

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
September 15, 2014 – 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 – June 23, 2014

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

July 8, 2014

- Hearing to Consider Approval of Necessity Authorizing Acquisition by Eminent Domain of Certain Easement Interests for the Gilroy Campus Modernization Project and Authorizing and Directing Legal Counsel to Institute Condemnation Proceedings (APN-810-34-006)
- Consideration and Possible Approval of the Second Addendum to the Mitigated Negative Declaration Adopted by the Board on November 13, 2012, for the Gilroy Campus Modernization Project
- Consideration and Potential Approval of Resolution #976 Determining that the Public Interest and Necessity Require Acquisition of Easements for Public Purposed and Authorizing Proceedings Under Education Code Section 70902(b)(13) and Title 7 of Part 3 of the Code of civil Procedures, Including, but not Limited to Sections 1240.120, 1240.125, and 1245.220 for a Portion of the Property Described as 1065 Castro Valley Road, Gilroy, California, Assessor's Parcel number 810-34-006, for the Gilroy Modernization Project (APN 810-34-006)
- BFGC-IBI Group Architecture and Planning Project assignment Amendment (PAA) for Coyote Valley, The Academy Campus
- Capital Order Project Change Order



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

Kent Child
Tony Ruiz

Mark Dover
Walt Glines

Jonathan Brusco

August 12, 2014

- BFGC-IBI Group Architecture and Planning Project Assignment Amendment (PAA) for 2014 Prop 39 Energy Retrofit

September 9, 2014

- Measure E Bond program Budget Alignment
- Citizens' Oversight Committee Appointments
- Capital Project Change Order
- Notice of Completion for Parking Lot C Extension Project

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 Angie Oropeza 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>

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

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

September 15, 2014

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 – June 23, 2014

Resolution:

Information Only

Action Item

Proposal:

That the Citizens' Oversight Committee approve minutes from the Citizens' Oversight Committee Meeting of June 23, 2014.

Background:

See attached.

Budgetary Implications:

None.

Follow Up/Outcome:

No further action required.

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

Prepared By: Angie Oropeza, Executive Assistant to the Superintendent/President

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

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
Citizens' Oversight Committee Meeting
June 23, 2014 – 6:00 p.m.
Gavilan College
5055 Santa Teresa Boulevard, Gilroy, CA 95020
Student Center, North/South Lounges

MINUTES

I. CALL TO ORDER

The meeting was called to order at 6:02 p.m. by Tim Day.

1. Roll Call

Committee Members Present: Suzanne Bulle, Cindy Dalla, Tim Day, Sandy Habr,
Gene Sakahara, Ryan Shook

Committee Members Absent: Jack Bachofer

Dr. Steven M. Kinsella, Superintendent/President
Fred Harris, Vice President of Administrative Services
Angie Oropeza, Recorder

II. APPROVAL OF AGENDA

The agenda was approved by consensus.

III. CONSENT AGENDA

1. Minutes – February 24, 2014
MSC (S.Bulle/S.Habr) 6 ayes, 0 nays to approve

IV. COMMENTS FROM THE PUBLIC

None

V. INFORMATION ITEM(S)

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

March 11, 2014

- Hearing to Consider Approval of Necessity Authorizing Acquisition by Eminent Domain to Certain Easement Interests for the Gilroy Campus Modernization Project and Authorizing and Directing Legal Counsel to Institute Condemnation Proceedings (APN-808-23-004)
- Consider and Approve the Addendum to the Mitigated Negative Declaration Adopted by the Board in November 13, 2012, for the Gilroy Campus Modernization Project
- Consider and Approve Resolution #968 Determining that the Public Interest and Necessity Require Acquisition of Real Property for Public Purposes and Authorizing Proceedings in Eminent Domain for the Gilroy Modernization Project (APN 808-23-004)
- Consider and Approve Resolution #969 to Accept Bid for Replacement of Water Supply System Project

April 8, 2014

- Consider and Accept Bid for the Parking lot C Expansion Project

May 13, 2014

- Measure E Bond Quarterly Financial Status Report at March 31, 2014
- Rodriguez Real Estate Services, LLC 3rd Amendment for Consulting Services Related to Campus and Off-Site Land Development Projects
- BFGC-IBI Group Architecture and Planning Project Assignment Amendments (PAAs)
- Project Inspector Service Agreements with DFH Inspections, Inc.
- Geotechnical Service Agreements with Cleary Consultants, inc.
- Laboratory of Record Service Agreements with HP Inspections, Inc.

June 10, 2014

- Five Year Capital Construction Plan and Initial Project Proposals, Resolution No. 974
- Subordination Request Relating to Refunding Bonds Issued by the Successor Agency to the Redevelopment Agency of the City of Hollister for the Hollister Community Development Project
- BFGC-IBI Group Architecture and Planning Project Assignments Amendments (PAAs) Additional Services No. 1

VI. DISCUSSION ITEM(S)

1. Update Measure E Activities

Dr. Steve Kinsella introduced incoming Vice President of Administrative Services, Fred Harris. He comes to Gavilan from the State Chancellor's Office. Dr. Kinsella reviewed the Measure E items presented to the Board of Trustees and answered questions as follows:

- Pertaining to eminent domain: the college needed an easement for the well project, we will have another easement for the second tank and to replace the lines.
- Pertaining to the item related to redevelopment agency in the City of Hollister: They had a refinancing opportunity that the college subordinated to save funds.
- When a bidder has negative reference checks, they are not considered a qualified bidder. Pre-screening is done before a bid is submitted.
- The financial summary lists the projects, budget, expense, and remaining balance. Open projects include the airport, the two off-site properties, and the physical education building. The college has some funds available in instructional equipment.
- The matching funds we are holding are for the physical education building. If the State Bond is approved in November, that will be the matching money. The other funds we have are for off site development at the Coyote Valley property as soon as we get approval for the habitat conservation plan.
- The acronyms in the Five-Year Construction Plan Projects List indicate the phases we expect funding from the state such as C = construction, E = equipment, etc.

VII. ACTION ITEM(s)

1. Set Next Meeting Date(s)

The committee agreed by consensus to schedule the next meeting on September 15, 2014, 6:00 p.m.

VIII. CLOSING ITEMS

1. Adjournment

MSC (G.Sakahara/R.Shook) 6 ayes 0 nays to approve at 6:16 p.m.

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

September 15, 2014

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: 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

JULY 8, 2014

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

July 8, 2014

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

Administrative Services

1. (a)

SUBJECT: Hearing to Consider Approval of Necessity Authorizing Acquisition by Eminent Domain of Certain Easement Interests for the Gilroy Campus Modernization Project and Authorizing and Directing Legal Counsel to Institute Condemnation Proceedings (APN-810-34-006)

- Resolution: BE IT RESOLVED,
 Information Only
 Action Item

Proposal:

That the Board of Trustees conduct a public hearing to consider approval of necessity authorizing acquisition by eminent domain to certain easement interests for the Gilroy Campus Modernization Project and authorizing and directing legal counsel to institute condemnation proceedings (APN-810-34-006).

Background:

On November 13, 2012, the Board approved the Gavilan College Gilroy Campus Modernization Project, which includes a water tank replacement project necessary to protect the safety of the College's students, staff, and faculty. Specifically, the College desires to add more water tank storage to reduce the refill rate of its tanks, which will result in the College replacing a 1,000,000 gallon tank with two 669,000 gallon tanks. The existing water tank is damaged and no longer meets refresh rate standards set by the National Fire Protection Agency, putting the College out of compliance with the fire code and potentially jeopardizing the safety of students and faculty on campus. The existing water main connecting the water tank site to the College's Gilroy campus ("Existing Main") is a 12-inch asbestos cement pipe that is approximately 60 years old, and is inadequately sized to support the new water tanks. Thus, the College is required to construct and install a new water main ("New Main"). Also, the College is required by law to maintain its fire suppression system at all times, such that the College must continue using the Existing Main while it constructs and installs the New Main. As a result, the College cannot install the New Main within the easement area for the Existing Main, and must acquire additional easements rights to construct, install, and access the New Main.

Although the College has access rights to the Water Tank Property and Existing Main, the College desires to perfect its rights to use the existing access road on the Westbrook Property, including additional width to accommodate vehicular travel for construction purposes and future improvements to the road.

On July 8, 2014, in connection with the Project, the Board will be asked to adopt Resolution #976 ("Resolution of Necessity"), which would authorize acquisition by eminent domain of easements interests ("Easements") encumbering a portion of the real property identified as 1065 Castro Valley

DATE 7/8/14
A. Oruppa

Road, Gilroy, California, Assessor's Parcel Number 810-34-006 ("Property"). The Easements are needed to serve the water tank replacement project as part of the Project.

On June 23, 2014, the College provided written notice by U.S. mail and email to the record owners of the Property. The notice advised the owners that on Tuesday, July 8, 2014, at 7:00 p.m. or as soon thereafter as the matter may be heard, at 5055 Santa Teresa Boulevard, Gilroy, California 95020, in the Social Science building, Room 206, the Board of Trustees will consider a proposed Resolution of Necessity authorizing acquisition of the Easements by eminent domain. The notice further advised the owners that they have the right to appear before the Board of Trustees and be heard on the matters referred to in California Code of Civil Procedure section 1240.030, listed above. The College has offered to purchase the easements in compliance with statutory requirements.

In advance of adopting the Resolution of Necessity, the Board is requested to hold a public hearing to receive input on the following matters:

1. Whether the public interest and necessity require the Project;
2. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the real property sought to be acquired is necessary for the Project; and
4. Whether the College made an offer to the owner of record, to purchase the Easements pursuant to Government Code section 7267.2.

The Board is requested to provide any and all owners of the Property the opportunity to appear and be heard on the matters listed above. The hearing is not intended to address the valuation of the Easements. Failure by the Property owner(s) to appear or to participate in the hearing has no bearing on whether the owners agree with the purchase offer previously made by the College to the owners. No action is proposed as part of this hearing.

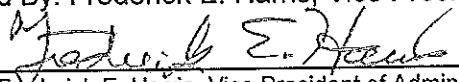
Budgetary Implications

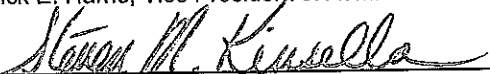
The water replacement system project is funded by the State of California.

Follow Up/Outcome:

Following the hearing, the Board will be asked as a separate item to consider adopting Resolution #976, a Resolution of Necessity.

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

July 8, 2014

Administrative Services

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

SUBJECT: Consideration and possible approval of the Second Addendum to the Mitigated Negative Declaration adopted by the Board on November 13, 2012, for the Gilroy Campus Modernization Project

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees consider and approve the Second Addendum to the Mitigated Negative Declaration adopted by the Board on November 13, 2012, for the Gilroy Campus Modernization Project.

Background:

On November 13, 2012, the Board of Trustees adopted the Initial Study (IS) and Mitigated Negative Declaration (MND) for the Gilroy Campus Modernization Project. The Project was approved by the Board on November 13, 2012 and a Notice of Determination was filed on November 20, 2012. An addendum to the MND was approved by the Board on March 11, 2014.

When a change occurs to a proposed project or its surrounding circumstances following certification of an environmental impact report ("EIR") or negative declaration, CEQA review may be required in certain instances. An addendum is appropriate in this case for the clarification that the new water main will be located outside the Project boundaries and at most requires only a minor, technical change to the IS/MND, and does not result in any additional significant impacts or increases in the severity of previously-identified impacts, nor does it alter the analyses regarding any mitigation measures adopted or not adopted by the Board. No subsequent EIR or negative declaration is required to be prepared.

Attached is the "Second Addendum to the Previous Adopted Initial Study and Mitigated Negative Declaration for the Gilroy Campus Modernization Project."

Budgetary Implications:

None.

Follow Up/Outcome:

None. Addendum will be posted on the college website with the approved MND.

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

RECEIVED
JUL 8 2014
A. Orsola

SECOND ADDENDUM TO THE PREVIOUSLY ADOPTED
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
FOR THE GILROY CAMPUS MODERNIZATION PROJECT
(State Clearinghouse Number 2012092051)

A. INTRODUCTION

On November 13, 2012, the Board of Trustees (“Board”) of the Gavilan Joint Community College District (“College”) adopted the Initial Study and Mitigated Negative Declaration (“IS/MND”) for the Gilroy Campus Modernization Project, described as the implementation of several facilities and infrastructure upgrades at the College’s Gilroy campus (“Project”), including but not limited to water storage, tank distribution, and well improvements. The Project was approved by the Board on November 13, 2012, and a Notice of Determination was filed on November 20, 2012. On March 11, 2014, the College adopted a first Addendum to the IS/MND.

The Project includes the replacement of the College’s water tank, which is necessary to protect the safety of the College’s students and faculty. Specifically, the College desires to add more water tank storage to reduce the refill rate of its tanks, which will result in the College replacing a 1,000,000 gallon tank with two 669,000 gallon tanks. The College also needs to construct and install a new water main connecting the replaced water tanks with the College’s Gilroy campus.

The Project studied in the IS/MND includes the construction, installation, and maintenance of the new water main. Figures 2 and 3 in the IS/MND depict the boundaries of the Project site, however, the new water main is planned to be located outside of the boundaries shown on the maps. The other figures contained in the IS/MND clearly show the location of the new water main. However, the College wishes to clarify that the water main will be located outside the boundaries shown on Figures 2 and 3. The proposed water line is shown on Figure 5 of the IS/MND, and was thus considered as part of the College’s overall CEQA analysis.

When a change occurs to a proposed project or its surrounding circumstances following certification of an environmental impact report (“EIR”) or negative declaration, further CEQA review may be required in certain instances. (See, Pub. Resources Code § 21166.) As detailed below, an addendum is appropriate in this case because the clarification that the new water main will be located outside the Project boundaries shown on Figures 2 and 3 at most requires only a minor, technical change to the IS/MND, and does not result in any additional significant impacts or increases in the severity of previously-identified impacts, nor does it alter the analyses regarding any mitigation measures adopted or not adopted by the Board. (See, Cal. Code Regs., tit. 14, § 15162(a).)

B. APPLICABLE LAW

According to section 15162(a) of the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, *et seq.*), when a negative declaration has been adopted for a project, no

subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(Emphasis added.)

Section 15162(b) states that if changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation. Per Section 15164(b), an addendum to an

adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions describe in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

C. PREVIOUSLY ADOPTED IS/MND AND ADDITION OF WATER MAIN

On behalf of the College, David J. Powers & Associates, Inc., prepared and circulated the Draft IS/MND for the Project on September 25, 2012. The MND concluded that the Project could have a potentially significant effect on the environment, however, there would not be a significant effect because mitigation measures described in the IS/MND would reduce the impacts to a less than significant level. (MND, pg. 14.) Following the 30-day public comment period, the Board approved the IS/MND and the Project on November 13, 2012.

The Project consists of several facilities and infrastructure upgrades at the College's Gilroy campus, including the following:

- Water Storage, Tank Distribution and Well Improvements
- Gilroy Early College Academy (GECA) Consolidation
- Parking Lot C Expansion
- Outdoor Classrooms
- Demolition of Former Police Academy Portables
- Demolition of Building CJ500

With regard to the Water Storage Tank, Distribution, and Well Improvements, the College currently operates a 1,000,000 gallon water tank and existing water well. The existing and proposed water tanks are located on real property that is owned by the College ("Water Tank Property"). The tanks supply water to property on which the College operates its Gilroy College Campus ("College Campus"). However, the existing water tank is damaged and no longer meets refresh rate standards set by the National Fire Protection Agency, putting the College out of compliance with the fire code. Thus, the College is replacing the existing tank with two 669,000-gallon tanks. The existing water main connecting the water tank site to the College's Gilroy campus ("Existing Main") is a 12-inch asbestos cement pipe that is approximately 60 years old, and is inadequately sized to support the new water tanks, which will have the capability to deliver 3,500 gallons per minute of water, as required by the fire code. Thus, the College is required to construct and install a new water main ("New Main").

The New Main was included as part of the Project analyzed in the IS/MND, as shown on Figure 5 therein. The New Main is part of the overall water distribution system that was studied for purposes of CEQA, and any potential environmental impacts that may result from the Project, including the New Main, have been thoroughly and adequately identified and mitigated. The College wishes only to clarify that the New Main runs between and connects the non-contiguous parcels shown on Figures 2 and 3, and is therefore technically located outside of the boundaries shown on those figures.

D. CONCLUSION

The clarification set forth herein does not constitute substantial changes to the Project or the circumstances under which the Project is undertaken. (CEQA Guidelines, § 15164(a)(1)&(2).) It does not require major revisions to the previously-adopted MND. (*Id.*) As discussed above, the New Main was included as part of the Project that was analyzed in the IS/MND, notwithstanding that it is planned to be located outside of the boundaries shown on Figures 2 and 3. This clarification does not involve any new significant environmental effects or a substantial increase in the severity of previously identified effects. (*Id.*) In fact, there is no change in the severity of previously identified effects.

In short, there is no change in the analysis regarding significant impacts and mitigation measures or alternatives presented in the IS/MND. None of the circumstances set forth in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or MND have occurred, and at most, the Project boundary clarification would require only a minor technical change to the previously-adopted IS/MND. Therefore, an addendum to the MND is appropriate, and no subsequent EIR or negative declaration is required to be prepared.

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

July 8, 2014

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

Administrative Services

I. (d)

SUBJECT: Consideration and Potential Approval of Resolution #976 Determining that the Public Interest and Necessity require Acquisition of Easements for Public Purposes and Authorizing Proceedings under Education Code Section 70902(b)(13) and Title 7 of Part 3 of the Code of Civil Procedures, including but not limited to, Sections 1240.120, 1240.125, and 1245.220, for a Portion of the Property described as 1065 Castro Valley Road, Gilroy, California, Assessor's Parcel Number 810-34-006, for the Gilroy Modernization Project (APN 810-34-006)

- Resolution: BE IT RESOLVED, that Resolution #976 be approved.
- Information Only
- Action Item

Proposal:

That the Board of Trustees consider and approve Resolution #976 determining that the public interest and necessity require acquisition of real property for public purposes and authorizing proceedings in eminent domain for the Gilroy Modernization Project. (APN 810-34-006)

Background:

Attached is a Staff Report of Findings on Public Interest and Necessity for Parcel Number 810-34-006. Also attached is Resolution #976, Determining that the Public Interest and Necessity require Acquisition of Easements for Public Purposes and Authorizing Proceedings under Education Code Section 70902(b)(13) and Title 7 of Part 3 of the Code of Civil Procedures, including but not limited to, Sections 1240.120, 1240.125, and 1245.220, for a Portion of the Property described as 1065 Castro Valley Road, Gilroy, California, Assessor's Parcel Number 810-34-006, for the Gilroy Modernization Project (APN 810-34-006)

Certain easements are needed to serve the water tank replacement project which is necessary to protect the safety of the college's students, staff and faculty. The college desires to add more water tank storage to reduce the refill rate of its tanks, which will result in the College replacing a 1,000,000 gallon tank with two 669,000 gallon tanks. The College is required to construct and install a new water main ("New Main"). These improvements are intended to respond to the concerns raised by the Fire Marshall regarding fire supply recovery after a fire event on campus. The College desires to perfect its rights to use the existing access road on the Westbrook Property, including additional width to accommodate vehicular travel for construction purposes and future improvements to the road.

This resolution is a necessary step to acquire certain easements in order to install a New Main. The ideal way to acquire the easement is through negotiation and not through the litigation process, however to ensure that the college is able to acquire the easements on a timely basis, including to

APPROVED BY THE BOARD OF TRUSTEES
DATE 7/8/14
A. Dussan

meet the construction scheduled required to avoid jeopardizing state funding for the Project, this Resolution of Necessity is needed at this time.

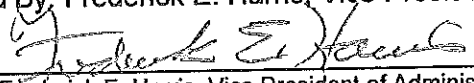
Budgetary Implications:

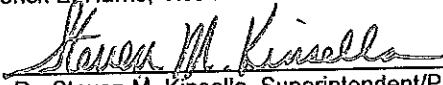
The water replacement system project is being funded by the State of California.

Follow Up/Outcome:

With board approval of the resolution, the district will direct legal counsel to proceed. The President and designees will be authorized to execute instruments as may be necessary.

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

RESOLUTION NO. 976

BEFORE THE BOARD OF TRUSTEES OF THE
GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
SANTA CLARA COUNTY, CALIFORNIA

In the Matter of the)
Gilroy Campus)
Modernization Project) A RESOLUTION DETERMINING THAT THE
) PUBLIC INTEREST AND NECESSITY REQUIRE
) ACQUISITION OF EASEMENTS FOR PUBLIC
) PURPOSES AND AUTHORIZING PROCEEDINGS
) UNDER EDUCATION CODE SECTION 70902(b)(13)
) AND TITLE 7 OF PART 3 OF THE CODE OF CIVIL
) PROCEDURE, INCLUDING, BUT NOT LIMITED TO,
) SECTIONS 1240.120, 1240.125, AND 1245.220, FOR A
) PORTION OF THE PROPERTY DESCRIBED AS 1065
) CASTRO VALLEY ROAD, GILROY, CALIFORNIA,
) ASSESSOR'S PARCEL NUMBER 810-34-006, FOR THE
) GILROY CAMPUS MODERNIZATION PROJECT

WHEREAS, the Board of Trustees (the "Board") of the Gavilan Joint Community College District (the "College") determines that it is necessary to acquire easement interests in certain real property, which are needed by the College for use in connection with the Gilroy Campus Modernization Project. The property subject to this Resolution consists of a portion of a parcel of property, owned by Barbara Westbrook, Trustee of the Don and Barbara Westbrook Family Trust, UTA dated March 15, 2010 ("Owner"), located on the west side of Santa Teresa Boulevard, north of Castro Valley Road, in the unincorporated area of Santa Clara County, south of the City of Gilroy. The entire parcel is commonly known as 1065 Castro Valley Road, Gilroy, California, and bears Assessor's Parcel Number 810-34-006 ("Property"), and the property sought to be acquired consists of easement interests that are legally described in Exhibit "A" hereto and depicted in Exhibit "B" (the "Easements"); and

WHEREAS, the project for which this Resolution ("the Resolution of Necessity") is being considered is a water tank replacement project by the College as part of its Gilroy Campus Modernization Project, which is necessary to protect the safety of the College's students and faculty. Specifically, the College is building a replacement water system for the irrigation and fire demands at its Gilroy Campus, which includes replacement of the existing 1,000,000 gallon water tank with two new 669,000 gallon reservoir tanks at the same location ("Project"). As part of the Project, the College needs to install a new water main connecting the water tanks to the College campus, since the existing water main is approximately 60 years old and is insufficient in size to accommodate the replaced tanks. Since the College is required by law to maintain fire suppression at all times, it is unable to construct and install the new water main in the same location as the existing main. Also, constructing within the easement for the existing water line would disrupt sensitive species of trees. Thus, the College must acquire easement rights to construct and install a new water main, and to gain access thereto; and

WHEREAS, the Board approved the Project and a related Mitigated Negative Declaration (MND) for the Project pursuant to the provisions of the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*) on November 13, 2012; and

WHEREAS, a Notice of Hearing on the intent of the Board to adopt this Resolution of Necessity was mailed to all owners of record of the Property in accordance with California Code of Civil Procedure section 1245.235(a) and (b). Said Notice of Hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein; and

WHEREAS, the hearing set out on the Notice of Hearing was held on July 8, 2014, at the time and place stated in the Notice, and all interested parties were given an opportunity to be heard. The hearing was then closed and the matter considered by the Board for decision, all as required by law; and

WHEREAS, the Board has fully considered the agenda report and all references therein, any evidence and comments presented during the Board's consideration of this matter, and other reports pertaining to the Project presented to the Board at its July 8, 2014, Board meeting, all of which are incorporated herein by this reference, pertaining to the decision to approve the Project; and

WHEREAS, the Board received and considered all relevant factors, information, and evidence bearing on the findings herein.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE GAVILAN JOINT COMMUNITY COLLEGE DISTRICT, BY A VOTE OF NOT LESS THAN 2/3 OF ITS MEMBERS, DECLARES, FINDS AND RESOLVES AS FOLLOWS:

1. The foregoing recitals are true and correct and, by this reference, incorporated herein as if set forth in full. The agenda report pertaining to this Resolution of Necessity and all attachments to this Resolution are also incorporated by reference.

2. The College is authorized to acquire the Easements for the Project pursuant to Education Code Section 70902(b)(13) and Title 7 of Part 3 of the Code of Civil Procedure, including, but not limited to, Sections 1240.120, 1240.125, and 1245.220, and Section 19 of Article I of the California Constitution.

3. Based on all evidence presented in this matter, the Board of Trustees specifically finds and determines that:

- a. The public interest and necessity require the proposed Project. The acquisition of the Easements is necessary to construct and install a water main to support the replaced water tanks supplying water to the College campus.
- b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Easements are necessary for the proposed Project.
- d. The College has made pre-condemnation offers to acquire the Easements for the Project to the owners of record of the Property in accordance with California Government Code section 7267.2.
- e. The College has complied with all conditions and statutory requirements necessary to exercise the powers granted the College by Education Code Section 70902(b)(13) and Title 7 of Part 3 of the Code of Civil Procedure ("the right to take") to acquire the Easements described herein.

f. The College has fully complied with all provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*) for the Project.

4. The Property, and the Easements sought to be acquired, are located within the territorial boundaries of the College.

5. The College plans that the date of use of the Easements for the Project will be within seven years from the date the complaint for eminent domain proceedings is filed, pursuant to Code of Civil Procedure section 1240.220(a).

6. The College's legal counsel is authorized and directed to institute and conduct to conclusion, in the name of the College, proceedings in accordance with the provisions of the Constitution of the State of California and pursuant to Education Code Section 70902(b)(13) and Title 7 of Part 3 of the Code of Civil Procedure to acquire the Easements, in the name of the College, and such other interests as may be necessary for construction and operation of the Project.

7. Legal counsel, and the College through its President or his designee, are authorized to deposit the probable amount of compensation with the Treasury of the State of California, to seek an order for a prejudgment possession consistent with the needs of the College, and to perform all other acts as convenient or necessary to acquire the Easements for the Project.

8. The President, and his designee, is also authorized to execute such agreements, certificates, deeds, and other instruments as may be necessary or convenient to facilitate acquisition of the Easements through voluntary Purchase Agreement in lieu of eminent domain, and to expend such funds as may be needed for said purposes.

This Resolution was adopted at a duly-called meeting of the Gavilan Joint Community College District held on July 8, 2014.

AYES:
NOES:
ABSENT:
ABSTAIN:

President, Board of Trustees

Attest:

Clerk, Board of Trustees

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENTS

PARCEL ONE

A permanent and non-exclusive easement (“**Water Main Easement**”) to lay, construct, reconstruct, install, remove, replace, inspect, maintain, repair, improve, relocate, and otherwise use a water main and related appurtenances (“**Facilities**”) in, on, over, under, and across that certain real property described as follows (“**Water Main Easement Area**”):

Situate in the County of Santa Clara, State of California

Being a portion of the lands of Barbara Westbrook, Trustee of the Don and Barbara Westbrook Family Trust, UTA dated March 15, 2010 conveyed by Corrected Trust Transfer Deed dated August 19, 2013 and recorded August 29, 2013 as Document Number 22370454, Santa Clara County Records.

Being 20 feet in width, measured at right angles, the center line of which is more particularly described as follows to wit:

Beginning at a point in the eastern boundary of that certain parcel of land conveyed to Gavilan Joint Junior College by Grant Deed recorded December 17, 1965 in Book 7215 of Official Records at Page 155, Santa Clara County Records, from which the western most corner thereof bears North 71° 03' 15" West 222.08 feet distant.

Thence from said point of beginning leaving said last mentioned boundary South 30° 49' 00" East 108.00 feet; thence South 75° 49' 00" East 272.00 feet to a point in the southeastern boundary of that certain parcel of land conveyed by Grant Deed to Gavilan Joint Junior College and recorded April 5, 1967 as Document Number 3205339, Santa Clara County Records.

Attached hereto is a plat labeled “Exhibit B” and by this reference made a part thereof.

Together with the necessary rights of access, ingress and egress and the right to enter upon and to pass and re-pass over and along the Water Main Easement Area for the construction, operation, and maintenance of the Facilities to be constructed in the Water Main Easement Area by Grantee or its successors and assigns, its officers, agents, and employees and by persons under contract with Grantee or its successors and assigns.

PARCEL TWO

A permanent and non-exclusive right of access, ingress and egress (“**Access Easement**”) as reasonably necessary for the use and enjoyment of the Water Main Easement and the real property owned by Grantee and described as APN 810-34-003, and any improvements or facilities located thereon, including Grantee’s water tanks, over and across the property described as follows (“**Access Easement Area**”):

Situate in the County of Santa Clara, State of California

Being a portion of the lands of Barbara Westbrook, Trustee of the Don and Barbara Westbrook Family Trust, UTA dated March 15, 2010 conveyed by Corrected Trust Transfer Deed dated August 19, 2013 and recorded August 29, 2013 as Document Number 22370454, Santa Clara County Records.

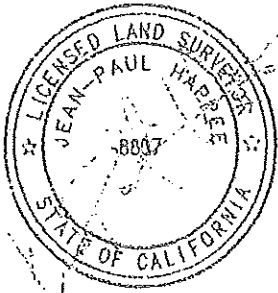
Being 30 feet in width, measured at right angles, the center line of which is more particularly described as follows to wit;

Beginning at a point in the eastern boundary of that certain parcel of land conveyed to Gavilan Joint Junior College by Grant Deed recorded December 17, 1965 in Book 7215 of Official Records at Page 155, Santa Clara County Records, from which the eastern most corner thereof bears North $18^{\circ} 56' 45''$ East 103.33 feet distant.

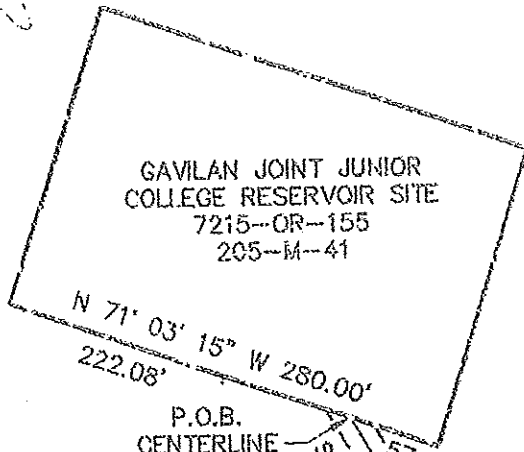
Thence from said point of beginning leaving said last mentioned boundary on a curve (C1) to the left from a tangent bearing North $73^{\circ} 40' 00''$ East having a radius of 110.00 feet through a central angle of $144^{\circ} 40' 00''$ an arc length of 277.74 feet; thence (R1) North $71^{\circ} 00' 00''$ West 115.46 feet; thence (R2) North $37^{\circ} 00' 00''$ West 173.18 feet; thence (R3) North $67^{\circ} 00' 00''$ West 67.44 feet; thence (R4) South $74^{\circ} 00' 00''$ West 68.92 feet; thence (R5) North $14^{\circ} 00' 00''$ West 11.72 feet; thence on a curve (C2) to the right having a radius of 180.00 feet through a central angle of $60^{\circ} 00' 00''$ an arc length of 188.50 feet; thence (R6) North $46^{\circ} 00' 00''$ East 61.03 feet; thence on a curve (C3) to the left having a radius of 40.00 feet through a central angle of $70^{\circ} 00' 00''$ an arc length of 48.87 feet; thence (R7) North $24^{\circ} 00' 00''$ West 69.54 feet; thence on a curve (C4) to the right having a radius of 40.00 feet through a central angle of $84^{\circ} 00' 00''$ an arc length of 58.64 feet; thence (R8) North $60^{\circ} 00' 00''$ East 104.10 feet; thence on a curve (C5) to the left having a radius of 40.00 feet through a central angle of $91^{\circ} 00' 00''$ an arc length of 63.53 feet; thence (R9) North $31^{\circ} 00' 00''$ West 31.28 feet; thence (R10) North $55^{\circ} 00' 00''$ West 80.65 feet; thence on a curve (C6) to the right having a radius of 70.00 feet through a central angle of $70^{\circ} 00' 00''$ an arc length of 85.52 feet; thence (R11) North $15^{\circ} 00' 00''$ East 113.39 feet; thence on a curve (C7) to the left having a radius of 60.00 feet through a central angle of $50^{\circ} 00' 00''$ an arc length of 52.36 feet; thence (R12) North $35^{\circ} 00' 00''$ West 64.95 feet; thence (R13) North $81^{\circ} 00' 00''$ West 59.74 feet; thence on a curve (C8) to the right having a radius of 40.00 feet through a central angle of $67^{\circ} 00' 00''$ an arc length of 46.77 feet; thence (R14) North $14^{\circ} 00' 00''$ West 92.04 feet; thence on a curve (C9) to the left having a radius of 70.00 feet through a central angle of $78^{\circ} 00' 00''$ an arc length of 95.29 feet; thence (R15) South $88^{\circ} 00' 00''$ West 99.92 feet; thence on a curve (C10) to the right having a radius of 50.00 feet through a central angle of $116^{\circ} 00' 00''$ an arc length of 101.23 feet; thence (R16) North $24^{\circ} 00' 00''$ East 37.31 feet; thence on a curve (C11) to the right having a radius of 140.00 feet through a central angle of $69^{\circ} 00' 00''$ an arc length of 168.60 feet; thence (R17) South $87^{\circ} 00' 00''$ East 81.22 feet; thence (R18) South $69^{\circ} 00' 00''$ East 134.31 feet; thence (R19) South $64^{\circ} 00' 00''$ East 308.11 feet to a point in the northern boundary of the aforementioned lands of Gavilan Joint Junior College.

Attached hereto is a plat labeled "Exhibit B" and by this reference made a part thereof.

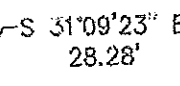
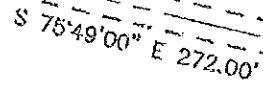
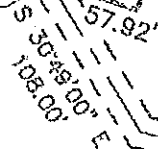
EXHIBIT B



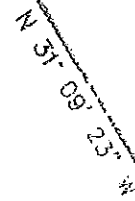
GAVILAN JOINT JUNIOR
COLLEGE DISTRICT
DOC# 3205339
7685-OR-282
APN 810-34-002
169-M-37



P.O.B.
CENTERLINE
20' EASEMENT



WESTBROOK FAMILY TRUST
DOC# 22370454
APN 810-34-006



ALPHA LAND SURVEYS, INC.

4444 SCOTTS VALLEY DR. #7
SCOTTS VALLEY, CA 95066
(831) 438-4453

P.O. BOX 1146
MORGAN HILL, CA 95038
(831) 438-4453

PLAT TO ACCOMPANY LEGAL DESCRIPTION
WATER LINE EASEMENT FOR
GAVILAN JUNIOR COLLEGE
SANTA CLARA COUNTY

SHEET
2
OF TWO

1" = 100'

DATE: 6/2/14

JOB#: 2014-006

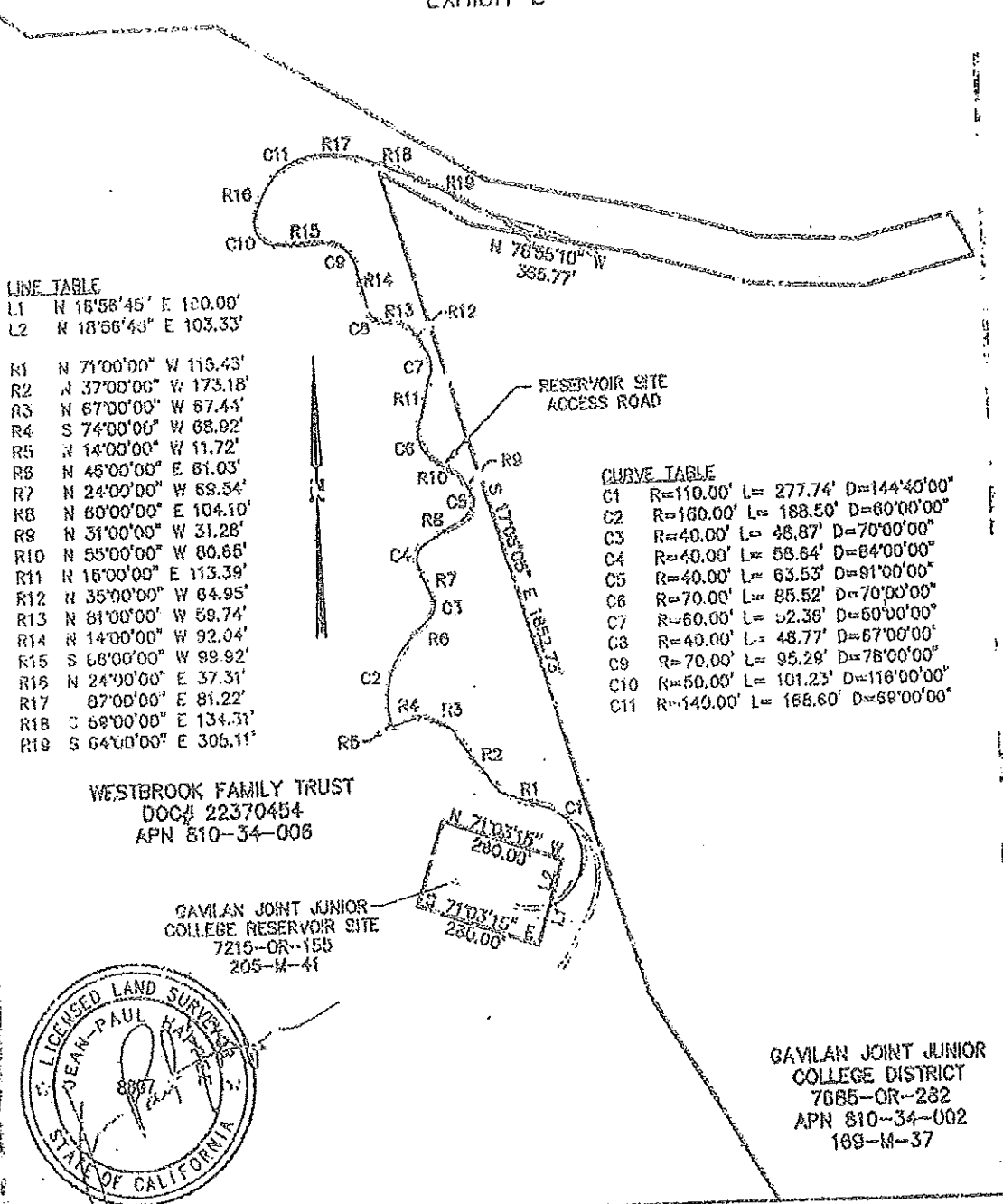
EXHIBIT B

LINE TABLE

L1	N 18°58'45" E	120.00'
L2	N 18°56'43" E	103.33'
R1	N 71°00'00" W	119.43'
R2	N 37°00'00" W	173.18'
R3	N 67°00'00" W	87.44'
R4	S 74°00'00" W	68.92'
R5	N 14°00'00" W	11.72'
R6	N 46°00'00" E	61.03'
R7	N 24°00'00" W	69.54'
R8	N 60°00'00" E	104.10'
R9	N 31°00'00" W	31.28'
R10	N 55°00'00" W	80.66'
R11	N 15°00'00" E	113.39'
R12	N 35°00'00" W	64.95'
R13	N 81°00'00" W	59.74'
R14	N 14°00'00" W	92.04'
R15	S 68°00'00" W	99.92'
R16	N 24°00'00" E	37.31'
R17	87°00'00" E	81.22'
R18	69°00'00" E	134.31'
R19	S 64°00'00" E	306.11'

CURVE TABLE

C1	R=110.00'	L= 277.74'	D=144°40'00"
C2	R=160.00'	L= 188.50'	D=80°00'00"
C3	R=40.00'	L= 48.87'	D=70°00'00"
C4	R=40.00'	L= 58.64'	D=84°00'00"
C5	R=40.00'	L= 63.53'	D=91°00'00"
C6	R=70.00'	L= 85.52'	D=70°00'00"
C7	R=60.00'	L= 52.38'	D=60°00'00"
C8	R=40.00'	L= 48.77'	D=67°00'00"
C9	R=70.00'	L= 95.29'	D=78°00'00"
C10	R=50.00'	L= 101.23'	D=116°00'00"
C11	R=140.00'	L= 166.60'	D=68°00'00"



WESTBROOK FAMILY TRUST
 DOC# 22370454
 APN 810-34-008

GAVILAN JOINT JUNIOR
 COLLEGE RESERVOIR SITE
 7215-OR-155
 205-M-41

GAVILAN JOINT JUNIOR
 COLLEGE DISTRICT
 7665-OR-282
 APN 810-34-002
 169-M-37



ALPHA LAND SURVEYS, INC.

444 SCOTT'S VALLEY DR. #7 SCOTT'S VALLEY, CA 95066 (831) 438-4453	P.O. BOX 1145 MORGAN HILL, CA 95038 (831) 438-4453	PLAT TO ACCOMPANY LEGAL DESCRIPTION CONSTRUCTION EASEMENT GAVILAN JUNIOR COLLEGE SANTA CLARA COUNTY	SHEET 3 OF THREE
1" = 300'	DATE: 4/7/14	JOB#: 2014-008	

**GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
BOARD AGENDA ITEM**

July 8, 2014

TITLE AND SUBJECT

Conduct a Public Hearing and Adopt Resolution No. 976 Determining that the Public Interest and Necessity Require Acquisition of Easements for Public Purposes and Authorizing Proceedings Under Education Code Section 70902(b)(13) and Title 7 of Part 3 of the Code of Civil Procedure, Including, but not Limited to, Sections 1240.120, 1240.125, and 1245.220, for a Portion of the Property Described as 1065 Castro Valley, Gilroy, California, Assessor's Parcel Number 810-34-006, for the Gilroy Campus Modernization Project

DESCRIPTION/DISCUSSION

The Board has been provided with a copy of Resolution No. 976 ("Resolution"), which would authorize the acquisition of easements for public purposes by exercising the College's powers under Education Code section 70902(b)(13) and Title 7 of Part 3 of the Code of Civil Procedure, including, but not limited to, Sections 1240.120, 1240.125, and 1245.220. The Resolution requires approval by at least two-thirds majority of the Board. The real property that is subject to the Resolution consists of a portion of a parcel of property, owned by Barbara Westbrook, Trustee of the Don and Barbara Westbrook Family Trust, UTA dated March 15, 2010 ("Owner"), and located on the west side of Santa Teresa Boulevard, north of Castro Valley Road. The entire parcel is commonly known as 1065 Castro Valley Road, Gilroy, CA, and bears Assessor's Parcel Number 810-34-006 ("Westbrook Property"). The property sought to be acquired consists of easement interests that are legally described in Exhibit "A" and depicted in Exhibit "B" to the Resolution (the "Easements").

The Easements are needed to serve the water tank replacement project as part of the College's Gilroy Campus Modernization Project ("Project"), which is necessary to protect the safety of the College's students and faculty. Specifically, the College desires to add more water tank storage to reduce the refill rate of its tanks, which will result in the College replacing a 1,000,000 gallon tank with two 669,000 gallon tanks. The existing water tank is damaged and no longer meets refresh rate standards set by the National Fire Protection Agency, putting the College out of compliance with the fire code and potentially jeopardizing the safety of students and faculty on campus. The existing water main connecting the water tank site to the College's Gilroy campus ("Existing Main") is a 12-inch asbestos cement pipe that is approximately 60 years old, and is inadequately sized to support the new water tanks, which will have the capability to deliver 3,500 gallons per minute of water, as required by the fire code. Thus, the College is required to construct and install a new water main ("New Main"). Also, the College is required by law to maintain its fire suppression system at all times, such that the College must continue using the Existing Main while it constructs and installs the New Main. As

a result, the College cannot install the New Main within the easement area for the Existing Main, and must acquire additional easements rights to construct, install, and access the New Main. Further, constructing within the easement for the Existing Main would require disrupting sensitive oak trees, which will not occur with installation of the New Main within the Easements.

Finally, although the College has access rights to the Water Tank Property and Existing Main, the College desires to perfect its rights to use the existing access road on the Westbrook Property, including additional width to accommodate vehicular travel for construction purposes and future improvements to the road.

As set forth in Resolution No. 976, the Board will make the following findings:

1. The public interest and necessity require the Project.
2. The Project is planned or located in the manner that would be the most compatible with the greatest public good and the least private injury.
3. The real property sought to be acquired is necessary for the Project.
4. The College has offered to purchase the Easements in compliance with the statutory requirements.
5. The College has the statutory authority to acquire the Easements be eminent domain.
6. The College has complied with California Environmental Quality Act (CEQA) requirements.

The following information is provided as a basis for the Board to make the required findings:

1. The public interest and necessity require the Project.

The Project at issue includes the College's replacement of a 1,000,000 gallon tank with two 669,000 gallon tanks. The purpose of the replacement is to reduce the refill rate of the tanks. The existing water tank is damaged and no longer meets refresh rate standards set by the National Fire Protection Agency, putting the College out of compliance with the fire code and potentially jeopardizing the safety of students and faculty on campus. The Existing Main, connecting the Water Tank Property to the College campus, is a 12-inch asbestos cement pipe that is approximately 60 years old, and is inadequately sized to support the new water tanks, which will have the capability to deliver 3,500 gallons per minute of water, as required by the fire code. Thus, the College is required to construct and install the New Main. Also, the College is required by law to maintain its fire suppression system at all times, such that the College must continue using the Existing Main while it constructs and installs the New Main. As a result, the College cannot install the New Main within the easement area for the Existing Main, and must acquire additional easements rights to construct, install, and access the New Main. Further, constructing within the easement for the Existing Main would require disrupting sensitive oak trees, which will not occur with installation of the New Main within the Easements.

The College must also perfect its access rights to the Water Tank Property and the New Main in order to construct, install, and maintain the water tanks and New Main.

2. The Project is planned or located in the manner that would be most compatible with the greatest public good and the least private injury.

The water tanks are located on the Water Tank Property, which is owned by the College but separate from the Campus Property. The Water Tank Property is not contiguous to the Campus Property, and is completely surrounded on all sides by the Westbrook Property. Thus, to install a water main connecting the tanks on the Water Tank Property to the water distribution system on the Campus Property, the College has no choice but to acquire rights on, over, under, and/or across the Westbrook Property. The New Main will be located underground so as to minimize the impact on private property interests. The New Main is planned to run fairly directly between the Water Tank Property and Campus Property, to facilitate the least amount of private injury as possible. The New Main is also designed to maximize protection of sensitive species of trees located on the Westbrook Property. The College also planned the access route to the water tanks and New Main so that it coincides with an existing access road on the Westbrook Property, further minimizing the impact on private property.

3. The real property sought to be acquired is necessary for the Project.

As stated under section 2, above, the Water Tank Property is separated from the Campus Property by a portion of the Westbrook Property, such that the College is not able to connect the water tanks to the water distribution system on campus without encumbering the Westbrook Property. Similarly, the College requires access to the New Main and Water Tank Property, and therefore desires to acquire rights which coincide with the existing access road located on the Westbrook Property.

4. The College has offered to purchase the property in compliance with the statutory requirements.

The College used the services of appraiser Charles R. Marqueling of Valbridge Property Advisors to determine the fair market value of the Easements, which Mr. Marqueling concluded is \$3,100 as of June 6, 2014. On June 23, 2014, the District made an offer to the Owner of the Westbrook Property to purchase the Easements for more than their fair market value, \$5,000, and offered an additional amount up to \$5,000 for the Owner to obtain an independent appraisal. However, since the original appraisal contained a misinterpretation regarding the total square footage of the Access Easement, the appraisal was updated so that the fair market value of the Easements was concluded to be higher, and the College accordingly made an updated offer to the Owner of the Westbrook Property, in an amount exceeding the fair market value of the Easements, plus an additional amount up to \$5,000 for the Owner to obtain an independent appraisal. The College's offer to purchase the Easements fully complied with the requirements of California Government Code § 7267.2. If the Resolution of Necessity is adopted, the College is prepared to continue negotiations to acquire the Easements. The ideal way to

acquire property is through negotiation and not through the litigation process, however, to ensure that the College is able to acquire the Easements on a timely basis, including to meet the construction schedule required to avoid jeopardizing state funding for the Project, this Resolution of Necessity is needed at this time.

5. The College has the statutory authority to acquire the real property by eminent domain.

California Education Code § 70902(b)(13), Code of Civil Procedure §§ 1240.120, 1240.125, and 1245.220, and Section 19 of Article I of the California Constitution empower the College to acquire the Easements by eminent domain.

6. The College has complied with California Environmental Quality Act (CEQA) requirements.

On behalf of the College, David J. Powers & Associates, Inc., prepared and circulated a Draft Initial Study and Mitigated Negative Declaration (“IS/MND”) for the Project on September 25, 2012. Following the 30-day public comment period, the Board adopted the IS/MND and approved the Project on November 13, 2012. A Notice of Determination was filed on November 20, 2012. (State Clearinghouse Number 2012092051.) The College also adopted an Addendum to the IS/MND, to address the fact that the map associated with the Project Description did not show the area of the Easements as being included in the Project Area. Since this is a very minor, technical detail, does not result in any additional significant impacts or increases in the severity of previously-identified impacts, and does not alter the analyses regarding any mitigation measures adopted or not adopted by the Board, an Addendum was proper and no additional CEQA analysis is necessary. (See, Cal. Code Regs., tit. 14, §§ 15162, 15164(b).)

Recommendation

It is recommended that the Board adopt Resolution No. 976 Determining that the Public Interest and Necessity Require Acquisition of Easements for Public Purposes and Authorizing Proceedings Under Education Code Section 70902(b)(13) and Title 7 of Part 3 of the Code of Civil Procedure, Including, but not Limited to, Sections 1240.120, 1240.125, and 1245.220, for a Portion of the Property Described as 1065 Castro Valley Road, Gilroy, California, Assessor’s Parcel Number 810-34-006, for the Gilroy Campus Modernization Project.

Gavilan Joint Community College District
Governing Board Agenda

July 8, 2014

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

Administrative Services

1. (f)

SUBJECT: BFGC-IBI Group Architecture and Planning Project Assignment Amendment (PAA) for Coyote Valley, The Academy Campus

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees approve BFGC-IBI Group Architecture and Planning (BFGC) Project Assignment Amendment (PAA) for Coyote Valley, The Academy Campus.

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.

Project Assignment Amendment for Coyote Valley, The Academy Campus:

- Basic services to provide preliminary plans, working drawings, bidding, construction and post-construction services.
- Structural design consultants included in basic services
- Basic service fees not to exceed \$880,000.

Budgetary Implications:

The efficient use of Measure E Bond Program 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

APPROVED BY THE BOARD OF TRUSTEES

DATE: 7/8/14

A. Droppa

Gavilan Joint Community College District
Governing Board Agenda

July 8, 2014

Administrative Services

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

SUBJECT: Capital Project Change Order

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees authorize one capital project change order request for the Parking Lot C Expansion 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:

Parking Lot C Expansion Project

Monterey Peninsula Engineering, CO #1 for \$26,595.00

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

Budgetary Implications:

The efficient use of Measure E Bond Program Funds.

Follow Up/Outcome:

Upon Board approval, the change orders will be issued to the contractors.

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 Lot C nb

APPROVED BY THE BOARD OF TRUSTEES
DATE: 7/8/14

A. Duroza

Change Order for Parking Lot C Extension

CHANGE ORDER #01 - Monterey Peninsula Engineering

RCCO #	Description	Amount	Additional Days (Calendar)
001	Provide additional 3 inches of aggregate base at parking stalls to comply with Geotechnical Engineers recommendation. (ASI-002)	\$ 19,035.00	0
001	Credit for elevation changes at the east end of the Parking Lot C Extension. (ASI-002)	\$ (6,765.00)	0
002	Replace existing corroded corrugated metal pipe with 18 inch diameter High Density Polyethylene pipe for pond overflow. (CCD-2)	\$ 6,945.00	0
003	Credit for not having to remove existing light fixture at Parking Lot C. (ASI-001)	\$ (1,920.00)	0
004	Addition of 12 inches of aggregate base and stabilization fabric to stabilize soil at Parking lot C entrance per Geotechnical Engineers recommendation. (RFI-3	\$ 9,300.00	0
TOTAL		\$ 26,595.00	0

Contract Amount	\$ 658,000.00
Net Change By Previously Authorized Change Orders	\$ -
Revised Contract Amount Prior to this Change Order	\$ 658,000.00
Change Order #01	\$ 26,595.00
New Contract Amount Including this Change Order	\$ 684,595.00

Available Construction Contingency	\$ 65,800.00
Change Order #01	\$ 26,595.00
Remaining Construction Contingency	\$ 39,205.00

Contract Start Date	April 16, 2014
Contract Substantial Completion Date	April 16, 2014
New Contract Substantial Completion Date (By Previously Authorized Change Orders)	April 16, 2014
New Contract Substantial Completion Date (Including this Change Order)	August 31, 2014

AUGUST 12, 2014

Gavilan Joint Community College District
Governing Board Agenda

August 12, 2014

Administrative Services

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

SUBJECT: BFGC-IBI Group Architecture and Planning Project Assignment Amendment (PAA) for 2014 Prop 39 Energy Retrofit

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees approve BFGC-IBI Group Architecture and Planning (BFGC) Project Assignment Amendment (PAA) for 2014 Prop 39 Energy Retrofit.

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.

Project Assignment Amendment for 2014 Prop 39 Energy Retrofit:

- Basic services to provide preliminary plans, working drawings, bidding, construction and post-construction services.
- Electrical design consultants included in basic services
- Basic service fees not to exceed \$48,000.

On July 8, 2014, the Board accepted a bid from Corralitos Electric Service for \$212,000 as the contractor for the following 2 Energy Efficiency Proposition 39 projects: replacement of all 112 Parking Lot Lights with LED fixtures, and replacement of the swimming pool pump with a Variable Frequency Drive motor. On June 30, 2014 Corralitos Electric Service resubmitted a proposal reducing their bid amount to \$164,000, which made room to pay IBI for the architectural design services on the project.

"Soft costs" such as the architectural design services provided by IBI are eligible Prop 39 costs. With \$181,627 funds available through the Prop 39 grant, \$164,000 of that amount will cover the Corralitos Electric Service costs, and the \$17,627 in remaining Prop 39 funds plus \$30,373 of Measure E funds will pay for this IBI PAA.

Budgetary Implications:

The efficient use of Prop 39 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 8/12/14

a. Ortega

PLEASE NOTE:

Because of the timing of the Citizens' Oversight Committee meeting so close to the Board of Trustees meeting, it was necessary to send out the Committee agenda without approval of the September Measure E items. An update will be given at the Committee meeting.

SEPTEMBER 9, 2014

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

September 9, 2014

Administrative Services

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

SUBJECT: Measure E Bond Program Budget Alignment

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees approve the attached Measure E Bond Budget Alignment.

Background:

Attached is a matrix titled "Measure E Bond Budget Alignment, September 2014" summarizing recommended changes within the Measure E program. The budget adjustments reflect the most accurate project cost projections for projects underway and allocation of remaining Measure E funds to complete work on three primary projects that include: Coyote Valley Educational Center, San Martin Aviation Program and remodel of the Physical Education Building. Other funds remaining are being used for technology, furniture and small project remodeling and renovation work.

Budgetary Implications:

Changes to the Measure E budget are needed to accommodate expenditure needs of various projects.

Follow Up/Outcome:

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

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

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

Gavilan Joint Community College District
Draft Measure E Bond Budget Alignment
September 9, 2014

PROJECT	Approved Budget as of December 2013	Proposed Budget Adjustment	Proposed Budget September 2014	Funds Expended September 2014	Funds Available September 2014
Program					
Program Contingency	\$ 5,798,211	\$ (5,773,211)	\$ 25,000	\$ 25,000	\$ -
Planning - District	\$ 300,000	\$ (144,681)	\$ 155,319	\$ 155,319	\$ -
Planning - Main Campus	\$ 4,949,686	\$ (367,040)	\$ 4,582,646	\$ 4,582,646	\$ -
Hollister Ed Center (Planning)	\$ 50,000	\$ (40,375)	\$ 9,625	\$ 9,625	\$ -
Land Acquisition					
Coyote Valley Prop (Property/Develop.)	\$ 21,324,060	\$ (85,988)	\$ 21,238,072	\$ 21,238,072	\$ -
San Benito Prop (Property/Develop.)	\$ 9,838,755		\$ 9,838,755	\$ 9,237,463	\$ 601,292
Land Residual	\$ 2,863,885	\$ (2,863,885)	\$ -	\$ -	\$ -
Local funds-Offsite Development	\$ 3,430,514	\$ (3,360,516)	\$ 69,998	\$ 69,998	\$ -
Coyote Valley Educational Center Transfer per Nov. 2013 Board approval	\$ 50,000	\$ 12,482,487	\$ 12,532,487	\$ 1,061,378	\$ 11,471,109
Current Projects					
South County Airport Development	\$ 2,600,000	\$ 400,000	\$ 3,000,000	\$ 212,498	\$ 2,787,502
GECA Relocation Parking Lot C	\$ 1,500,000		\$ 1,500,000	\$ 1,251,837	\$ 248,163
Physical Education Bldg.	\$ 7,539,164	\$ (1,000,000)	\$ 6,539,164	\$ 3,500	\$ 6,535,664
Water Replacement Project	\$ 500,000	\$ (200,000)	\$ 300,000	\$ 125,863	\$ 174,137
Furniture & Building Modifications					
Furniture and Equipment Upgrade	\$ -	\$ 175,000	\$ 175,000	\$ 140,637	\$ 34,363
Multi-Purpose Bldg. Upgrades	\$ -	\$ 45,000	\$ 45,000	\$ 36,200	\$ 8,800
CDC Reconfigure & Upgrade	\$ -	\$ 500,000	\$ 500,000	\$ 25,000	\$ 475,000
General Building Upgrades	\$ -	\$ 25,000	\$ 25,000	\$ 17,728	\$ 7,272
Scheduled Maint (match FY 13/14)	\$ 259,000	\$ (150,000)	\$ 109,000	\$ 454	\$ 108,546
Instructional Equip (match FY13/14)	\$ 677,000	\$ 91,591	\$ 768,591	\$ 758,844	\$ 9,747
Scheduled Maint (match FY 14/15)	\$ 150,000	\$ (150,000)	\$ -	\$ -	\$ -
Instructional Equip (match FY14/15)	\$ 350,000	\$ (341,591)	\$ 8,409	\$ 8,409	\$ -
Technology, Phase 2	\$ 100,000	\$ 800,000	\$ 900,000	\$ 133,142	\$ 766,858
Computer Replacment, Phase 2	\$ 250,000		\$ 250,000	\$ 49,120	\$ 200,880
Inactive Projects					
Demo CJ500, Old Acad. PB, Rebuild	\$ 300,000	\$ (300,000)	\$ -	\$ -	\$ -
Student Center/Administration	\$ -		\$ -	\$ -	\$ -
Library/Media	\$ -		\$ -	\$ -	\$ -
Completed Projects					
Infrastructure	\$ 8,036,484		\$ 8,036,484	\$ 8,036,484	\$ -
Tennis Courts	\$ 111,859		\$ 111,859	\$ 111,859	\$ -
Interim Housing Swing Space	\$ 4,416,466		\$ 4,416,466	\$ 4,416,466	\$ -
HVAC Control Replacement	\$ 200,000	\$ 246,255	\$ 446,255	\$ 446,255	\$ -
Electrical Service Loop	\$ 150,000	\$ 12,295	\$ 162,295	\$ 162,295	\$ -
Math, Physical, Life Science	\$ 6,081,010		\$ 6,081,010	\$ 6,081,010	\$ -
Occupational Education	\$ 4,706,936	\$ 1	\$ 4,706,937	\$ 4,706,937	\$ -
Humanities, Art & Music	\$ 4,398,348		\$ 4,398,348	\$ 4,398,348	\$ -
Cosmo/Business	\$ 3,903,843		\$ 3,903,843	\$ 3,903,843	\$ -
Social Science	\$ 3,917,858	\$ 177	\$ 3,918,035	\$ 3,918,035	\$ -
Security / Maintenance	\$ 1,432,750		\$ 1,432,750	\$ 1,432,750	\$ -
Cafeteria Renovation & HVAC	\$ 217,419		\$ 217,419	\$ 217,419	\$ -
Student Center Beam Replacement	\$ 186,000	\$ (519)	\$ 185,481	\$ 185,481	\$ -
Parking Lot/ Campus Lighting	\$ 4,437,518		\$ 4,437,518	\$ 4,437,518	\$ -
Technology/ERP	\$ 3,511,130		\$ 3,511,130	\$ 3,511,130	\$ -
Computer/Phone System	\$ 1,111,376		\$ 1,111,376	\$ 1,111,376	\$ -
Existing Well Replacement	\$ 70,947		\$ 70,947	\$ 70,947	\$ -
Debt Payment	\$ 3,625,796		\$ 3,625,796	\$ 3,625,796	\$ -
Totals	\$ 113,346,015	\$ -	\$ 113,346,015	\$ 89,916,682	\$ 23,429,333

INCOME:		\$ 108,000,000
Bond Revenue		\$ 5,251,217
Interest Income (as of 06/30/14)		\$ (292,342)
Reimbursement of Bond Expenses; cost of issuance		\$ 6,920
Agricultural lease (as of 06/30/13)		\$ 250,000
Parking Fund Contribution FY 07-08		\$ 217,138
Scheduled Maintenance Contribution FY 08-09		\$ -
	Subtotal:	\$ 113,432,933
Forecasted Interest (FY 14-15)		\$ 100,000
	Total:	\$ 113,532,933

Balance: \$ 186,918

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

September 9, 2014

Office of the President

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

SUBJECT: Citizens' Oversight Committee Appointments

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees appoint Donna L. Bakich and Issa Ajlouny to the Gavilan College Citizens' Oversight Committee effective September 15, 2014.

Background:

Board Resolution No. 815 established the Gavilan College Citizens' Oversight Committee to comply with California Education Code Section 15278. The Gavilan College Citizens' Oversight Committee Bylaws state, in part:

Section 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. No member may serve more than two (2) consecutive terms.

Section 5.5 Membership: Members of the committee shall be appointed by the Board.

Budgetary Implications:

None

Follow Up/Outcome:

None

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

APPLICATION FOR APPOINTMENT
TO THE CITIZENS' OVERSIGHT COMMITTEE
(PRINT AND COMPLETE)

Completed applications are to be submitted to the Office of the President, Gavilan Joint Community College District, 5055 Santa Teresa Blvd., Gilroy, CA 95020. Completed applications become public records and cannot be kept confidential by law. Should you have any questions, please call (408) 848-4711.

General Information:

Name: DONNA L. BAKICH

Home Address: 305 MAPLETON AVENUE

City and ZIP Code: HOLLISTER, CA 95023

Telephone # CELLULAR (HOME AND WORK): 831-801-1367

Email Address: donna.bakich.esq@gmail.com

Best time to reach you: BEFORE 5:00 PM

Employment Information: SELF-EMPLOYED

Name of Employer: DONNA L. BAKICH, ATTORNEY AT LAW

Occupation: ATTORNEY

Work Address: 339 SEVENTH STREET, SUITE R, HOLLISTER, CA 95023

* No school district official, employee, vendor, contractor or consultant to the school district may be appointed to the Citizens' Oversight Committee.
In addition, Citizens' Oversight Committee members are expressly subject to Government Code Section 1090 et seq., which prohibits conflict of interest contracts and may be subject to annual conflict of interest reporting requirements. All members of the Committee will be subject to statutory requirements and those requirements established by District policy on this matter.

Educational Background:

College and/or University:

A. GAVILAN COMMUNITY COLLEGE
AUGUST 1998 – DECEMBER 2000;

B. CALIFORNIA STATE UNIVERSITY AT MONTEREY BAY
AUGUST 2001 – MAY 2004;

C. SAN JOSE STATE UNIVERSITY
JANUARY 2005 – MAY 2007;

D. SOUTHERN ILLINOIS UNIVERSITY AT CARBONDALE
AUGUST 2009 – MAY 2012

Degree/Major:

A. NO DEGREE—TRANSFER TO 4-YEAR UNIVERSITY;

B. BACHELOR'S DEGREE (BA) IN HUMAN COMMUNICATIONS, PRE-LAW
EMPHASIS;

C. MASTER'S DEGREE (MS) IN JUSTICE STUDIES;

D. JURIS DOCTORATE (JD)

Year of graduation or expected graduation:

A. TRANSFERRED DECEMBER 2000;

B. GRADUATED MAY 2004;

C. GRADUATED MAY 2007;

D. GRADUATED MAY 2012

Certificate/Licenses/Technical Training: CERTIFIED (VOLUNTEER) HUNTER
EDUCATION INSTRUCTOR FOR CALIFORNIA DEPARTMENT OF FISH AND
WILDLIFE

You may attach a personal resume if you wish.

Additional Information:

List any business organizations that represent the business community within the
Gavilan Joint Community College District in which you are currently an active member:
N/A

List any senior citizens' organizations or taxpayers' organizations in which you are
currently an active member: N/A

List present or past membership in any community service, civic or youth organizations, or Gavilan College clubs and student organization of which you are currently a member:
VOLUNTEER BOARD MEMBER FOR SAN BENITO COUNTY R.E.A.C.H.
(RECREATION, EXERCISE, AND COMMUNITY HEALTH)—A LOCAL NON-PROFIT ORGANIZATION DEDICATED TO HELPING BRING RECREATIONAL OPPORTUNITIES TO THE COMMUNITY.

List participation in seminars, workshops, volunteer work, and professional organizations: MEMBER CALIFORNIA STATE BAR

Describe your skills, training and experience in finance, facilities, construction and/or other applicable fields. (You may attach additional sheets if needed.)

How long have you been a resident of the Gavilan Joint Community College District?
33 Years / 9 Months

Are you currently an official, employee, vendor, contractor or consultant to the District?

Yes No

Have you ever been employed by the District?

Yes No

Do you know of any reason, such as a conflict of interest, which would adversely affect your ability to serve on the Citizens' Oversight Committee? Yes No

If yes, explain:

Explain why you would like to be appointed to this committee. (You may attach additional sheets if needed.) :

I BELIEVE IT IS MY CIVIC DUTY TO BE INVOLVED IN MY COMMUNITY AND PARTICIPATE IN THE GOVERNMENT PROCESS WHERE THE OPPORTUNITY ARISES, SUCH AS THIS OPPORTUNITY HAS ARISEN. I WISH TO BE OF ASSISTANCE TO GAVILAN COLLEGE, MY ALMA MATER, IN ORDER TO SEE TO IT THAT IT RECEIVES THE FUNDS AND DISTRIBUTES THEM ACCORDING TO MEASURE E'S REQUIREMENTS.

Personal References:

List references that have knowledge of your character, experience and abilities. Do not include names of relatives or your present employer. (You may attach letters of reference from those listed if you wish.)

- | Name | Address | Phone | Business/Occupation |
|--------------------|---|-------|---------------------|
| 1. YVONNE MAGNO, | 339 SEVENTH STREET, SUITE P, HOLLISTER, CA 95023, | | |
| | 831-637-0700, ATTORNEY | | |
| 2. NOEL PROVOST, | 600 HEATHERWOOD ESTATES DR., HOLLISTER, CA 95023, | | |
| | 831-637-6713, RETIRED GILROY POLICE OFFICER | | |
| 3. RICHARD BOOMER, | 339 SEVENTH STREET, SUITE O, HOLLISTER, CA 95023, | | |
| | 831-801-3623, PRIVATE INVESTIGATOR | | |

Certificate of Applicant:

All answers and statements in this document are true and complete to the best of my knowledge and belief.

Signature: Annalisa Balkich Date: 8.14.14

Angie Oropeza

From: Issa Ajlouny <issaajlouny@earthlink.net>
Sent: Tuesday, August 19, 2014 5:20 PM
To: Angie Oropeza
Cc: Jan Bernstein-Chargin
Subject: RE: Issa Ajlouny for Measure E Bond Oversight Committee
Attachments: committee application.pdf

Angie, I filled out the application but had no way to sign it and get it to you so I made it a PDF and state in this email the following of the attached PDF, All answers and statements in this document are true and complete to the best of my knowledge and belief. Let me know if this is OK, **I certainly can sign this when we meet.**

Thanks,
Issa Ajlouny

From: Angie Oropeza [<mailto:AORopeza@gavilan.edu>]
Sent: Tuesday, August 19, 2014 9:02 AM
To: issaajlouny@earthlink.net
Cc: Jan Bernstein-Chargin
Subject: RE: Issa Ajlouny for Measure E Bond Oversight Committee

Hello Mr. Ajlouny—

Attached is the Citizens' Oversight Committee application. If you could return the completed application by August 29, I will be able to include it in the Board of Trustees agenda materials for their meeting on September 9.

Thank you

Angie Oropeza
Executive Assistant, Office of the President
Gavilan College
5055 Santa Teresa Blvd.
Gilroy, CA 95020
aoropeza@gavilan.edu
408-848-4711

From: Jan Bernstein-Chargin
Sent: Monday, August 18, 2014 10:19 PM
To: Angie Oropeza
Subject: FW: Issa Ajlouny for Measure E Bond Oversight Committee

Hi Angie,

Can you connect with the following volunteer for the Citizens Oversight Committee?

APPLICATION FOR APPOINTMENT
TO THE CITIZENS' OVERSIGHT COMMITTEE
(PRINT AND COMPLETE)

Completed applications are to be submitted to the Office of the President, Gavilan Joint Community College District, 5055 Santa Teresa Blvd., Gilroy, CA 95020. Completed applications become public records and cannot be kept confidential by law. Should you have any questions, please call (408) 848-4711.

General Information:

Name: **Issa Ajlouny**

Home Address: **168 Sprucemont Place**

City and ZIP Code: **San Jose , 95139**

Telephone # (home): **408 569-4772** _____ (work) _____

Email Address: **issaajlouny@earthlink.net**

Best time to reach you: **Afternoons or evenings**

Employment Information: **Retired**

Name of Employer: _____

Occupation: _____

Work Address: _____

* No school district official, employee, vendor, contractor or consultant to the school district may be appointed to the Citizens' Oversight Committee.
In addition, Citizens' Oversight Committee members are expressly subject to Government Code Section 1090 et seq., which prohibits conflict of interest contracts and may be subject to annual conflict of interest reporting requirements. All members of

the Committee will be subject to statutory requirements and those requirements established by District policy on this matter.

Educational Background:

College and/or University: **West Valley**

Degree/Major: **Electronics Certificate**

Year of graduation or expected graduation: **Dec of 1978**

Certificate/Licenses/Technical Training: **Certificate in Electronics and worked for IBM as Computer repair services and as a software consultant for 34 years**

You may attach a personal resume if you wish.

Additional Information:

List any business organizations that represent the business community within the Gavilan Joint Community College District in which you are currently an active member:

List any senior citizens' organizations or taxpayers' organizations in which you are currently an active member: **Silicon Valley Taxpayers Association**

List present or past membership in any community service, civic or youth organizations, or Gavilan College clubs and student organization of which you are currently a member:

List participation in seminars, workshops, volunteer work, and professional organizations:
Describe your skills, training and experience in finance, facilities, construction and/or other applicable fields. (You may attach additional sheets if needed.)

How long have you been a resident of the Gavilan Joint Community College District?

27 Years _____ Months

Are you currently an official, employee, vendor, contractor or consultant to the District?

_____ Yes xx No

Have you ever been employed by the District?

_____ Yes xx No

Do you know of any reason, such as a conflict of interest, which would adversely affect your ability to serve on the Citizens' Oversight Committee? _____ Yes xx No

If yes, explain:

Explain why you would like to be appointed to this committee. (You may attach additional sheets if needed.) :

I am interested in helping in my community as a
recent retired person. _____

Personal References:

List references that have knowledge of your character, experience and abilities. Do not include names of relatives or your present employer. (You may attach letters of reference from those listed if you wish.)

Name	Address	Phone	Business/Occupation
1. Steve Nelson,	224 Tolin Ct, SJ, 95139,	408-384-1799,	Software Developer
2. Reed Larsen,	412 Madison Drive, SJ, 95123,	408-656-2404,	Paralegal
3. Todd Spellman,	6435 Sussex Pl., Gilroy, 95020,	408-772-8966,	Retired SJ Captain Fire Fighter

Certificate of Applicant:

All answers and statements in this document are true and complete to the best of my knowledge and belief.

Signature: _____ Date: _____

Gavilan Joint Community College District
Governing Board Agenda

September 9, 2014

Administrative Services

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

SUBJECT: Capital Project Change Order

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees authorize a capital project change order request for the Parking Lot C Expansion 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:

Parking Lot C Expansion Project
Monterey Peninsula Engineering, CO #2 for \$6,478.00

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

Budgetary Implications:

The efficient use of Measure E 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

Change Order for Parking Lot C Extension

CHANGE ORDER #02 - Monterey Peninsula Engineering

RCCO #	Description	Amount	Additional Days (Calendar)
005	Addition to install fog seal over new asphalt in order to provide weather protection	\$ 6,835.00	0
006	Credit for the removal of stripping work at intersection of new Parking Lot C Extension entrance, loop road, and Parking Lot H	\$ (357.00)	0
TOTAL		\$ 6,478.00	0

Contract Amount	\$ 658,000.00
Net Change By Previously Authorized Change Orders	\$ 26,595.00
Revised Contract Amount Prior to this Change Order	\$ 684,595.00
Change Order #02	\$ 6,478.00
New Contract Amount Including this Change Order	\$ 691,073.00

Available Construction Contingency	\$ 65,800.00
Change Order #1 & #02	\$ 33,073.00
Remaining Construction Contingency	\$ 32,727.00

Contract Start Date	April 16, 2014
Contract Substantial Completion Date	August 31, 2014
New Contract Substantial Completion Date (By Previously Authorized Change Orders)	August 31, 2014
New Contract Substantial Completion Date (Including this Change Order)	August 31, 2014

April 16, 2014
 August 31, 2014
 August 31, 2014
August 31, 2014

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

September 9, 2014

Administrative Services

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

SUBJECT: Notice of Completion for Parking Lot C Extension Project

Resolution: BE IT RESOLVED,

Information Only

Action Item

Proposal:

That the Board of Trustees accept the Parking Lot C Extension Project as complete and authorize the Vice President of Administrative Services to record a Notice of Completion as required.

Background:

The Parking Lot C Extension Project has been completed as of August 29, 2014. Various documents are now required by the Division of the State Architect to close out the project. This is the final acceptance from the Board of Trustees that the project is complete.

Budgetary Implications:

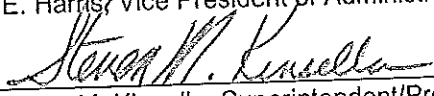
The Parking Lot C Extension Project total project cost is approximately \$1,300,000.

Follow Up/Outcome:

The Vice President of Administrative Services will execute the Notice of Completion for the Project and have the same recorded in the Santa Clara County Recorder's Office.

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: 
Dr. Steven M. Kinsella, Superintendent/President

Gavilan Joint Community College District
5055 Santa Teresa Boulevard
Gilroy, California 95020

Recording Fees Exempted
G.C. § 6103 and 27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN by Gavilan Joint Community College District, a public agency, ("District"), 5055 Santa Teresa Boulevard, Gilroy, California 95020, that as owner of the property hereinafter described, the District awarded a contract to Monterey Peninsula Engineering, on the 16th day of April, 2014 for construction of a work commonly described as Parking Lot C Extension Project ("the Project") on real property commonly described as Gavilan College, 5055 Santa Teresa Boulevard, Gilroy, California 95020. At a meeting of the Board of Trustees of the District, conducted on the 9th day of September, 2014, the Board of Trustees took action to accept the Project as complete as of the 29th day of August, 2014, and authorized the recording of this Notice of Completion.

Gavilan Joint Community College District

Frederick E. Harris
Vice President of Administrative Services

State of California)
County of Santa Clara)

Subscribed and sworn to (or affirmed) before me on this _____ day of _____ 2014,
by _____, proved to me on the basis of satisfactory evidence to be the
person (s) who appeared before me.

Signature: _____

(Seal)

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

September 15, 2014

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

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