2015 to March 31, 2015. The column titled "Budget" is based on the Board approved Measure E Budget as of September 2014. The expenditures are accounted for on a cash basis during the fiscal year; during year-end some accrued expenses are included in the amounts.

**Budgetary Implications:**

The efficient use of Measure E Bond Program funds

**Follow Up/Outcome:**

Continue to monitor the Measure E Bond program finances.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Wade W. Ellis, CPA  
Wade W. Ellis, CPA Director of Business Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/President

Gavilan Joint Community College District  
 Measure E Bond Quarterly Financial Status Interim Report  
 Received and Expended to Date for Qtr 3 Fiscal Year 2014-2015 (1/1/2015 thru 3/31/2015)  
 Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
<b>Revenue</b>					
<u>Proceeds from Bond Sales</u>			\$ 108,000,000		
	Cost of Issuance		\$ (265,000)		
	Total Proceeds from Bond Sales		\$ 107,745,000		
	Bond Implementation Costs		\$ (188,623)		
<u>Reimbursement of Bond Expenses</u>			\$ 164,458		
	Premium Adjustment		\$ (13,175)		
	GUSB Purchase of Modular Bldgs for GECA		\$ 40,392		
<u>Agricultural Lease</u>			\$ 9,228		
<u>Bond Interest</u>					
	Fiscal Year 2003-04		\$ 9,888		
	Fiscal Year 2004-05		\$ 562,602		
	Fiscal Year 2005-06		\$ 1,045,177		
	Fiscal Year 2006-07		\$ 976,676		
	Fiscal Year 2007-08		\$ 1,281,585		
	Fiscal Year 2008-09		\$ 735,130		
	Fiscal Year 2009-10		\$ 100,247		
	Fiscal Year 2010-11		\$ 82,460		
	Fiscal Year 2011-12		\$ 204,720		
	Fiscal Year 2012-13		\$ 158,143		
	Fiscal Year 2013-14		\$ 114,449		
	Fiscal Year 2014-15		\$ 53,329		
	Subtotal Bond Interest		\$ 6,304,545		
	<u>Parking Fund Contribution Fiscal Year 2007-08</u>		\$ 250,000		Non Measure "E" Fund
	<u>Scheduled Maintenance Contribution Fiscal Year 2008-2009</u>		\$ 217,138		Non Measure "E" Fund
<b>Total Revenue</b>			<b>\$ 113,528,963</b>		
<b>Expenditures</b>					
1 <u>Program</u>					
660060 - Program Contingency		\$ 25,000			
	Total Costs through 12/31/2014		\$ 6,045		
	5831 - Contracted Services		\$ 6,045		
	Total Costs through 3/31/2015		\$ 6,045	\$ 19,955	
660360 - Planning - District		\$ 155,319			
	Total Costs through 12/31/2014		\$ 121,013		
	5831 - Contracted Services		\$ 139		
	Total Costs through 3/31/2015		\$ 121,152	\$ 34,188	
660560 - Planning - Main Campus		\$ 4,582,040			
	Total Costs through 12/31/2014		\$ 4,582,646		
	No Invoices this Period				
	Total Costs through 3/31/2015		\$ 4,582,646	\$ 0	2
662260 - Coyote Valley Ed Center		\$ 12,532,487			
	Total Costs through 12/31/2014		\$ 217,401		
	5810 - Legal Services		\$ 9,618		
	5825 - Administrative Fee		\$ 5,000		
	5831 - Contracted Services		\$ 272,670		
	6230 - Inspection Fees		\$ 110,659		
	Total Costs through 3/31/2015		\$ 615,308	\$ 11,917,179	
663200 - Hollister Ed Center		\$ 9,625			
	Total Costs through 12/31/2014		\$ 9,625		
	No Invoices this Period				
	Total Costs through 3/31/2015		\$ 9,625	\$ (0)	
2 <u>Land Acquisition</u>					
662060/662160 - Coyote Valley Prop (Property/Develop)		\$ 21,238,072			
	Total Costs through 12/31/2014		\$ 21,270,790		
	5810 - Legal Services				
	6160 - Land				
	Total Costs through 3/31/2015		\$ 21,270,799	\$ (11,727)	
663060/663160 - San Benito Prop (Property/Develop)		\$ 9,838,755			
	Total Costs through 12/31/2014		\$ 9,242,469		
	5810 - Legal Services		\$ 608		
	5831 - Contracted Services		\$ 545		



Gavilan Joint Community College District  
 Measure E Bond Quarterly Financial Status Interim Report  
 Received and Expended to Date for Qtr 3 Fiscal Year 2014-2015 (1/1/2015 thru 3/31/2015)  
 Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
	0160 - Land		\$ -		
	Total Costs through 3/31/2015		\$ 9,243,642	\$ 595,113	
664060 - Land Residual		\$ -			
	Total Costs through 12/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ -	\$ -	
665060 - Local Funds Off-Site Development		\$ 69,998			
	Total Costs through 12/31/2014		\$ 69,998		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 69,998	\$ (0)	
<b>3 Current Projects</b>					
670560 - Physical Education Building		\$ 6,539,164			
	Total Costs through 12/31/2014		\$ 3,500		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 3,500	\$ 6,535,664	
671460 - South County Airport Development		\$ 3,000,000			
	Total Costs through 12/31/2014		\$ 158,343		
	5810 - Legal Services		\$ 487		
	5831 - Contracted Services		\$ 77,566		
	0230 - Inspection Fees		\$ 28,450		
	Total Costs through 3/31/2015		\$ 262,846	\$ 2,737,154	
671560 - GECA Relocation Parking Lot C		\$ 1,500,000			
	Total Costs through 12/31/2014		\$ 1,208,159		
	4530 - Maintenance Supplies		\$ -		
	5831 - Contracted Services		\$ 15,263		
	Total Costs through 3/31/2015		\$ 1,223,422	\$ 276,578	
671660 - Furniture and Equipment Upgrade		\$ 175,000			
	Total Costs through 12/31/2014		\$ 147,799		
	6400 - Fixed Assets under \$5,000		\$ 30,375		
	6405 - Fixed Assets over \$5,000		\$ 11,107		
	Total Costs through 3/31/2015		\$ 189,280	\$ (14,280)	
672360 - Scheduled Maintenance (Match for FY 13/14)		\$ 109,000			
	Total Costs through 12/31/2014		\$ 454		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 454	\$ 108,546	
672460 - Instructional Equipment (Match for FY 13/14)		\$ 768,591			
	Total Costs through 12/31/2014		\$ 504,623		
	5636 - Software Support / Maintenance		\$ -		
	6400 - Fixed Assets under \$5,000		\$ 24,485		
	6405 - Fixed Assets over \$5,000		\$ 162,704		
	Total Costs through 3/31/2015		\$ 691,813	\$ 76,778	
672560 - Scheduled Maintenance (Match for FY 14/15)		\$ -			
	Total Costs through 12/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ -	\$ -	
672660 - Instructional Equipment (Match for FY 14/15)		\$ 8,409			
	Total Costs through 12/31/2014		\$ 154,784		
	6400 - Fixed Assets to \$5,000		\$ (21,653)		
	6405 - Fixed Assets over \$5,000		\$ (133,022)		
	Total Costs through 3/31/2015		\$ 110	\$ 8,299	
673060 - Multi-Purpose Building Upgrades		\$ 45,000			
	Total Costs through 12/31/2014		\$ 20,820		
	5831 - Contracted Services		\$ 3,666		
	Total Costs through 3/31/2015		\$ 24,486	\$ 20,514	
073100 - CDC Reconfiguration & Upgrade		\$ 500,000			
	Total Costs through 12/31/2014		\$ 23,089		
	5831 - Contracted Services		\$ 1,541		
	6230 - Inspection Fees		\$ 5,100		
	Total Costs through 3/31/2015		\$ 29,730	\$ 470,270	
673260 - General Building Upgrades		\$ 25,000			

Gavilan Joint Community College District  
 Measure E Bond Quarterly Financial Status Interim Report  
 Received and Expended to Date for Qtr 3 Fiscal Year 2014-2015 (1/1/2015 thru 3/31/2015)  
 Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
	Total Costs through 12/31/2014		\$ 19,503		
	5831 - Contracted Services		\$ 845		
	Total Costs through 3/31/2015		\$ 20,348	\$ 4,852	
680560 - Water Replacement Project		\$ 300,000			
	Total Costs through 12/31/2014		\$ 110,892		
	5831 - Contracted Services		\$ 29,395		
	Total Costs through 3/31/2015		\$ 149,277	\$ 150,723	
660660 - Technology, Phase 2		\$ 900,000			
	Total Costs through 12/31/2014		\$ 124,032		
	5036 - Software Support/Maint		\$ 3,190		
	5031 - Contracted Services		\$ 80,540		
	6400 - Fixed Assets to \$5,000				
	Total Costs through 3/31/2015		\$ 216,762	\$ 684,238	
680760 - Computer Replacement, Phase 2		\$ 260,000			
	Total Costs through 12/31/2014		\$ 53,752		
	6400 - Fixed Assets to \$5,000		\$ 16,012		
	Total Costs through 3/31/2015		\$ 69,765	\$ 180,235	
<b>INACTIVE PROJECTS</b>					
670760 - Student Center/Administration		\$ -			
	Total Costs through 12/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ -	\$ -	
670960 - Library/Media		\$ -			
	Total Costs through 12/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ -	\$ -	
671360-1 Demo CJ500, Old Acad. PB Rebuild		\$ -			
	Total Costs through 12/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ -	\$ -	
<b>CLOSED PROJECTS</b>					
670060/671460 - Campus Infrastructure/Tech		\$ 8,036,404			
	Total Costs through 12/31/2014		\$ 8,036,484		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 8,036,484	\$ -	
670160 - Tennis Court Renovations		\$ 111,859			
	Total Costs through 12/31/2014		\$ 111,859		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 111,859	\$ -	
670200 - Interim Housing/Swing Space		\$ 4,410,460			
	Total Costs through 12/31/2014		\$ 4,416,460		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 4,416,466	\$ -	
670260-1 - HVAC Control Replacement		\$ 446,255			
	Total Costs through 12/31/2014		\$ 446,255		
	No Invoices this Period		\$ -		
	Total Costs through 12/31/2014		\$ 446,255	\$ 0	
670360-1 - Electrical Service Loop		\$ 162,295			
	Total Costs through 12/31/2014		\$ 162,295		
	No Invoices this Period		\$ -		
	Total Costs through 12/31/2014		\$ 162,295	\$ -	
670360 - Math, Physical Science, Life Science		\$ 6,081,010			
	Total Costs through 12/31/2014		\$ 6,081,010		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 6,081,010	\$ -	
670460 - Occupational ED (OE)		\$ 4,706,937			
	Total Costs through 12/31/2014		\$ 4,706,937		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 4,706,937	\$ -	

Gavilan Joint Community College District  
 Measure E Bond Quarterly Financial Status Interim Report  
 Received and Expended to Date for Qtr 3 Fiscal Year 2014-2015 (1/1/2015 thru 3/31/2015)  
 Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
670660 - Humanities/Art/Music Hall		\$ 4,398,348			
	Total Costs through 12/31/2014		\$ 4,398,348		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 4,398,348	\$ -	
670860 - Cosmetology/Business		\$ 3,903,843			
	Total Costs through 12/31/2014		\$ 3,903,843		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 3,903,843	\$ -	
671060 - Social Sciences		\$ 3,918,035			
	Total Costs through 12/31/2014		\$ 3,918,035		
	5910 - Legal Services		\$ -		
	Total Costs through 3/31/2015		\$ 3,918,035	\$ -	
671160 - Security/Maintenance Building		\$ 1,432,750			
	Total Costs through 12/31/2014		\$ 1,432,750		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 1,432,750	\$ -	
671260 - Cafeteria Renovations & HVAC		\$ 217,419			
	Total Costs through 12/31/2014		\$ 217,419		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 217,419	\$ -	
671260 - Student Center Beam Replacement		\$ 185,481			
	Total Costs through 12/31/2014		\$ 185,481		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 185,481	\$ (0)	
671360 - Parking Lot/Campus Lighting		\$ 4,437,518			
	Total Costs through 12/31/2014		\$ 4,437,518		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 4,437,518	\$ 0	
680160 - Technology / ERP System		\$ 3,511,130			
	Total Costs through 12/31/2014		\$ 3,511,130		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 3,511,130	\$ -	
680360 - Computer / Phone System		\$ 1,111,376			
	Total Costs through 12/31/2014		\$ 1,111,376		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 1,111,376	\$ -	
680460 - Existing Well Replacement		\$ 70,947			
	Total Costs through 12/31/2014		\$ 70,947		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 70,947	\$ 0	
- Debt Payment		\$ 3,625,796			
	Total Costs through 12/31/2014		\$ 3,625,796		
	No Invoices this Period		\$ -		
	Total Costs through 3/31/2015		\$ 3,625,796	\$ -	
Total Previous Expended (Through 12/31/2014)			\$ 88,838,766		
Total Invoices this Period (1/1/2015 through 3/31/2015)			\$ 743,191		
Total Expended to Date (Through 3/31/2015)			\$ 89,581,957		
Total Construction Budget		\$ 113,346,015		\$ 23,764,058	
Total Revenue to Date			\$ 113,528,963		
Cash Balance				\$ 23,947,005	

Notes:

- 1 Occ Ed project budget contains funding for Science and Gym roof repairs
- 2 Moved expenses to Fund 340 for State Reimbursement
- 3 PG&E Refund for Chiller Controls Installation-Optimization Project

Gavilan Joint Community College District  
Governing Board Agenda

May 14, 2015

Consent Agenda Item No.  
Information/Staff Reports No. 11 (d)  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.

Administrative Services

**SUBJECT:** Status Report on Educational Centers

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

Status Report on the San Benito County and Coyote Valley Educational Centers

**Background:**

In 2007 the requirements for the state approval of proposed educational centers were changed to require at least 500 FTES generated annually (per the district's most recent "final attendance report") before a site can be considered. This approval allows the new site to become eligible to compete for state capital outlay funds. Once an approved educational center generates 1,000 FTES annually, it would then become eligible the following year for a \$1 million state apportionment increase in support funds.

Attached is a timeline of actions taken by the district to date to achieve state educational center status for both the San Benito County and Coyote Valley sites.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

**GAVILAN JOINT CCD  
EDUCATIONAL CENTERS DEVELOPMENT TIMELINE**

YEAR	San Benito County	Coyote Valley
2004	District voters approve Measure E bond, providing funds for land acquisition for future campuses at north and south of district.	
	Jim Goodell (Public Private Ventures) and Jim Spencer (Spencer/Hoskins Associates) presented information on property acquisition for Gavilan College.	
	Board of Trustees contracted with Public Private Ventures, Inc, for real estate acquisition services.	
		Spencer / Hoskins presents Update on Enrollment Trends study to Board of Trustees, indicating that the best geographical location for a northern campus would be Bailey Avenue.
		Discussion at meeting of Measure E Citizens' Oversight Committee on need and best location for campus in Coyote Valley.
2005		Coyote Valley campus project included within the San Jose's Coyote Valley Specific Plan.
2006	Board of Trustees affirms intent to acquire full campus in San Benito County	Letter of Intent sent to Chancellor for Coyote Valley Educational Center
	Purchase and Sale agreement with Gimelli properties	Board of Trustees receives Resolution # 863, Approving and Ratifying Agreement for the Purchase of Real Property for Coyote Valley Campus Project, as an information item.
		Receipt of acknowledgment of LOI from Chancellors' office
		State Chancellor's Office issued a letter of approval of Coyote Valley (future

**GAVILAN JOINT CCD  
EDUCATIONAL CENTERS DEVELOPMENT TIMELINE**

YEAR	San Benito County	Coyote Valley
		campus) from Phase I (planning and process) to Phase 2 (needs assessment).
		Board of Trustees ratified Resolution 863 - Agreement for Purchase of Real Property for Coyote Valley Campus Project.
	Meetings of Site Acquisition Sub-Committee - Feb, March, April, May 2006	
	Community Forums	
2007	San Benito Campus Plan presented by Steinberg Architects	Notice of Preparation issued and published for Coyote Valley parcel.
	Community meeting - December	
2008	Report at Board facilities committee: "The San Benito property should close by year end. Trustee Dover noted that we have accomplished what was intended in the bond and that was to acquire the property in both Coyote Valley and San Benito. Trustee Smith said it was good to reflect back to our original goals."	Public Review Period for Draft EIR for Coyote Valley
	Notice of Preparation and EIR Scoping Meeting of an Environmental Impact Report for the Gavilan San Benito campus.	Draft EIR Public Meeting
	Review of cost to put a 20,000 square foot brick and mortar building on the San Benito property. Joe provided the Committee with an estimate from	Public hearing on proposed Coyote Valley campus and Final Environmental Impact Report.

**GAVILAN JOINT CCD  
EDUCATIONAL CENTERS DEVELOPMENT TIMELINE**

YEAR	San Benito County	Coyote Valley
	BFGC Architects which showed the cost at approximately \$20 million	
	Community presentation of Architect's plan January 31, 2008 at Veterans Memorial Building	Board of Trustees certified Final Environmental Impact Report and ratified Resolution to Approve the Project, No. 900. August 2008
	Final EIR, November	Board of Trustees approves Resolution 901, approval of Amendment to Purchase and Sale Agreement with Campus Associates, for Coyote Valley parcel.
	Resolution 903: Board approval of second amendment to purchase and sale agreement and electing to close escrow for the Purchase of Real Property for the San Benito Campus Project	
	First amendment to purchase and sale agreement and joint escrow instructions for Hollister Campus acquisition.	
2009	Letter of Intent sent to Chancellor's office for San Benito Educational Center	
	Chancellor's Office approves San Benito LOI	
	San Benito County Draft Conceptual Site Development Proposal presented to Board	
2010	Community Forum, July 19	
2012	President Kinsella met with city representatives and discussed the strengths and	

**GAVILAN JOINT CCD  
EDUCATIONAL CENTERS DEVELOPMENT TIMELINE**

YEAR	San Benito County	Coyote Valley
	weaknesses of each of 8 identified properties proposed for development property. Subcommittee to prepare a recommendation to the board.	
2013	Letters of Intent sent to Chancellor's Office for both Coyote Valley Educational Center and San Benito County Educational Center	
	Status of permitting for two new campus properties – President Kinsella reported that the permitting process has taken four (4) years so far. French Ranch in San Benito County is the mitigation site for all three Gavilan locations (Coyote Valley, Gilroy campus, and Fairview, SBC). Terry Newman, Senior Director of Administrative Services has been working with all the consultants and agencies on a daily basis	
2014		Needs Assessment submitted for Coyote Valley Educational Center
		Application to Santa Clara Valley Habitat Plan for Coyote Valley mitigation.
2015		IBI Group Architecture and Planning Project assignment Amendment (PAA) for Coyote Valley, The Academy Campus
		Application for consideration of Participating Special Entity (PSE) status under the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (SCVHP) for the Gavilan College Coyote Valley Campus Phase I Project, located in the City of San Jose, Santa Clara, California



# Gavilan Joint Community College District Governing Board Agenda

May 12, 2015

Consent Agenda Item No.

Administrative Services

Information/Staff Reports No.

Discussion Item No.

Old Business Agenda Item No. 1 (a)

New Business Agenda Item No.

**SUBJECT:** Recommendation for Water Supplier at the Coyote Valley Educational Center site

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

That the Board take action to select the City of San Jose Municipal Water System as the water supplier at the Coyote Valley Educational Center.

**Background:**

There are two water suppliers that provide water to the Coyote Valley Educational Center site:

1. Great Oaks Water Company (GOWC)
2. City of San Jose Municipal Water System (SJMW)

After careful consideration of the merits of one supplier over the other, it is recommended that the Board select the City of San Jose Municipal Water System as the water supplier at the Coyote Valley Educational Center site. The main reason for this recommendation is that SJMW can certify 55 psi residual pressure for fire service at the site per the district's specifications, and GOWC can only certify a minimum of 20 psi. In a multi-story building environment that will likely occur in the Phase 2 site development at the Coyote Valley campus, the higher pressure is an important difference in order to ensure maximum fire flows in the upper stories of the buildings.

Jurisdiction:

The longstanding jurisdictional fight between these two suppliers of which one has the authority to provide water supply in the area does not involve the district. It seems clear that both entities have legal authority to provide the service to the area. However the two suppliers have been locked in a mostly dormant legal dispute on that question for over 10 years, which seems to stem from the question of who was there first. At best, something for the courts to decide.

Monthly Costs (@ 361 ccf/month):

SJMW currently costs approximately \$235 more per month (\$1,434 vs. \$1,198 per month currently) than GOWC. With regular rate adjustments occurring for both suppliers, such a difference in cost could shift either way from year to year. More importantly, these increased rate costs could be more than offset by the increased cost to connect to GOWC, as discussed next.

Connection Costs:

It is about 600 feet further to the GOWC line than to the SJMW line, therefore it will be more expensive to connect to GOWC. However based on PUC requirements for private water companies, GOWC will reimburse the district for 100% of its costs to connect at 2.5% per year over 40 years. The SJMW could only reimburse us "latecomer fees" if someone taps into the line extension we paid for within 10 years of installation. Even though GOWC will reimburse us the costs of connection, it will take 40 years to receive that benefit.

Recycled Water:

Both suppliers claim they can provide recycled water to our site, even though it is currently 3 miles away and currently not available at the site. The recycled water comes from a joint venture of the Cities of San Jose and Santa Clara which has plans to lay pipe for recycled water in front of the site soon to serve a cemetery project further down Bailey Avenue. GOWC claims it will be able to access the same recycled water source, when it becomes available.

Fire Flow Pressure:

SJMW certifies fire service demand of 4,750 GPM for four hours at a Residual Pressure of 55 psi. GOWC certifies fire service demand at minimum Residual Pressure of 20 psi at the same flow and period. GOWC claims it can deliver Residual Pressure up to 60 psi, but is unable to certify at that rate because of limitations imposed by its Tariff Rules. However without certification, such pressure cannot be guaranteed.

**Budgetary Implications:**

Though GOWC's monthly rates are currently lower than SJMW's (approximately \$235 per month), that difference would not recoup the additional cost for installation to GOWC for over 20 years.

**Follow Up/Outcome:**

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

**Gavilan Joint Community College District  
Governing Board Agenda**

May 12, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.      2 (h)

Administrative Services

**SUBJECT:** Land Lease for the new home of the Aviation Maintenance Technology Program at the South County Airport in San Martin

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees approve a land lease for up to thirty (30) years to allow for the development of new facilities at the South County Airport in San Martin for the Aviation Maintenance Technology Program.

**Background:**

The new lease includes the following major elements:

- The lease will be for a twenty year period (July 1, 2015 – June 30, 2035).
- The lease may be extended for two additional 5 year periods.

**Budgetary Implications:**

Annual rental cost of \$28,600.80 paid \$2,383.40 monthly. Of that annual amount \$18,730.80 is for the bare land and utility easement calculated at \$0.215 per 87,120 square feet; and \$9,870 annually for rental of a hanger.

**Follow Up/Outcome:**

With Board approval, sign lease.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice/President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

# Gavilan Joint Community College District Governing Board Agenda

May 12, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (i)

Administrative Services

**SUBJECT:** Gilbane Building Company Construction Management Services Project Assignment Amendment extension for the Water System Replacement Project, Construction Oversight

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

That the Board of Trustees approve an extension to the Gilbane Building Company Construction Management Services Project Assignment Amendment (PAA) for the Water System Replacement Project, Construction Oversight.

**Background:**

On July 12, 2011, the Board ratified an on-going (until June 30, 2016) Construction Management Services Agreement with Gilbane Building Company. This Agreement stipulates that for each individual district project, a separate Project Assignment Amendment (PAA) will be approved. On January 8, 2013 the Board ratified a PAA for the Water System Replacement Project that ended December 31, 2014. This is a new agreement for the extension of construction management services for the period January 1, 2015 to September 30, 2015 due to construction delays with the project.

The original Contract Price for the Assigned Project was approved for Two Hundred Seventy-Six Thousand Six Hundred Dollars (\$276,600). The additional amount requested for this extension is Sixty-Four Thousand Four Hundred Eighty Dollars (\$64,480). This brings the total revised Contract Price for the Assigned Project to Three Hundred Forty-One Thousand Eighty Dollars (\$341,080).

**Budgetary Implications:**

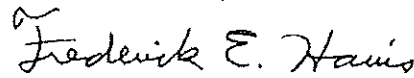
The efficient use of State capital project funds and Measure E Bond program funds.

**Follow Up/Outcome:**

Process the agreement.

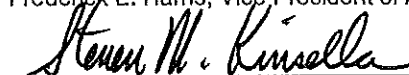
Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By:



Frederick E. Harris, Vice President of Administrative Services

Agenda Approval:



Dr. Steven M. Kinsella, Superintendent/President

# Gavilan Joint Community College District Governing Board Agenda

May 12, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (j)

Administrative Services

**SUBJECT:** Three(3) Gilbane Building Company Project Assignment Amendments for construction management services

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees approve three new Gilbane Building Company Project Assignment Amendment (PAA) for construction management services.

**Background:**

On July 12, 2011, the Board approved a Construction Management Services Agreement with Gilbane Building Company. The Agreement stipulates that for each individual District project, a separate Project Assignment Amendment (PAA) will be developed. Board approval is requested for the following 3 new PAAs from Measure E funds:

- **CDC Renovation**  
For bidding, construction and post-construction management services through February 29, 2016. The Contract Price for the Assigned Project shall be Twenty-Six Thousand Six Hundred Twenty-Four Dollars (\$26,624).
- **San Martin Airport**  
For bidding, construction and post-construction management services through June 30, 2016. The Contract Price for the Assigned Project shall be One Hundred Forty-Seven Thousand Six Hundred Thirty Dollars (\$147,630).
- **Coyote Valley Phase I (New Academy)**  
For bidding, construction and post-construction management services through September 28, 2016. The Contract Price for the Assigned Project shall be Seven Hundred Thousand Sixty-Six Dollars (\$700,066).

**Budgetary Implications:**

The efficient use of Measure E Bond program funds.

**Follow Up/Outcome:**

Process the PAAs.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/President

June 9, 2015

**Gavilan Joint Community College District  
Governing Board Agenda**

June 9, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No. 1 (b)  
New Business Agenda Item No.

Administrative Services

**SUBJECT:** Payment of Participating Special Entity Fees to the Santa Clara Valley Habitat Agency for the Coyote Valley Campus Phase I Project

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees approve the payment of the Participating Special Entity Fees to the Santa Clara Valley Habitat Conservation Agency for Coyote Valley Educational Center Phase I Project

**Background:**

On May 21, 2015 the Santa Clara Valley Habitat Agency unanimously approved the Participating Special Entity (PSE) application for Phase 1 of the Coyote Valley Educational Center. As a result of that action, and in order for the district to benefit from the take protections that the Agency's Habitat Conservation Plan provides as the district develops the site, fees are now due to the Agency totaling \$137,116.06. This is an increase of \$13,298.06 over the estimated amount of fees presented to the board when it adopted the PSE application at its meeting on February 10, 2015.

**Budgetary Implications:**

The development fees associated with this application total \$137,116.06 and include a land cover fee, a nitrogen deposition fee, a mitigation fee and an administrative fee. These fees will be paid from Measure E funds designated for Coyote Valley Educational Center development.

**Follow Up/Outcome:**

After Board approval, pay the PSE Application fees immediately.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

# Gavilan Joint Community College District Governing Board Agenda

June 9, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (i)

Administrative Services

**SUBJECT:** Agreement with Reshape, LLC to provide free fill dirt at the Coyote Valley Educational Center site

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees ratify an agreement with Reshape, LLC to bring in free fill dirt onto the Coyote Valley Educational Center for development of the site.

**Background:**

Development of the Coyote Valley Educational Center site can now proceed after approval last month by the Santa Clara Valley Habitat Agency of the district's Participating Special Entity application. The site is expected to require the importation of approximately 250,000 cubic yards of fill materials to raise the overall elevation of the property, and to implement a grading a drainage plan acceptable to local jurisdictions.

Reshape LLC is a partnership of Tom Park, principal of earthworks construction firm T&W Construction Inc; Murray Nonhof, principal of golf course design firm Windmill Golf Design; and Tom Platz, a registered civil engineer and principal of Triad/Holmes Associates. This firm develops golf courses in the region, and as part of that development has excess fill materials certified free of hazardous substances as may be necessary for phased development that it will test, transport and place at no charge to the district at the site.

This Agreement shall have an initial term of 5 years, with a minimum of 150,000 cubic yards of suitable fill material, with the possibility of extensions for future phases of development as the district's timing and soil requirements are revealed. Phase 1 development of the site will require approximately 30,000 cubic yards of fill material, and should be delivered soon after this agreement is ratified by the board.

**Budgetary Implications:**

None, as there will be no cost to the district for these fill materials. Savings to the district for the Phase 1 dirt delivery is approximately \$300,000.

**Follow Up/Outcome:**

Upon approval, process agreement with Reshape, LLC.



Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By:

Frederick E. Harris

Frederick E. Harris, Vice President of Administrative Services

Agenda Approval:

Steven M. Kinsella for Steven Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

**Gavilan Joint Community College District  
Governing Board Agenda**

June 9, 2015

Consent Agenda Item No. Administrative Services  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. 2 (k)

**SUBJECT:** Gilbane Building Company Project Assignment Amendment (PAA) for the Fire Alarm Replacement – Student Center, Library and Theater Buildings

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees approve a Gilbane Building Company Project Assignment Amendment (PAA) for Fire Alarm Replacement – Student Center, Library and Theater Buildings.

**Background:**

On July 12, 2011, the Board approved a Construction Management Services Agreement with Gilbane Building Company. The Agreement stipulates that for each individual District project, a separate Project Assignment Amendment (PAA) will be entered into.

Project Assignment Amendment for Fire Alarm Replacement – Student Center, Library and Theater Buildings.

- Basic services will include the bidding, construction, and post construction phases of the project.
- The fees for this scope of service are \$48,643.

**Budgetary Implications:**

The efficient use of state Scheduled Maintenance and Measure E Bond program funds.

**Follow Up/Outcome:**

Process the agreement.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Kathleen Whelan for Steven Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

July 14, 2015

**Gavilan Joint Community College District  
Governing Board Agenda**

July 14, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.      2(b)

Administrative Services

**SUBJECT:** IBI Group Architecture and Planning Project Assignment Amendments

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees approve IBI Group Architecture and Planning Project Assignment Amendments (PAA) for the seven (7) projects listed below.

**Background:**

On July 12, 2011, the Board ratified an On-Going Architectural Services Agreement with BFGC-IBI (now IBI Group) Architecture and Planning. The Architectural Services Agreement stipulates that for each individual district project, a separate PAA will be established. Therefore, it is recommended that the Board ratify the following seven (7) PAAs:

Athletic Fields Renovations and Additions

- Preliminary Plans, Working Drawings, DSA Approval, Bidding, and Construction Administration for:
  - a. Replacement and reconfiguration of the baseball dugouts, backstops and fencing.
  - b. Replacement of the stadium turf with artificial turf.
  - c. Replacement of the cinder track with all-weather track
  - d. Replacement of the restroom/storage building with a modular building
  - e. Addition of a sand volleyball court (softball field location)
  - f. Addition of accessible ramps and walkways
  - g. Replacement of softball backstop (additive alternate bid item)
- Commence design 7/15/2015; DSA Submittal: 1/1/2016; Bids Due: 5/15/2016; Anticipated Construction: 5/15/2016 – 11/30/2016
- Basic service fees \$500,000 from Measure E funds.

Replacement of Gymnasium Bleachers & Floors

- Architectural Services for the replacement of the bleachers and wood floor in the Gymnasium and ADA path of travel (Restroom & Drinking Fountain) upgrades as required by DSA.
- DSA Submittal: 10/1/2015; Bids Due: 3/15/2016; Anticipated Construction: 6/15/2016 – 8/31/2016
- Basic service fees \$50,000 from Measure E funds, IF savings are realized in the other athletic fields/gymnasium projects

#### Gymnasium/Locker Room Roofing Replacement:

- Basic services to provide consultation, design, construction document, bidding, and construction administration for this project.
- Anticipated Construction: 6/15/2016 – 8/14/2016
- Basic service fees \$25,000 from Measure E funds.

#### Gymnasium Fire Alarm Replacement

- Consultation, Design, Construction Documents, DSA Approval, Bidding and Construction Administration for the Gymnasium Fire Alarm Replacement Project.
- DSA Submittal: 11/1/2015; Bids Due: 3/15/2016; Anticipated Construction: 6/15/2016 – 9/14/2016
- Basic service fees \$54,600 from 2015-16 Scheduled Maintenance funds.

#### STEM Project AOR (Revision)

- Basic services to provide consultation, design, construction document, DSA approval for pedestrian bridge (replacement of culvert design).
- Anticipating DSA backcheck end of July, and Santa Clara Valley Habitat Agency Participating Special Entity application approval in September; Anticipated Construction completion 12/31/2015
- Basic service fees \$15,000 from STEM Grant funds.
- This original PAA was approved by the Board on February 11, 2014 for \$35,000, and included work on the Pond Overlook and Riparian Habitat projects. This revision includes an additional \$15,000 for extra work on the Riparian Habitat project due to unexpected environmental regulatory requirements.

#### Student Center Seismic Upgrade

- Architectural Services for the voluntary seismic upgrade of the Student Center including path of travel (Restroom, doors & ramp) update as required by DSA.
- DSA Submittal: 10/15/2015; Bids Due: 4/1/2016; Anticipated Construction: 6/15/2016 – 9/30/2016
- Basic service fees \$85,000 from 2015-16 state Scheduled Maintenance funds.

#### IBM Bailey Road Assessment

- Provide architectural and structural engineering services to assist the District in determining the feasibility of converting the existing IBM Bailey Road office complex to an educational center with the focus on the Division of the State Architect (DSA) requirements for seismic performance. Services will include review of owner (IBM) supplied documents, code analysis and preliminary meetings with DSA.
- Basic service fees \$10,000 payable from funds provided by the Santa Clara County Open Space Authority.
- Action to approve this PAA also includes approval of an agreement with the Santa Clara County Open Space Authority regarding the receipt of the \$10,000 provided by the Authority to pay for these PAA services.

#### **Budgetary Implications:**

The efficient use of Measure E Bond Program, state Scheduled Maintenance, STEM Grant, and reimbursement funds.

#### **Follow Up/Outcome:**

Process the agreements.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

**Gavilan Joint Community College District  
Governing Board Agenda**

July 14, 2014

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.

Administrative Services

2(c)

**SUBJECT:** Water Tank Replacement Project Change Order #6

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

That the Board of Trustees authorize the sixth and final capital project change order request for the Water Tank, Distribution and Well Improvements Project totaling \$109,761.

**Background:**

Public Contract Code § 20659 provides that if any change of a contract is ordered by the governing board of a community college district, such change shall be specified in writing and the cost agreed upon between the governing board and the contractor, and further provides that the board may authorize the contractor to proceed with performance of this change without the formality of securing bids, if the cost so agreed upon does not exceed ten percent of the original contract price. The following Change Order (CO) request has been submitted:

Water Tank Replacement Project

Anderson Pacific Engineering, CO #6 for \$109,761. A detailed Change Order #6 table is attached for this project.

This project was initially approved in 2010 to be paid from \$5,737,471 in state bond funds. Due to a variety of unexpected real estate easement and environmental regulatory requirements & delays, costs for this project increased to the point that it required an additional \$502,000 in state funds and \$372,000 in Measure E funds to complete this project. Both water tanks are installed and the new well should be completed soon. Project completion is scheduled for September 2015.

There are a total of 6 change orders for this project totaling \$437,274. The initial estimate for all these change orders totaled \$555,000, but after thoroughly reviewing and successfully negotiating with the contractor that amount was reduced by \$117,726.

A majority of these change orders were a direct result of having to reroute most of the new water lines on campus due to several unforeseen underground utilities and to also repair several of the unforeseen underground utilities that were actually damaged when excavating for the new water lines. Also, one of the change orders included additional electrical work at the new well site for PG&E.

**Budgetary Implications:**

The efficient use of Measure E and State Bond Funds.

**Follow Up/Outcome:**

Upon Board approval, the change order will be issued to the contractor.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President



**Change Order for Water Tank, Distribution & Well Improvements Project**

**CHANGE ORDER #06- Anderson Pacific Engineering**

PCO #	Description	Amount	Additional Days (Calendar)
23r02	PG&E changes to the water well site. Changes to include installation of underground electrical conduit, pull boxes, and Tesco panel modifications.	\$55,536.00	0
24	Pipe re-route due to unforeseen underground utilities at chemistry, pool deck, Mayhock house, and restrooms at athletic fields.	\$24,353.00	0
25r01	Division of State Architect required a field change to weld rebar at both tank foundations.	\$6,564.00	0
28	Premium time for work over a weekend for fire main tie ins at the pool deck. In order to minimize impact to the campus.	\$1,002.00	0
29r01	Installation of additional valves throughout campus in order to create isolation zones for future water shutdowns and the replacement of existing fire hydrants that are non compliant.	\$40,306.00	0
30	Credit for the removal of all chain link fence from project contract.	(\$18,000.00)	0
<b>TOTAL</b>		<b>\$109,761.00</b>	<b>0</b>

Contract Amount	\$ 4,375,000.00
Net Change By Previously Authorized Change Orders	\$ 327,513.00
Revised Contract Amount Prior to this Change Order	\$ 4,702,513.00
Change Order #06	\$ 109,761.00
<b>New Contract Amount Including this Change Order</b>	<b>\$ 4,812,274.00</b>

Contract Start Date	April 14, 2014
Contract Substantial Completion Date	December 30, 2014
New Contract Substantial Completion Date (By Previously Authorized Change Orders)	June 26, 2015
<b>New Contract Substantial Completion Date (Including this Change Order)</b>	<b>June 26, 2015</b>

August 11, 2015

**Gavilan Joint Community College District  
Governing Board Agenda**

August 11, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. III.2 (a)

Administrative Services

**SUBJECT:** Consider and Accept Bids for the San Martin Modular Relocatable Restroom Project

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees consider and accept the bid from American Modular Systems, Inc. for the San Martin Modular Relocatable Restroom Project.

**Background**

The bid for this project closed on July 29, 2014. A total of one (1) contractor participated in the bidding process. The apparent lowest responsible and responsive bidder has been identified as American Modular Systems, Inc. in the amount of \$128,620.

The total cost estimate for this project is \$3,340,000, and \$3,000,000 has been budgeted from Measure E.

Attached is a letter providing a bid analysis from Gilbane, the construction managers, dated August 3, 2015. The letter includes a bid tabulation form.

**Budgetary Implications:**

The efficient use of Measure E Funds.

**Follow Up/Outcome:**

Upon Board approval, issue a Notice-to-Proceed.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

APPROVED BY THE BOARD OF TRUSTEES  
DATE 8/11/15  
NBailey



August 3, 2015

Mr. Frederick E. Harris  
Vice President of Administrative Services  
Gavilan Joint Community College District  
5055 Santa Teresa Boulevard  
Gilroy, CA 95020

Re: Bid Analysis  
San Martin Modular Relocatable  
Restroom Project  
Gavilan Community College

Dear Frederick:

We are pleased to provide our analysis of the bid results for the above referenced project.

Gilbane reviewed the apparent low bidder's, American Modular Systems, Inc., bid and determined that they submitted a responsive bid and appear to be a responsible bidder. American Modular Systems, Inc. confirmed their base bid amount of \$128,620 and stated they would honor it.

Please refer to our analysis and findings below for more detail.

**Bid Analysis**

The following items were considered in our bid analysis:

1. Comparative Pricing
2. Bond Review
3. Company History & Experience
4. Bid Form Review
5. Reference Check
6. Contractor License Check

**1. Comparative Pricing (See attached Bid Tabulation Form)**

A. Estimate	\$115,000
B. Low Responsive Bid	\$128,620
C. Average Bid	\$ -
D. High Bid	\$ -
E. Number of Contractors Contacted	9
F. Number of Plan Holders	9
G. Number of Potential Bidders	9

1798 Technology Drive • San Jose, CA 95110  
Fax (408) 660-4402 • Phone (408) 660-4416

8/11/15  
NBailey

H. Number of Bidders 1

Due to the small scale of this project many contractors were reluctant to provide bids for this project.

2. Bond Review

A. Contractor's License Bond  
All California contractors are required to file a bond with the State in the amount of \$12,500. The bond number is SC6001797 and the effective date is 03/02/2009 with American Contractors Indemnity Company. Their address is 601 S. Figueroa St Suite 1600, Los Angeles, California, 90017-5721

3. Company History & Experience

American Modular Systems, Inc. has indicated they have been in the construction business for 32 years. American Modular Systems, Inc. is familiar with the Division of State Architect (DSA).

4. Bid Form Review

A. Pricing form	No Exception Taken
B. Addenda Acknowledgement	No Exception Taken
C. Contractor's License Information	No Exception Taken
D. Subcontractor's List	No Exception Taken

5. Reference Check

A. Dr. Clark E. Parker the founder of Today's Fresh Start in Inglewood California stated American Modular Systems, Inc. has performed a couple of projects successfully for them. These projects varied in size. Dr. Parker mentioned that they were cooperative and team oriented and had minimal problems with budget or schedule. Dr. Parker said American Modular Systems, Inc. work quality was great. Dr. Parker said he recommends American Modular Systems, Inc. for the San Martin Modular Relocatable Restroom.

B. Tim Forrester from Antioch Unified School District has worked on multiple projects with American Modular Systems, Inc. Tim highly recommends American Modular Systems, Inc. Tim is currently working with American Modular Systems, Inc. on other projects for Antioch Unified School District. Tim stated he was very satisfied with American Modular Systems, Inc. work. American Modular Systems, Inc. kept to the schedule and there quality of work was to their expectation. Tim stated they will definitely use American Modular Systems, Inc. again.

APPROVED BY THE BOARD OF DIRECTORS

DATE 8/11/15

N. Bailey

6. **Contractor License Check**
- |    |                          |  |
|----|--------------------------|--|
| A. | License Number:          | 661154   |
| B. | License Status:          | Current and Active                               |
| C. | License Issued to:       | American Modular<br>Systems, Inc.<br>Corporation |
| D. | Expiration Date:         | 12/31/16   |
| E. | County of Incorporation: | San Joaquin                                      |
| F. | Claims Against License:  | No citations or cases on record                  |
| G. | Type of License(s):      | B – General Building                             |

If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

*Edgar S. Esquivel*

Edgar S. Esquivel  
Project Engineer

Enclosures: Bid Tabulation Form

cc: Dean Aron Tatsuno , IBI Group  
Casey Michaelis , Gilbane Building Company

8/11/15  
N. Bandy



GAVILAN COLLEGE

**PRELIMINARY RESULTS:**

Bid Recording Sheet		Project: Gavilan Community College		
ITEM:Gavilan Community College San Martin Airport Modular Restroom Building				
<b>Bid Amount</b>	American Modular Systems			
Bid Proposal	X			
Subcontractors List	X			
Statement of Qualifications	X			
Contractor License	X			
Addendum Acknowledgement	X			
<b>Bid Total</b>	\$128,620.00			

Notes:

SEE STILLS  
NBaily

**Gavilan Joint Community College District  
Governing Board Agenda**

August 11, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. III.2 (b)

Administrative Services

**SUBJECT:** Consider and Accept Bids for the Coyote Valley Ed Center Modular Buildings,  
Covered Walkways & Canopies Project

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees consider and accept the bid from Meehleis Modular Buildings, Inc. for the Coyote Valley Ed Center Modular Buildings, Covered Walkways & Canopies Project.

**Background**

Phase 1 for this project includes five modular buildings on 55 acres at 560 Bailey Road in Coyote Valley. An Environmental Impact Report was completed in 2008, and the Participating Special Entity Application for inclusion into the Habitat Conservation Plan was approved by the Santa Clara Valley Habitat Agency in May 2015.

The total cost estimate for this project is \$20,966,000, and \$12,500,000 has been budgeted from Measure E, which does not include any furniture and equipment allowance.

The bid for this project closed on July 29, 2014. A total of three (3) contractors participated in the bidding process. The apparent lowest responsible and responsive bidder has been identified as Meehleis Modular Buildings, Inc. in the amount of \$6,481,454.

Attached is a letter providing a bid analysis from Gilbane, the construction managers, dated August 3, 2015. The letter includes a bid tabulation form.

**Budgetary Implications:**

The efficient use of Measure E Funds.

**Follow Up/Outcome:**

Upon Board approval, issue a Notice-to-Proceed.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

APPROVED BY: \_\_\_\_\_  
DATE: 8/11/15  
NBailey





August 3, 2015

Mr. Frederick E. Harris  
Vice President of Administrative Services  
Gavilan Joint Community College District  
5055 Santa Teresa Boulevard  
Gilroy, CA 95020

**Re: Bid Analysis**  
**Coyote Valley Ed Center Modular Buildings,**  
**Covered Walkways & Canopies**  
**Gavilan Community College**

Dear Frederick:

We are pleased to provide our analysis of the bid results for the above referenced project.

Gilbane reviewed the apparent low bidder's, Meehleis Modular Buildings, Inc., bid and determined that they submitted a responsive bid and appear to be a responsible bidder. Meehleis Modular Buildings, Inc. confirmed their base bid amount of \$6,481,454 and stated they would honor it.

Please refer to our analysis and findings below for more detail.

**Bid Analysis**

The following items were considered in our bid analysis:

1. Comparative Pricing
2. Bond Review
3. Company History & Experience
4. Bid Form Review
5. Reference Check
6. Contractor License Check

**1. Comparative Pricing (See attached Bid Tabulation Form)**

A. Estimate	\$7,419,600
B. Low Responsive Bid	\$6,481,454
C. Average Bid	\$7,303,735
D. High Bid	\$8,683,352
E. Number of Contractors Contacted	9
F. Number of Plan Holders	9
G. Number of Potential Bidders	9

1798 Technology Drive • San Jose, CA 95110  
Fax (408) 660-4402 • Phone (408) 660-4416

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DATE 8/11/15  
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- H. Number of Bidders 3
2. **Bond Review**
- A. Contractor's Bid Bond  
Meehleis Modular Buildings, Inc. has provided a Bid Bond in the required amount of 10% of their bid amount. The surety is Western Surety Company. Their address is 8880 Cal Center Drive #140, Sacramento, CA 95826. The contact number is (916) 857-2414.
- B. Contractor's License Bond  
All California contractors are required to file a bond with the State in the amount of \$12,500. The bond number is 158657484 and the effective date is 01/01/2007 with Continental Casualty Company. Their address is P.O. Box 5077, Sioux Falls, South Dakota, 57117-5077.
3. **Company History & Experience**  
Meehleis Modular Buildings, Inc. has indicated they have been in the construction business since 1981. Meehleis Modular Buildings, Inc. is familiar with the Division of State Architect (DSA).
4. **Bid Form Review**
- |                                     |                    |
|-------------------------------------|--------------------|
| A. Contractor's Proposal Form       | No Exception Taken |
| B. Bid Pricing                      | No Exception Taken |
| C. Addenda Acknowledgement          | No Exception Taken |
| D. Contractor's License Information | No Exception Taken |
| E. Subcontractor's List             | No Exception Taken |
| F. Non-Collusion Affidavit          | No Exception Taken |
| G. Bid Security                     | No Exception Taken |
| H. DIR Registration                 | No Exception Taken |
5. **Reference Check**
- A. Kurt Zumwalt from Zumwalt Construction worked with Meehleis Modular Buildings, Inc. on Mendota Elementary School. This project consisted of new modular classroom buildings and canopies. Kurt mentioned that they were cooperative and team oriented and had minimal problems with budget or schedule. Kurt said Meehleis Modular Building, Inc. work quality was excellent. Kurt said he recommends Meehleis Modular Buildings, Inc. for the Coyote Valley Ed Center Modular Building, Covered Walkways & Canopies project.
- B. Jeff Hanna from HMC Architects worked with Meehleis Modular Buildings, Inc. at Cupertino School District. HMC Architects recommends Meehleis Modular Buildings, Inc. quality of work. HMC Architects stated

APPROVED BY THE BOARD OF TRUSTEES  
DATE 8/11/15  
nBailey

they were very satisfied with Meehleis Modular Buildings, Inc. work ethics and had a positive experience working with Meehleis Modular.

6. Contractor License Check

A.	License Number:	473488
B.	License Status:	Current and Active
C.	License Issued to:	Meehleis Modular Buildings , Inc. Corporation
D.	Expiration Date:	5/31/17
E.	County of Incorporation:	San Joaquin
F.	Claims Against License:	No citations or cases on record
G.	Type of License(s):	B – General Building

If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

*Edgar S. Esquivel*

Edgar S. Esquivel  
Project Engineer

Enclosures: Bid Tabulation Form

cc: Dean Aron Tatsuno , IBI Group  
Casey Michaelis , Gilbane Building Company

APPROVED BY THE BOARD OF TRUSTEES  
DATE 8/11/15  
MBailey



PRELIMINARY RESULTS:

Bid Recording Sheet		Project: Gavilan Community College		
ITEM: Gavilan Community College Coyote Valley Ed Center Modular Building				
Bid Amount	American Modular Systems	Jeff Luchetti Construction	Meehleis Modular Building	
Bid Proposal	X	X	X	
Bid Security	X	X	X	
Subcontractors List		X	X	
Statement of Qualifications	X	X	X	
Non Collusion Affidavit		X	X	
DIR Registration		X	X	
Contractor License	X	X	X	
Addendum Acknowledgement	X	X	X	
<b>Bid Total</b>	\$6,746,400.00	\$8,683,352.00	\$6,481,454.00	

Notes:

APPROVED BY THE BOARD OF TRUSTEES  
 DATE 8/11/15  
 n. Bailey

Gavilan Joint Community College District  
Governing Board Agenda

August 11, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. III.2 (c)

Administrative Services

**SUBJECT:** Approve the Rodriguez Real Estate Services, LLC Agreement for Consultant Services related to Campus and Off-Site Land Development Projects

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

That the Board of Trustees approve Rodriguez Real Estate Services, LLC Agreement for Consultant Services related to campus and off-site land development projects.

**Background:**

On April 10, 2012, the Board ratified an Agreement for Consulting Services with Rodriguez Real Estate Services LLC for that fiscal year. On July 10, 2012 a 1<sup>st</sup> amendment to the agreement extended the term until June 30, 2013. On September 10, 2013 a 2<sup>nd</sup> Amendment and on May 13, 2014 a 3<sup>rd</sup> Amendment to the Agreement was approved.

A new 5 year agreement is proposed with the following items noted:

- Continue basic services to provide real estate consulting services for the two proposed educational centers, the Gilroy campus, and any other potential site or project.
- An agreement term from July 1, 2015 to June 30, 2020
- Consulting service fees not to exceed \$60,000 per year

**Budgetary Implications:**

The efficient use of State Capital Outlay and Measure E Bond Program Funds.

**Follow Up/Outcome:**

Process the agreement.

Recommended By: Frederick E. Harris, Vice President of Administrative Services

Prepared By: Frederick E. Harris  
Frederick E. Harris, Vice President of Administrative Services

Agenda Approval: Steven M. Kinsella  
Dr. Steven M. Kinsella, Superintendent/ President

APPROVED BY THE BOARD OF TRUSTEES  
DATE 8/11/15  
nbaily

## **DISCUSSION**

**Gavilan Joint Community College District  
Citizens' Oversight Committee Agenda**

August 24, 2015

Office of the President

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No. VI.1.  
Old Business Agenda Item No.  
New Business Agenda Item No.

**SUBJECT:** Update Measure E Activities

- Resolution:  
 Information Only  
 Action Item  
 Discussion Item

**Proposal:**

That the Citizens' Oversight Committee receive an update of Measure E activities.

**Background:**

**Budgetary Implications:**

**Follow Up/Outcome:**

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By:

*Frederick E. Harris*

Frederick E. Harris, Vice President of Administrative Services

Agenda Approval:

*Steven M. Kinsella*

Dr. Steven M. Kinsella, Superintendent/President

Measure E Report as of August 5, 2015

Program	Budget	YTD Expenses as of		Available Balance as of
		August 5, 2015	Encumbrances	
<b>PROJECTS IN PROGRESS</b>				
660060 - Program Contingency	\$ 25,000	\$ 5,045	\$ 19,955	\$ -
660360 - Planning - District	\$ 155,319	\$ 128,752	\$ 23,813	\$ 2,754
660560 - Planning - Main Campus	\$ 4,582,646	\$ 4,582,646		\$ 0
662060/662160 - Coyote Valley Prop (Property/Develop)	\$ 21,238,072	\$ 21,280,536		\$ (42,464)
662260 - Coyote Valley Ed Center	\$ 12,532,487	\$ 964,845	\$ 421,602	\$ 11,146,040
663060/663160 - San Benito Prop (Property/Develop)	\$ 9,838,755	\$ 9,244,764	\$ 26,787	\$ 567,204
663260 - Hollister Ed Center	\$ 9,625	\$ 9,625		\$ -
664060 - Land Residual	\$ -	\$ -		\$ -
665060 - Local Funds Off-Site Development	\$ 69,998	\$ 69,998		\$ -
670560 - Physical Education Building	\$ 6,539,164	\$ 33,920	\$ 23,400	\$ 6,481,844
671460 - South County Airport Development	\$ 3,000,000	\$ 401,654	\$ 108,654	\$ 2,489,692
671560 - GECA Relocation Parking Lot C	\$ 1,500,000	\$ 1,223,422	\$ 36,991	\$ 239,587
671660 - Furniture and Equipment Upgrade	\$ 175,000	\$ 189,280		\$ (14,280)
672360 - Scheduled Maintenance (Match for FY 13/14)	\$ 109,000	\$ 60,063	\$ 85,908	\$ (36,971)
672560 - Scheduled Maintenance (Match for FY 14/15)	\$ -			\$ -
672460 - Instructional Equipment (Match for FY 13/14)	\$ 768,591	\$ 710,195	\$ 76,125	\$ (17,729)
672660 - Instructional Equipment (Match for FY 14/15)	\$ 8,409	\$ -		\$ 8,409
673060 - Multi-Purpose Building Upgrades	\$ 45,000	\$ 24,486	\$ 11,714	\$ 8,800
673160 - CDC Reconfiguration & Upgrade	\$ 500,000	\$ 94,753	\$ 30,301	\$ 374,946
673260 - General Building Upgrades	\$ 25,000	\$ 20,348	\$ 5,905	\$ (1,253)
680560 - Water Replacement Project	\$ 300,000	\$ 293,626	\$ 47,663	\$ (41,289)
680660 - Technology, Phase 2	\$ 900,000	\$ 329,476	\$ 228,590	\$ 341,934
680760 - Computer Replacement, Phase 2	\$ 250,000	\$ 73,647	\$ 50,266	\$ 126,087
<b>Total Projects In Progress</b>	<b>\$ 62,572,066</b>	<b>\$ 39,741,081</b>	<b>\$ 1,197,672</b>	<b>\$ 21,633,313</b>

**INACTIVE PROJECTS**

670760 - Student Center/Administration				
670960 - Library/Media				
671360-1 Demo CJ500, Old Acad. PB Rebuild			\$ 75,000	\$ (75,000)
<b>Total Inactive Projects</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ (75,000)</b>

**CLOSED PROJECTS**

- Debt Payment	\$ 3,625,796	\$ 3,625,796		\$ -
670060/671460 - Campus Infrastructure/Tech	\$ 8,036,484	\$ 8,036,484		\$ -
670160 - Tennis Court Renovations	\$ 111,859	\$ 111,859		\$ -
670260 - Interim Housing/Swing Space	\$ 4,416,466	\$ 4,416,466		\$ -
670260-1 - HVAC Control Replacement	\$ 446,255	\$ 446,255		\$ -
670360 - Math, Physical Science, Life Science	\$ 6,081,010	\$ 6,081,010		\$ -
670360-1 - Electrical Service Loop	\$ 162,295	\$ 162,295		\$ -
670460 - Occupational ED (OE)	\$ 4,706,937	\$ 4,706,937		\$ -
670660 - Humanities/Art/Music Hall	\$ 4,398,348	\$ 4,398,348		\$ -
670860 - Cosmetology/Business	\$ 3,903,843	\$ 3,903,843		\$ -
671060 - Social Sciences	\$ 3,918,035	\$ 3,918,035		\$ -
671160 - Security/Maintenance Building	\$ 1,432,750	\$ 1,432,750		\$ -
671260 - Cafeteria Renovations & HVAC	\$ 217,419	\$ 217,419		\$ -
671260 - Student Center Beam Replacement	\$ 185,481	\$ 185,481		\$ -
671360 - Parking Lot/Campus Lighting	\$ 4,437,518	\$ 4,437,518		\$ -
680160 - Technology / ERP System	\$ 3,511,130	\$ 3,511,130		\$ -
680360 - Computer / Phone System	\$ 1,111,376	\$ 1,111,376		\$ -
680460 - Existing Well Replacement	\$ 70,947	\$ 70,947		\$ -
<b>Total Closed Projects</b>	<b>\$ 50,773,949</b>	<b>\$ 50,773,949</b>	<b>\$ -</b>	<b>\$ -</b>



## Project Updates

August 11, 2015

1. Coyote Valley Educational Center Project
  - a. Coyote Valley Project Costs
    - \$21,866,000 project cost estimate
    - \$12,500,000 Measure E budgeted
    - Does not include any furniture and equipment allowance
  - b. Increment I - Site Work & Underground Utilities
    - Free dirt deliveries still being arranged
    - DSA back check appointment set for August 20, 2015
    - Bidding month of September 2015
    - Proposed Construction Start October 19, 2015
    - Proposed Completion April, 1 2016
  - c. Increment II - Buildings & Canopies
    - Modular buildings bid complete
    - Architect to submit plans to DSA for review the month of November
    - Expected DSA approval March 2016
    - Construction Start April 2016
    - Proposed Occupancy November 2016
  - d. IBM Bailey Road Alternative Site
    - \$10,000 contribution from the Open Space Authority has been received
    - Design team in place to create a conceptual project plan to take to DSA
    - Still waiting to receive Seismic Analysis and Building Plans from IBM
2. Fire Alarm Replacement Project - Library, Student Center, and Theater
  - Bids are due on August 20, 2015
  - Proposal goes to Board on September 8, 2015
  - Construction Start September 14, 2015
  - Proposed Completion December 31, 2015
  - \$868,000 project cost estimate
    - \$759,000 state scheduled maintenance funds received
    - \$109,000 Measure E matching funds budgeted
3. San Martin Aviation Program
  - Modular buildings bid complete
  - Architect to schedule back check appointment in September
  - Bids are due on October 27, 2015 (Dependent on DSA approval)
  - Proposal goes to Board on November 10, 2015
  - Construction Start November 16, 2015



- Includes moving Portable Buildings 1-3 from main campus to site end of December 2015
  - Proposed Occupancy May 17, 2016
  - \$3,340,000 project cost estimate
    - \$3,000,000 Measure E funds budgeted
4. Child Development Center Interior Renovations
- Bids are due on August 25, 2015
  - Proposal goes to Board on September 8, 2015
  - Construction Start September 14, 2015
  - Proposed Occupancy December 11, 2015 (linked with move of Portable Buildings 1-3)
  - \$445,838 project cost estimate
    - \$500,000 in Measure E funds budgeted
5. Water Tank Distribution Project
- Tank #2 Leak has been repaired
  - New well construction completed; electrical work is being done.
  - Asphalt scheduled to be installed at tanks in August
  - Project complete by August 31, 2015
  - \$6,645,419 estimated final project cost
    - \$5,779,262 state bond funds
    - \$502,000 state augmentation in 2015
    - \$364,157 Measure E funds expended (\$300,000 budgeted)
6. STEM Riparian Habitat Classroom Project
- DSA Review and Approval of Design Documents 8/31/2015
  - Project Bidding 10/1/2015
  - Project Construction 12/31/2105
  - Project Close-Out 3/1/2016
  - Funded from Title V grant
7. Student Center Seismic Upgrade
- Conceptual design started
  - DSA Submittal: 10/15/2015; Bids Due: 4/1/2016; Anticipated Construction: 6/15/2016 – 9/30/2016
8. CJ500 and Old Police Academy Demolition
- Obtaining cost estimates

9. Gymnasium and Sports Fields Projects







- \$6,500,000 Measure E budgeted; \$6,727,368 Measure E conceptual project cost estimate
  
- Football Field & Track Renovations
  - Replacement of the stadium turf with artificial turf
  - Replacement of the cinder track with asphalt track surface
  - Geotechnical Report & Survey completed
  - Commence design 8/15/2015; DSA Submittal: 1/1/2016; Bids Due: 5/15/2016; Anticipated Construction: 5/15/2016 – 11/30/2016
  - \$3,502,862 project cost estimate from Measure E
  
- Baseball & Softball Renovation
  - Replacement and reconfiguration of the baseball dugouts, backstops and fencing
  - Replacement of the restroom/storage building with a modular building
  - Addition of accessible ramps and walkways
  - \$2,202,296 project cost estimate from Measure E
  
- Sand Volleyball Court (softball field location)
  - \$357,468 project cost estimate from Measure E
  
- Gymnasium/Locker Room Roofing Replacement
  - Bid documents to be completed 11/1/2015
  - Anticipated Construction: 6/15/2016 – 8/14/2016
  - \$664,742 project cost estimate from Measure E
  
- Gymnasium Fire Alarm Replacement
  - DSA Submittal: 11/1/2015; Bids Due: 3/15/2016; Anticipated Construction: 6/15/2016 – 9/14/2016
  - \$325,000 project cost estimate from 2015-16 Scheduled Maintenance funds
  
- Additive Alternate Bid Items (Only IF savings are realized in the other Measure E funded athletic fields/gymnasium projects; should be bid same time as athletic fields, but can't award until we have all the costs to see if any bid savings can fund this work, now estimated at \$1,221,200)
  - Replacement of Gymnasium Bleachers & Floors
    - DSA Submittal: 11/1/2015; Bids Due: 5/15/2016; Anticipated Construction: 6/15/2016 – 8/31/2016
    - Should be bid same time as athletic fields
    - Proposed from Measure E funds,
    - \$929,000 project cost estimate
  
  - Replacement of softball backstop & dugout fencing
    - \$292,200 project cost estimate

**GAVILAN COLLEGE  
PROJECT SCHEDULE**

8.4.15

2015						2016												2017					
Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
						FIRE ALARM REPLACEMENT PROJECT																	
						CHILD DEVELOPMENT CENTER INTERIOR RENOVATIONS																	
Modular						AVIATION PROGRAM AT SAN MARTIN AIRPORT																	
COYOTE VALLEY - DIRT DELIVERY & PLACEMENT																							
						COYOTE VALLEY INCREMENT I - SITE WORK & UNDERGROUND UTILITIES																	
Modulars						COYOTE VALLEY INCREMENT II - BUILDINGS & CANOPIES																	

**LEGEND**

-  PROGRAMMING PHASE
-  DESIGN PHASE
-  CODE PLAN CHECK
-  BIDDING PHASE
-  CONSTRUCTION
-  CLOSEOUT



Gavilan JCCD Coyote Valley Educational Center

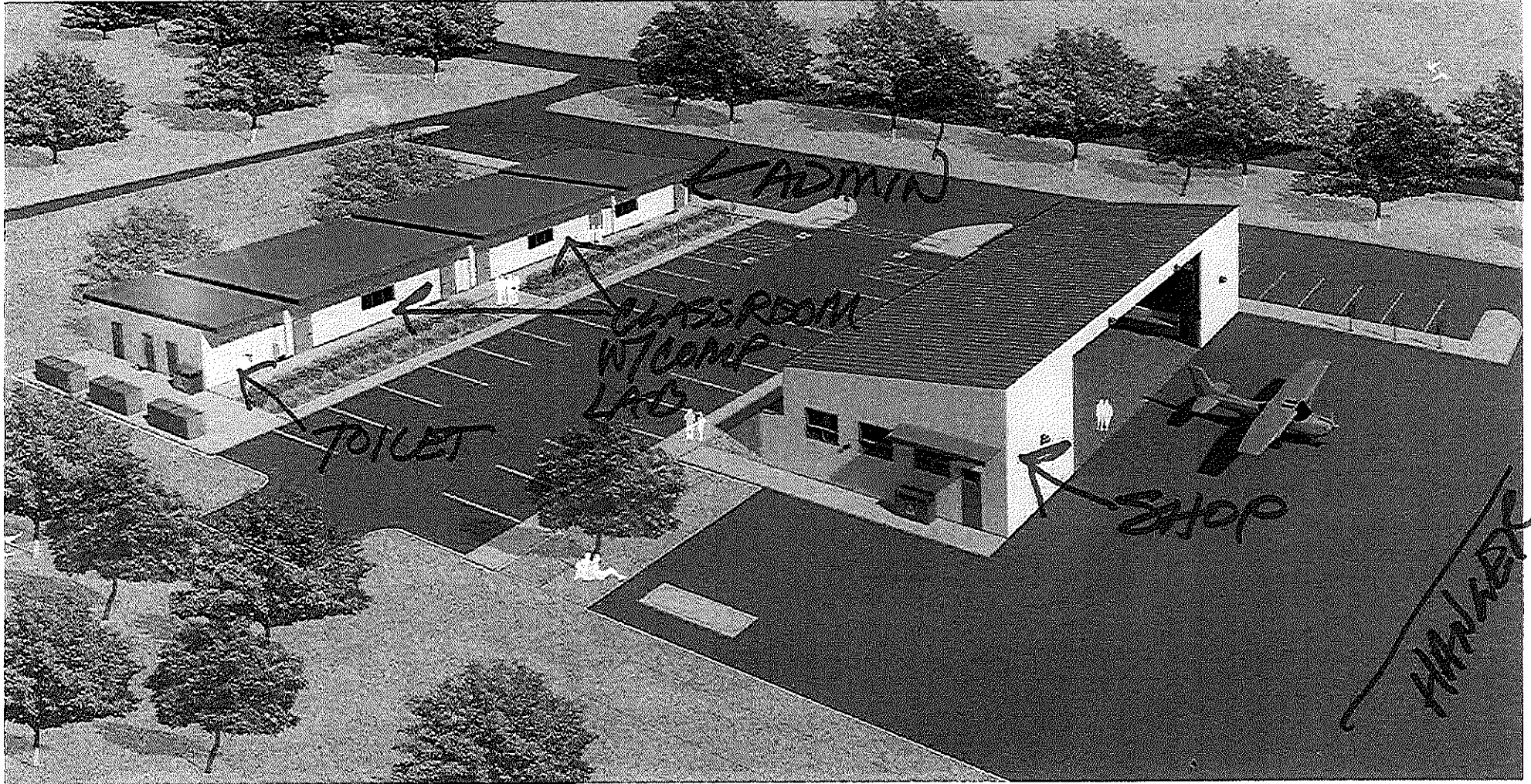


Gavilan JCCD Coyote Valley Educational Center



Gavilan JCCD Coyote Valley Educational Center

07/29/2015



**Gavilan Aviation Program at South County Airport**  
Gavilan Community College District



## **ACTION ITEMS**

**Gavilan Joint Community College District  
Citizens' Oversight Committee Agenda**

August 24, 2015

Consent Agenda Item No.  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No. VII.1.

Office of the President

**SUBJECT:** Set Next Meeting Date(s)

- Resolution:  
 Information Only  
 Action Item

**Proposal:**

That the Citizens' Oversight Committee set the next meeting date.

**Background:**

**Budgetary Implications:**

**Follow Up/Outcome:**

Recommended By: Dr. Steven M. Kinsella, Superintendent/President

Prepared By:   
Dr. Steven M. Kinsella, Superintendent/President

Agenda Approval:   
Dr. Steven M. Kinsella, Superintendent/President