

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  
December 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 – September 15, 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:

October 14, 2014

- Measure E Bond Quarterly Financial Status Report at June 30, 2014

November 10, 2014

- Measure E Bond Quarterly Financial Status Report at September 30, 2014

December 9, 2014

- Approval of Technology Audit & Payroll Module Implementation
- Extension of an Option to Purchase an Open Space/Conservation Easement at Mariposa Peak Ranch

VI. DISCUSSION ITEM(S)

1. Update Measure E Activities

VII. ACTION ITEM(s)

1. Set Next Meeting Date(s)

VIII. CLOSING ITEMS

1. Adjournment



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

Kent Child  
Lois Locci

Mark Dover  
Walt Glines

Jonathan Brusco

## GAVILAN COLLEGE MISSION

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

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

However, no action may be taken on an item, which is not on the agenda. The public is welcomed to address the COC on particular agenda items and may do so at the time it is presented. Guidelines for Comments from the Public will be as follows:

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

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

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

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

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

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

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

December 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 – September 15, 2014

Resolution:

Information Only

Action Item

**Proposal:**

That the Citizens' Oversight Committee approve minutes from the Citizens' Oversight Committee Meeting of September 15, 2014.

**Background:**

See attached.

**Budgetary Implications:**

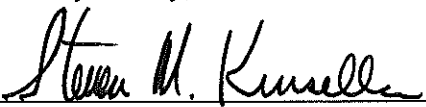
None.

**Follow Up/Outcome:**

No further action required.

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

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

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

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT  
Citizens' Oversight Committee Meeting  
September 15, 2014 – 6:00 p.m.  
Gavilan College  
5055 Santa Teresa Boulevard, Gilroy, CA 95020  
Student Center, North/South Lounges

MINUTES

I. CALL TO ORDER

1. Roll Call and Introductions

Committee Members Present: Jack Bachofer, Suzanne Bulle, Tim Day, Ryan Shook, Donna Bakich, Issa Aljouny

Committee Members Absent: Cindy Dalla, Sandy Habr, Gene Sakahara

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

II. APPROVAL OF AGENDA

MSC (R.Shook/S.Bulle) 6 ayes, 0 nays to approve.

III. CONSENT AGENDA

1. Minutes – June 23, 2014  
MSC (S.Bulle/R.Shook) 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:

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

August 12, 2014

- BFGC-IBI Group Architecture and Planning Project Assignment Amendment (PAA)

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

Dr. Steven Kinsella reviewed the Measure E items presented to the Board of Trustees and answered questions as follows:

- Prop 39 energy retrofit projects were augmented with Measure E funds.
- The eminent domain items were approved by the Board but not executed because the issues were resolved.
- The second addendum to the mitigated negative declaration refers to the water line modernization project. To make sure there weren't any questions about CEQA, we did another negative declaration.
- The BFGC-IBI Group Architecture project assignment is an agreement for the work on Coyote Valley.
- The Measure E Program Budget Alignment is the latest update approved by the Board on September 9. It includes completed projects, the inactive projects are those we don't have money to complete, and the current open projects are Coyote Valley, South County Airport, the GECA relocation that just finished, the Physical Education we just started, and closeout on the San Benito property for CEQA and habitat mitigation. The water replacement is mostly a state project but we had to rebuild the well. The rest are miscellaneous and self-explanatory.
- Regarding the water replacement project – the water pressure in the well we've had for 40 years was too low according to the fire marshal. We submitted a life safety issue to the state and in 2008 they agreed to pay for the project. We rebuilt the existing well with Measure E funds and will pick up what the state doesn't finish paying. We will go from one to two tanks.
- The police academy is not a small program to us. In 1992 the state realized colleges were pulling away from training public safety personnel; one of the reasons was the high cost. The legislature directed colleges to create regional consortiums. We did that with Evergreen College in 1994 with nine additional colleges joining. Since then our program has grown to 500 full-time equivalent students (FTEs). Evergreen has now pulled out because they are a basic aid district; they get more in property taxes. They want to use the property the academy is located on for other purposes. If we don't do anything we'll lose 500 FTEs, approximately \$2.4 million in annual operating revenue, or 10% of annual income.
- We are moving the police academy to the Gavilan district at Coyote Valley because it is our program. If we move too far south we won't have as big an enrollment as we currently do. We will use \$11.5 million; the architects' estimate is \$17 million. The consortium will pay the balance that we don't pay.
- Each year we inform the consortium how much training we want to provide. They get the funds from us; approximately 55% of what the state pays us. They coordinate and arrange the training. Every college that wants to participate, can do so. Training is done at various sites.

- Regarding the asbestos cement pipe - if we know there is an issue, it is built into the specifications and we bid it that way. The only time there is added cost is when we don't know there is an issue to take care of. In this case, the pipe was taken out.
- The Gilroy Early College Academy (GECA) started with a grant from the Bill and Melinda Gates Foundation and with an agreement with Gilroy Unified to have a high school on campus with a different environment than the traditional high school. It is designed for students who take a four year high school program and at least 30 units of college credit. Every year we have a handful of students that graduate from GECA on Thursday with a High School Diploma and from Gavilan College on Friday with an Associate Degree. GECA has the highest academic performance index in the state of California.

VII. ACTION ITEM(s)

1. Set Next Meeting Date(s)

MSC (D.Bakich/R.Shook) 6 ayes, 0 nays to schedule the next meeting on December 15, 6:00 p.m.

VIII. CLOSING ITEMS

1. Adjournment

MSC (D.Bakich/R.Shook) 6 ayes 0 nays to adjourn at 6:31 p.m.

Dr. Steven Kinsella thanked Jack Bachofer for his service and presented him with a certificate of appreciation.

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

December 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

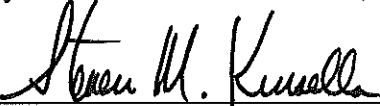
**Proposal:**  
None

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

**Budgetary Implications:**

**Follow Up/Outcome:**

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

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

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

**OCTOBER 14, 2014**



Gavilan Joint Community College District  
Governing Board Agenda

October 14, 2014

Consent Agenda Item No. 7. (g) Administrative Services  
Information/Staff Reports No.  
Discussion Item No.  
Old Business Agenda Item No.  
New Business Agenda Item No.

**SUBJECT:** Measure E Bond Quarterly Financial Status Report at June 30, 2014

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

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

**Background:**

Attached is the Measure E Bond Quarterly Unaudited Financial Status Report for the period April 1, 2014 to June 30, 2014. The column titled "Budget" is based on the Board approved Measure E Master Budget as of December 10, 2013. The expenditures are accounted for on a cash basis during the fiscal year; during year-end some accrued expenses are included in the amounts.

**Budgetary Implications:**

The efficient use of Measure E Bond Program funds

**Follow Up/Outcome:**

Continue to monitor the Measure E Bond program finances.

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

Prepared By: Judy Breza  
Judy Breza, Merim Director/Business Services

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

APPROVED BY THE BOARD OF TRUSTEES

DATE: 10/14/14

*W. Bailey*

Gavilan Joint Community College District  
 Measure E Bond Quarterly Financial Status Interim Report  
 Received and Expended to Date for Qtr 4 Fiscal Year 2013-2014 (4/01/2014-6/30/2014)  
 Based on Board Approved December 2013 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
<b>Revenue</b>					
<u>Proceeds from Bond Sales</u>			\$ 108,000,000		
Cost of Issuance			\$ (255,000)		
Total Proceeds from Bond Sales			\$ 107,745,000		
Bond Implementation Costs			\$ (188,623)		
<u>Reimbursement of Bond Expenses</u>			\$ 164,456		
Premium Adjustment			\$ (13,175)		
<u>Agricultural Lease</u>			\$ 6,920		
<u>Bond Interest</u>			\$ 9,988		
Fiscal Year 2003-04			\$ 562,662		
Fiscal Year 2004-05			\$ 1,045,177		
Fiscal Year 2005-06			\$ 976,676		
Fiscal Year 2006-07			\$ 1,281,565		
Fiscal Year 2007-08			\$ 735,130		
Fiscal Year 2008-09			\$ 100,247		
Fiscal Year 2009-10			\$ 62,460		
Fiscal Year 2010-11			\$ 204,720		
Fiscal Year 2011-12			\$ 158,143		
Fiscal Year 2012-13			\$ 114,449		
Fiscal Year 2013-14			\$ 5,251,217		
Subtotal Bond Interest			\$ 5,251,217		
<u>Parking Fund Contribution</u> Fiscal Year 2007-08			\$ 250,000		Non Measure "E" Fund
<u>Scheduled Maintenance Contribution</u> Fiscal Year 2008-2009			\$ 217,138		Non Measure "E" Fund
<b>Total Revenue</b>			<b>\$ 113,432,933</b>		

**Expenditures**

1 Program

660060 - Program Contingency		\$ 5,798,211			
	Total Costs through 3/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ -	\$ 5,798,211	
660360 - Planning - District		\$ 300,000			
	Total Costs through 3/31/2014		\$ 103,069		
	5831 - Contracted Services		\$ 12,486		
	Total Costs through 6/30/2014		\$ 115,555	\$ 184,445	
660560 - Planning - Main Campus		\$ 4,949,686			
	Total Costs through 3/31/2014		\$ 4,582,646		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 4,582,646	\$ 367,040	2
662260 - Coyote Valley Ed Center		\$ 50,000			
	Total Costs through 3/31/2014		\$ 13,585		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 13,585	\$ 36,415	
663260 - Hollister Ed Center		\$ 50,000			
	Total Costs through 3/31/2014		\$ 8,225		
	5831 - Contracted Services		\$ 1,400		
	Total Costs through 6/30/2014		\$ 9,625	\$ 40,375	

Gavilan Joint Community College District  
Measure E Bond Quarterly Financial Status Interim Report  
Received and Expended to Date for Qtr 4 Fiscal Year 2013-2014 (4/01/2014-6/30/2014)  
Based on Board Approved December 2013 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
<b>2 Land Acquisition</b>					
662060/662160 - Coyote Valley Prop (Property/Develop)		\$ 21,324,060			
	Total Costs through 3/31/2014		\$ 21,073,194		
	5810 - Legal Services		\$ 6,774		
	5825 - Administrative Fee		\$ 5,000		
	5855 - Reimbursable Expenses		\$ 991		
	5831 - Contracted Services		\$ 150,586		
	Total Costs through 6/30/2014		\$ 21,236,545	\$ 87,515	
663060/663160 - San Benito Prop (Property/Develop)		\$ 9,838,755			
	Total Costs through 3/31/2014		\$ 9,204,134		
	5831 - Contracted Services		\$ 1,480		
	Total Costs through 6/30/2014		\$ 9,205,614	\$ 633,141	
664060 - Land Residual		\$ 2,863,885			
	Total Costs through 3/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ -	\$ 2,863,885	
665060 - Local Funds Off-Site Development		\$ 3,430,514			
	Total Costs through 3/31/2014		\$ 69,998		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 69,998	\$ 3,360,516	
<b>3 Current Projects</b>					
670260-1 - HVAC Control Replacement		\$ 200,000			
	Total Costs through 3/31/2014		\$ 446,255		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 446,255	\$ (246,255)	
670360-1 - Electrical Service Loop		\$ 150,000			
	Total Costs through 3/31/2014		\$ 162,295		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 162,295	\$ (12,295)	
670560 - Physical Education Building		\$ 7,539,164			
	Total Costs through 3/31/2014		\$ 3,500		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 3,500	\$ 7,535,664	
671260 - Student Center Beam Replacement		\$ 186,000			
	Total Costs through 3/31/2014		\$ 185,481		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 185,481	\$ 519	
671360-1 Demo CJ500, Old Acad. PB Rebuild		\$ 300,000			
	Total Costs through 3/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ -	\$ 300,000	
671460 - South County Airport Development		\$ 2,600,000			
	Total Costs through 3/31/2014		\$ 103,704		
	5831 - Contracted Services		\$ 17,411		
	Total Costs through 6/30/2014		\$ 121,115	\$ 2,478,885	
671560 - GECA Relocation Parking Lot C		\$ 1,500,000			
	Total Costs through 3/31/2014		\$ 328,859		
	5810 - Legal Services		\$ 3,403		
	5823 - Advertising / Promotion		\$ 5,360		
	5825-Administrative Fee		\$ 51,847		
	5831 - Contracted Services		\$ 636,359		
	Total Costs through 6/30/2014		\$ 1,025,828	\$ 474,172	

Gavilan Joint Community College District  
Measure E Bond Quarterly Financial Status Interim Report  
Received and Expended to Date for Qtr 4 Fiscal Year 2013-2014 (4/01/2014-6/30/2014)  
Based on Board Approved December 2013 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
671660 - Furniture and Equipment Upgrade		\$ -			
	Total Costs through 3/31/2014		\$ 3,292		
	5831 - Contracted Services		\$ 42,898		
	6400 - Fixed Assets to \$5,000		\$ (546)		
	6405 - Fixed Assets over \$5,000		\$ 61,675		
	6420- Vehicles		\$ 5,761		
	Total Costs through 6/30/2014		\$ 113,080	\$ (113,080)	
672360 - Scheduled Maintenance (Match for FY 13/14)		\$ 259,000			
	Total Costs through 3/31/2014		\$ 454		
	5630 - Repairs & Maintenance		\$ 454	\$ 258,546	
	Total Costs through 6/30/2014		\$ 454	\$ 258,546	
672460 - Instructional Equipment (Match for FY 13/14)		\$ 677,000			
	Total Costs through 3/31/2014		\$ 65,044		
	4510 - Office Supplies		\$ 324		
	5636 - Software Support/Maintenance		\$ 52,500		
	6400 - Fixed Assets to \$5,000		\$ 22,460		
	6405 - Fixed Assets over \$5,000		\$ 249,461		
	Total Costs through 6/30/2014		\$ 389,789	\$ 287,211	
672560 - Scheduled Maintenance (Match for FY 14/15)		\$ 150,000			
	Total Costs through 3/31/2014				
	No Invoices this Period				
	Total Costs through 6/30/2014		\$ -	\$ 150,000	
672660 - Instructional Equipment (Match for FY 14/15)		\$ 350,000			
	Total Costs through 3/31/2014				
	No Invoices this Period				
	Total Costs through 6/30/2014		\$ -	\$ 350,000	
673060 - Multi-Purpose Building Upgrades		\$ -			
	Total Costs through 3/31/2014		\$ 12,025		
	5831 - Contracted Services		\$ 7,550		
	Total Costs through 6/30/2014		\$ 19,575	\$ (19,575)	
673160 - CDC Reconfiguration & Upgrade		\$ -			
	Total Costs through 3/31/2014		\$ 15,173		
	5831 - Contracted Services		\$ 15,173	\$ (15,173)	
	Total Costs through 6/30/2014		\$ 15,173	\$ (15,173)	
673260 - General Building Upgrades		\$ -			
	Total Costs through 3/31/2014		\$ 13,428		
	5831 - Contracted Services		\$ 13,428	\$ (13,428)	
	Total Costs through 6/30/2014		\$ 13,428	\$ (13,428)	
680560 - Water Replacement Project		\$ 500,000			
	Total Costs through 3/31/2014		\$ 69,525		
	5810 - Legal Services		\$ 31,775		
	5831 - Contracted Services		\$ 18,582		
	Total Costs through 6/30/2014		\$ 119,882	\$ 380,118	2
680660 - Technology, Phase 2		\$ 100,000			
	Total Costs through 3/31/2014		\$ 38,277		
	5636 - Software Support/Maintenance		\$ 13,190		
	6400 - Fixed Assets to \$5,000		\$ 1,589		
	6405-Fixed Assets over \$5,000		\$ 61,771		
	6412 - Software to \$5,000		\$ 1,375		
	Total Costs through 6/30/2014		\$ 116,202	\$ (16,202)	
680760 - Computer Replacement, Phase 2		\$ 250,000			
	Total Costs through 3/31/2014		\$ 14,263		
	6400 - Fixed Assets to \$5,000		\$ 2,006		
	6405-Fixed Assets over \$5,000		\$ 16,262		
	Total Costs through 6/30/2014		\$ 32,531	\$ 217,469	

Gavilan Joint Community College District  
Measure E Bond Quarterly Financial Status Interim Report  
Received and Expended to Date for Qtr 4 Fiscal Year 2013-2014 (4/01/2014-6/30/2014)  
Based on Board Approved December 2013 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
<b>INACTIVE PROJECTS</b>					
670760 - Student Center/Administration		\$ -			
	Total Costs through 3/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ -	\$ -	
670960 - Library/Media		\$ -			
	Total Costs through 3/31/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ -	\$ -	
<b>CLOSED PROJECTS</b>					
670060/671460 - Campus Infrastructure/Tech		\$ 8,036,484			
	Total Costs through 3/31/2014		\$ 8,036,484		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 8,036,484	\$ -	
670160 - Tennis Court Renovations		\$ 111,859			
	Total Costs through 3/31/2014		\$ 111,859		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 111,859	\$ -	
670260 - Interim Housing/Swing Space		\$ 4,416,466			
	Total Costs through 3/31/2014		\$ 4,416,466		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 4,416,466	\$ -	
670360 - Math, Physical Science, Life Science		\$ 6,081,010			
	Total Costs through 3/31/2014		\$ 6,081,010		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 6,081,010	\$ -	
670460 - Occupational ED (OE)		\$ 4,706,936			1
	Total Costs through 3/31/2014		\$ 4,706,937		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 4,706,937	\$ -	(1)
670660 - Humanities/Art/Music Hall		\$ 4,398,348			
	Total Costs through 3/31/2014		\$ 4,398,348		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 4,398,348	\$ -	
670860 - Cosmetology/Business		\$ 3,903,843			
	Total Costs through 3/31/2014		\$ 3,903,843		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 3,903,843	\$ -	
671060 - Social Sciences		\$ 3,917,858			
	Total Costs through 3/31/2014		\$ 3,918,035		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 3,918,035	\$ -	(177)
671160 - Security/Maintenance Building		\$ 1,432,750			
	Total Costs through 3/31/2014		\$ 1,432,750		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 1,432,750	\$ -	
671260 - Cafeteria Renovations & HVAC		\$ 217,419			
	Total Costs through 3/31/2014		\$ 217,419		
	No Invoices this Period		\$ -		
	Total Costs through 6/30/2014		\$ 217,419	\$ -	
671360 - Parking Lot/Campus Lighting		\$ 4,437,518			
	Total Costs through 3/31/2014		\$ 4,437,518		

Gavilan Joint Community College District  
Measure E Bond Quarterly Financial Status Interim Report  
Received and Expended to Date for Qtr 4 Fiscal Year 2013-2014 (4/01/2014-6/30/2014)  
Based on Board Approved December 2013 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
	<i>No Invoices this Period</i>				
	<b>Total Costs through 6/30/2014</b>		<b>\$ 4,437,518</b>	<b>\$ 0</b>	
680160 - Technology / ERP System		\$ 3,511,130			
	Total Costs through 3/31/2014		\$ 3,511,130		
	<i>No Invoices this Period</i>		\$ -		
	<b>Total Costs through 6/30/2014</b>		<b>\$ 3,511,130</b>	<b>\$ -</b>	
680360 - Computer / Phone System		\$ 1,111,376			
	Total Costs through 3/31/2014		\$ 1,111,376		
	<i>No Invoices this Period</i>		\$ -		
	<b>Total Costs through 6/30/2014</b>		<b>\$ 1,111,376</b>	<b>\$ -</b>	
680460 - Existing Well Replacement		\$ 70,947			
	Total Costs through 3/31/2014		\$ 70,947		
	<i>No Invoices this Period</i>		\$ -		
	<b>Total Costs through 6/30/2014</b>		<b>\$ 70,947</b>	<b>\$ 0</b>	
- Debt Payment		\$ 3,625,796			
	Total Costs through 3/31/2014		\$ 3,625,796		
	<i>No Invoices this Period</i>		\$ -		
	<b>Total Costs through 6/30/2014</b>		<b>\$ 3,625,796</b>	<b>\$ -</b>	
Total Previous Expended (Through 3/31/2014)			\$ 86,467,290		
Total Invoices this Period (4/1/2014 through 6/30/2014)			\$ 1,510,783		
Total Expended to Date (Through 6/30/2014)			\$ 87,978,073		
Total Construction Budget		\$ 113,346,015		\$ 25,381,370	
Total Revenue to Date			\$ 113,432,933		
Cash Balance				\$ 25,454,860	

**Notes:**

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

**November 10, 2014**

Gavilan Joint Community College District  
Governing Board Agenda

November 10, 2014

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

**SUBJECT:** Measure E Bond Quarterly Financial Status Report at September 30, 2014

Resolution: BE IT RESOLVED,

Information Only

Action Item

**Proposal:**

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

**Background:**

Attached is the Measure E Bond Quarterly Unaudited Financial Status Report for the period July 1, 2014 to September 30, 2014. The column titled "Budget" is based on the Board approved Measure E Master Budget as of September 9, 2014. The expenditures are accounted for on a cash basis during the fiscal year; during year-end some accrued expenses are included in the amounts.

**Budgetary Implications:**

The efficient use of Measure E Bond Program funds

**Follow Up/Outcome:**

Continue to monitor the Measure E Bond program finances.

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

Prepared By: Judy Breza  
Judy Breza, Interim Director, Business Services

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

APPROVED BY THE BOARD OF TRUSTEES

DATE: 11/10/14

W. Bailey



Gavilan Joint Community College District  
 Measure E Bond Quarterly Financial Status Interim Report  
 Received and Expended to Date for Qtr 1 Fiscal Year 2014-2015 (7/1/2014 thru 9/30/2014)  
 Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
<b>Revenue</b>					
<u>Proceeds from Bond Sales</u>			\$ 108,000,000		
Cost of Issuance			\$ (255,000)		
Total Proceeds from Bond Sales			\$ 107,745,000		
Bond Implementation Costs			\$ (188,623)		
<u>Reimbursement of Bond Expenses</u>			\$ 164,456		
Premium Adjustment			\$ (13,175)		
<u>Agricultural Lease</u>			\$ 6,921		
<u>Bond Interest</u>	Fiscal Year 2003-04		\$ 9,988		
	Fiscal Year 2004-05		\$ 562,662		
	Fiscal Year 2005-06		\$ 1,045,177		
	Fiscal Year 2006-07		\$ 976,676		
	Fiscal Year 2007-08		\$ 1,281,565		
	Fiscal Year 2008-09		\$ 735,130		
	Fiscal Year 2009-10		\$ 100,247		
	Fiscal Year 2010-11		\$ 62,460		
	Fiscal Year 2011-12		\$ 204,720		
	Fiscal Year 2012-13		\$ 158,143		
	Fiscal Year 2013-14		\$ 114,449		
	Subtotal Bond Interest		\$ 5,251,217		
<u>Parking Fund Contribution</u>	Fiscal Year 2007-08		\$ 250,000		Non Measure "E" Fund
<u>Scheduled Maintenance Contribution</u>	Fiscal Year 2008-2009		\$ 217,138		Non Measure "E" Fund
<b>Total Revenue</b>			<b>\$ 113,432,934</b>		
<b>Expenditures</b>					
<b>1 Program</b>					
660060 - Program Contingency		\$ 25,000			
	Total Costs through 6/30/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 9/30/2014		\$ -	\$ 25,000	
660360 - Planning - District		\$ 155,319			
	Total Costs through 6/30/2014		\$ 115,555		
	5831 - Contracted Services		\$ 1,409		
	Total Costs through 9/30/2014		\$ 116,964	\$ 38,355	
660560 - Planning - Main Campus		\$ 4,582,646			
	Total Costs through 6/30/2014		\$ 4,582,646		
	No Invoices this Period				
	Total Costs through 9/30/2014		\$ 4,582,646	\$ 0	
662260 - Coyote Valley Ed Center		\$ 12,532,487			
	Total Costs through 6/30/2014		\$ 13,585		
	5425 - License, Permits, Fees		\$ 3,600		
	5831 - Contracted Services		\$ 48,300		
	Total Costs through 9/30/2014		\$ 65,485	\$ 12,467,002	
663260 - Hollister Ed Center		\$ 9,625			
	Total Costs through 6/30/2014		\$ 9,625		
	No Invoices this Period				
	Total Costs through 9/30/2014		\$ 9,625	\$ (0)	
<b>2 Land Acquisition</b>					
662060/662160 - Coyote Valley Prop (Property/Develop)		\$ 21,238,072			
	Total Costs through 6/30/2014		\$ 21,236,545		
	5810 - Legal Services		\$ 884		
	5831 - Contracted Services		\$ 1,528		
	Total Costs through 9/30/2014		\$ 21,238,957	\$ (885)	

Gavilan Joint Community College District  
Measure E Bond Quarterly Financial Status Interim Report  
Received and Expended to Date for Qtr 1 Fiscal Year 2014-2015 (7/1/2014 thru 9/30/2014)  
Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
663060/663160 - San Benito Prop	(Property/Develop)	\$ 9,838,755			
	Total Costs through 6/30/2014		\$ 9,205,614		
	5831 - Contracted Services		\$ 1,198		
	6160 - Land		\$ 25,000		
	Total Costs through 9/30/2014		\$ 9,231,811	\$ 606,944	
664060 - Land Residual		\$ -			
	Total Costs through 6/30/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 9/30/2014		\$ -	\$ -	
665060 - Local Funds Off-Site Development		\$ 69,998			
	Total Costs through 6/30/2014		\$ 69,998		
	No Invoices this Period		\$ -		
	Total Costs through 9/30/2014		\$ 69,998	\$ (0)	
<b>3 Current Projects</b>					
670560 - Physical Education Building		\$ 6,539,164			
	Total Costs through 6/30/2014		\$ 3,500		
	No Invoices this Period		\$ -		
	Total Costs through 9/30/2014		\$ 3,500	\$ 6,535,664	
671460 - South County Airport Development		\$ 3,000,000			
	Total Costs through 6/30/2014		\$ 121,115		
	5831 - Contracted Services		\$ 6,710		
	Total Costs through 9/30/2014		\$ 127,825	\$ 2,872,175	
671560 - GECA Relocation Parking Lot C		\$ 1,500,000			
	Total Costs through 6/30/2014		\$ 1,025,828		
	5520 - Water		\$ 613		
	5831 - Contracted Services		\$ 88,330		
	Total Costs through 9/30/2014		\$ 1,114,771	\$ 385,229	
671660 - Furniture and Equipment Upgrade		\$ 175,000			
	Total Costs through 6/30/2014		\$ 113,080		
	6400 - Fixed Assets under \$5,000		\$ 5,971		
	6405 - Fixed Assets over \$5,000		\$ 5,631		
	Total Costs through 9/30/2014		\$ 124,681	\$ 50,319	
672360 - Scheduled Maintenance (Match for FY 13/14)		\$ 109,000			
	Total Costs through 6/30/2014		\$ 454		
	No Invoices this Period		\$ -		
	Total Costs through 9/30/2014		\$ 454	\$ 108,546	
672460 - Instructional Equipment (Match for FY 13/14)		\$ 768,591			
	Total Costs through 6/30/2014		\$ 389,789		
	5636 - Software Support / Maintenance		\$ 12,500		
	5831 - Contracted Services		\$ 4,125		
	6400 - Fixed Assets under \$5,000		\$ 15,009		
	6405 - Fixed Assets over \$5,000		\$ 60,528		
	Total Costs through 9/30/2014		\$ 481,950	\$ 286,641	
672560 - Scheduled Maintenance (Match for FY 14/15)		\$ -			
	Total Costs through 6/30/2014		\$ -		
	No Invoices this Period		\$ -		
	Total Costs through 9/30/2014		\$ -	\$ -	
672660 - Instructional Equipment (Match for FY 14/15)		\$ 8,409			
	Total Costs through 6/30/2014		\$ -		
	6400 - Fixed Assets to \$5,000		\$ 19,574		
	Total Costs through 9/30/2014		\$ 19,574	\$ (11,165)	

Gavilan Joint Community College District  
Measure E Bond Quarterly Financial Status Interim Report  
Received and Expended to Date for Qtr 1 Fiscal Year 2014-2015 (7/1/2014 thru 9/30/2014)  
Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
673060 - Multi-Purpose Building Upgrades		\$ 45,000			
	Total Costs through 6/30/2014		\$ 19,575		
	5831 - Contracted Services		\$ 875		
	Total Costs through 9/30/2014		\$ 20,450	\$ 24,550	
673160 - CDC Reconfiguration & Upgrade		\$ 500,000			
	Total Costs through 6/30/2014		\$ 15,173		
	5831 - Contracted Services		\$ 46		
	Total Costs through 9/30/2014		\$ 15,219	\$ 484,781	
673260 - General Building Upgrades		\$ 25,000			
	Total Costs through 6/30/2014		\$ 13,428		
	5831 - Contracted Services		\$ 3,825		
	Total Costs through 9/30/2014		\$ 17,253	\$ 7,747	
680560 - Water Replacement Project		\$ 300,000			
	Total Costs through 6/30/2014		\$ 119,882		
	<i>No Invoices this Period</i>				
	Total Costs through 9/30/2014		\$ 119,882	\$ 180,118	
680660 - Technology, Phase 2		\$ 900,000			
	Total Costs through 6/30/2014		\$ 116,202		
	5831 - Contracted Services		\$ 700		
	Total Costs through 9/30/2014		\$ 116,902	\$ 783,098	
680760 - Computer Replacement, Phase 2		\$ 250,000			
	Total Costs through 6/30/2014		\$ 32,531		
	4510 - Office Supplies		\$ 207		
	6400 - Fixed Assets to \$5,000		\$ 3,655		
	6405 - Fixed Assets over \$5,000		\$ 9,757		
	Total Costs through 9/30/2014		\$ 46,150	\$ 203,850	
<b>INACTIVE PROJECTS</b>					
670760 - Student Center/Administration		\$ -			
	Total Costs through 6/30/2014		\$ -		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ -	\$ -	
670960 - Library/Media		\$ -			
	Total Costs through 6/30/2014		\$ -		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ -	\$ -	
671360-1 Demo CJ500, Old Acad. PB Rebuild		\$ -			
	Total Costs through 6/30/2014		\$ -		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ -	\$ -	
<b>CLOSED PROJECTS</b>					
670060/671460 - Campus Infrastructure/Tech		\$ 8,036,484			
	Total Costs through 6/30/2014		\$ 8,036,484		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 8,036,484	\$ -	
670160 - Tennis Court Renovations		\$ 111,859			
	Total Costs through 6/30/2014		\$ 111,859		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 111,859	\$ -	
670260 - Interim Housing/Swing Space		\$ 4,416,466			
	Total Costs through 6/30/2014		\$ 4,416,466		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 4,416,466	\$ -	

Gavilan Joint Community College District  
Measure E Bond Quarterly Financial Status Interim Report  
Received and Expended to Date for Qtr 1 Fiscal Year 2014-2015 (7/1/2014 thru 9/30/2014)  
Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
670260-1 - HVAC Control Replacement		\$ 446,255			
	Total Costs through 6/30/2014		\$ 446,255		
	<i>No Invoices this Period</i>				
	Total Costs through 6/30/2014		\$ 446,255	\$ 0	
670360-1 - Electrical Service Loop		\$ 162,295			
	Total Costs through 6/30/2014		\$ 162,295		
	<i>No Invoices this Period</i>				
	Total Costs through 6/30/2014		\$ 162,295	\$ -	
670360 - Math, Physical Science, Life Science		\$ 6,081,010			
	Total Costs through 6/30/2014		\$ 6,081,010		
	<i>No Invoices this Period</i>				
	Total Costs through 9/30/2014		\$ 6,081,010	\$ -	
670460 - Occupational ED (OE)		\$ 4,706,937			
	Total Costs through 6/30/2014		\$ 4,706,937		
	<i>No Invoices this Period</i>				
	Total Costs through 9/30/2014		\$ 4,706,937	\$ -	
670660 - Humanities/Art/Music Hall		\$ 4,398,348			
	Total Costs through 6/30/2014		\$ 4,398,348		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 4,398,348	\$ -	
670860 - Cosmetology/Business		\$ 3,903,843			
	Total Costs through 6/30/2014		\$ 3,903,843		
	<i>No Invoices this Period</i>				
	Total Costs through 9/30/2014		\$ 3,903,843	\$ -	
671060 - Social Sciences		\$ 3,918,035			
	Total Costs through 6/30/2014		\$ 3,918,035		
	<i>No Invoices this Period</i>				
	Total Costs through 9/30/2014		\$ 3,918,035	\$ -	
671160 - Security/Maintenance Building		\$ 1,432,750			
	Total Costs through 6/30/2014		\$ 1,432,750		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 1,432,750	\$ -	
671260 - Cafeteria Renovations & HVAC		\$ 217,419			
	Total Costs through 6/30/2014		\$ 217,419		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 217,419	\$ -	
671260 - Student Center Beam Replacement		\$ 185,481			
	Total Costs through 6/30/2014		\$ 185,481		
	<i>No Invoices this Period</i>				
	Total Costs through 9/30/2014		\$ 185,481	\$ (0)	
671360 - Parking Lot/Campus Lighting		\$ 4,437,518			
	Total Costs through 6/30/2014		\$ 4,437,518		
	<i>No Invoices this Period</i>				
	Total Costs through 9/30/2014		\$ 4,437,518	\$ 0	
680160 - Technology / ERP System		\$ 3,511,130			
	Total Costs through 6/30/2014		\$ 3,511,130		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 3,511,130	\$ -	
680360 - Computer / Phone System		\$ 1,111,376			
	Total Costs through 6/30/2014		\$ 1,111,376		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 1,111,376	\$ -	

Gavilan Joint Community College District  
 Measure E Bond Quarterly Financial Status Interim Report  
 Received and Expended to Date for Qtr 1 Fiscal Year 2014-2015 (7/1/2014 thru 9/30/2014)  
 Based on Board Approved September 2014 Budget

Project/Vendor	Description of Services	Budget	Expended	Balance	Notes
680460 - Existing Well Replacement		\$ 70,947			
	Total Costs through 6/30/2014		\$ 70,947		
	<i>No Invoices this Period</i>				
	Total Costs through 9/30/2014		\$ 70,947	\$ 0	
- Debt Payment		\$ 3,625,796			
	Total Costs through 6/30/2014		\$ 3,625,796		
	<i>No Invoices this Period</i>		\$ -		
	Total Costs through 9/30/2014		\$ 3,625,796	\$ -	
Total Previous Expended (Through 6/30/2014)			\$ 87,978,073		
Total Invoices this Period (7/1/2014 through 9/30/2014)			\$ 319,974		
Total Expended to Date (Through 9/30/2014)			\$ 88,298,047		
Total Construction Budget		\$ 113,346,015		\$ 25,047,968	
Total Revenue to Date			\$ 113,432,934		
Cash Balance				\$ 25,134,887	

**Note**: This agenda packet was completed prior to the December 9<sup>th</sup> Board of Trustee meeting. Approvals not yet noted.

**DECEMBER 9, 2014**

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

December 9, 2014

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

**SUBJECT:** Approval of Technology Audit & Payroll Module Implementation Agreement

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees ratify an agreement with Angus-Hamer, Inc for \$256,600 plus reimbursable expenses from Measure E funds to complete the Technology Audit & Application Project.

**Background:**

Angus-Hamer Inc will provide Senior Project manager resources that will be responsible for initiating, planning, executing, monitoring and closing the Gavilan College Banner Application/Infrastructure Project based on the following scope:

1. High Level Technology Infrastructure Capabilities Assessment
2. Banner Application Functional Capabilities Assessment, including Workflow, Procurement, Budget and Staffing Levels
3. Banner Payroll Module Implementation Project

**Budgetary Implications:**

\$256,600 from Measure E Technology, Phase 2 funds.

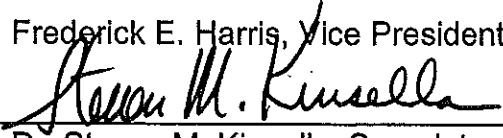
**Follow Up/Outcome:**

No further action is required.

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**

December 9, 2014

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

Administrative Services

**SUBJECT:** Extension of an Option to Purchase an Open Space/Conservation Easement at Mariposa Peak Ranch

- Resolution: BE IT RESOLVED,  
 Information Only  
 Action Item

**Proposal:**

That the Board of Trustees approve a one year extension to December 31, 2015 of an option to purchase an open space/conservation easement on 165 acres at Mariposa Peak Ranch in Santa Clara County in exchange for a payment of \$40,000 from Measure E.

**Background:**

The development of the Coyote Valley Educational Center site requires habitat mitigation for impacts on endangered or protected species, including the Tiger Salamander. The district entered into an Option Agreement with Mariposa Peak, LLC on December 2, 2011 for such an open space/conservation easement or deed restriction at Mariposa Peak Ranch. That agreement included 3 annual \$30,000 payments to extend the option until December 31, 2014.

This new extension of the Option Agreement until December 31, 2015 was negotiated at \$40,000 because it deleted the option of Mariposa Peak, LLC to "call" the option before the expiration date.

**Budgetary Implications:**

\$40,000 from Measure E funds for the Coyote Valley Educational Center

**Follow Up/Outcome:**

No further action is necessary.

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



**SECOND AMENDMENT TO OPTION AGREEMENT  
BETWEEN MARIPOSA PEAK, LLC, AND GAVILAN  
JOINT COMMUNITY COLLEGE DISTRICT**

This Second Amendment to Option Agreement (“Second Amendment”) is entered into this \_\_\_ day of December, 2014, by and between **Mariposa Peak, LLC**, a California limited liability company (“Grantor”), and **Gavilan Joint Community College District**, a California public agency (“Gavilan” or “Grantee”). Grantor and Grantee are also referred to collectively as the “Parties,” and each individually as a “Party.” All capitalized terms used in this Second Amendment shall have the same meanings given to such terms in the Agreement and the First Amendment (as hereinafter defined), unless expressly superseded by the terms of this Second Amendment. The Parties agree as follows:

**RECITALS**

A. The Parties entered into a certain Option Agreement with an Effective Date of December 2, 2011 (the “Option Agreement” or “Agreement”), whereby the Grantor granted to Grantee an Option to encumber the Option Premises with the Conservation Easement. The purpose of the Conservation Easement is to provide habitat and open space required by the Service and mitigation for the anticipated loss of potential habitat for the Impacted Species which will result from Grantee’s intended development of its Coyote Valley Land as part of the community college center campus and college-related facilities.

B. Section 9 of the Option Agreement states that if Grantee has not exercised the Option by December 31, 2012, Grantor shall thereafter have the right, on sixty days’ prior written notice, and provided that certain conditions are met, to require Grantee to exercise the Option (“Call Option”) or the Option will be automatically terminated and neither party shall have any further obligations under the Agreement.

C. As required by the Agreement, on April 26, 2013, the Parties recorded a Memorandum of Option Agreement re: Conservation Easement (“Memorandum”) to memorialize the terms of the Agreement.

D. On or about July 24, 2014, the Parties entered into a First Amendment to Option Agreement between Mariposa Peak, LLC, and Gavilan Joint Community College District (“First Amendment”), pursuant to which the Parties amended the Agreement and Memorandum to reflect the specific location of the Option Premises, and released from the Memorandum the remainder of the Mariposa Peak Ranch previously encumbered by the Memorandum.

E. Grantee now wishes to extend the Option for one (1) year, and eliminate the Call Option, in exchange for payment of additional Option Consideration. Accordingly, Grantee has requested and Grantor has agreed to amend the Agreement and Memorandum as provided in this Second Amendment.

NOW, THEREFORE, the Parties agree to the following amendments to the Option Agreement.

1. **Option Period.** The termination date for the Option Period is hereby extended from December 31, 2014, to December 31, 2015.

2. **Option Consideration.** Section 4 of the Agreement is hereby deleted in its entirety and replaced with the following:

In consideration of the granting of this Option, Grantee shall pay or has already paid directly to Grantor by check payable to Mariposa Peak, LLC, P.O. Box 1392, Hollister, CA 95024, the following sums of money for consideration for this Option (collectively, the “**Option Consideration**”):

- a. Year One (ending 12/31/2012): Thirty Thousand Dollars (\$30,000) has been paid by Grantee directly to Grantor concurrent with both parties’ execution and delivery of the Agreement.
- b. Year Two (ending 12/31/2013): Thirty Thousand Dollars (\$30,000) has been paid by Grantee directly to Grantor on or prior to December 31, 2012.
- c. Year Three (ending 12/31/2014): Thirty Thousand Dollars (\$30,000) has been paid by Grantee directly to Grantor on or prior to December 31, 2013.
- d. Year Four (ending 12/31/2015): Forty Thousand Dollars (\$40,000) to be paid by Grantee directly to Grantor on or prior to December 31, 2014.

The Option Consideration payment for Year One is fully applicable to the Purchase Price if the Option is exercised; however, payments are not refundable if the Option is not exercised. The Option Consideration payments made for Years Two, Three, and Four shall not be applied to the Purchase Price. Notwithstanding any provision of this Agreement to the contrary, if the Service does not approve a Conservation Easement which includes the definition of “existing ranching activities” and “habitat enhancements” acceptable to Grantor, and/or Grantor does not approve the form of the Conservation Easement as permitted under this Option Agreement, then all of the Option Consideration payments will be refunded without interest by Grantor to Grantee.

All Option Consideration payments shall be delivered by Grantee directly to Grantor on or before the date due. Remaining Option Consideration payments shall be made in immediately available funds by check, as described above. Grantee may deliver to Escrow Holder (defined below) written evidence confirming its payment of each Option Consideration payment to Grantor.

3. **Elimination of Grantor's "Call" Option.** Section 9 of the Agreement is hereby eliminated in its entirety. As of the date upon which this Second Amendment becomes effective, Grantor shall no longer have the right to require Grantee to exercise the Option prior to the termination date of the Agreement.

4. **Second Amended Memorandum of Agreement.** The Parties shall concurrently with the execution of this Amendment, execute, notarize and deliver to escrow a Second Amended Memorandum of Option in the form attached hereto as **Exhibit "E"** along with their instruction to the Escrow Holder to record the Second Amended Memorandum immediately.

5. **Counterparts.** This Second Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument. A facsimile or electronically-transmitted signature shall be sufficient to bind each party, subject to the terms set forth herein.

6. **Effect of Amendment.** Except as expressly modified by this Second Amendment, the Agreement and the First Amendment shall continue in full force and effect according to their terms. In the event of any conflict between this Second Amendment and the Agreement, or this Second Amendment and the First Amendment, this Second Amendment shall control.

7. **Warranty of Authority.** Each of the persons signing this Second Amendment represents and warrants that such person has been duly authorized to sign this Second Amendment on behalf of the Party indicated, and each of the Parties by signing this Second Amendment warrants and represents that such Party is legally authorized and entitled to enter into this Second Amendment.

IN WITNESS WHEREOF, the parties hereto execute this Second Amendment as of the date set forth above.

[SIGNATURES ON THE FOLLOWING PAGE]

Grantor:

MARIPOSA PEAK, LLC,  
A California limited liability company

By: M & J French Ranch, LLC

---

Milton J. French, Manager  
Janet French, Manager

Grantee:

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT,  
A California public agency

By: 

---

Dr. Steven Kinsella, Superintendent/President

**Exhibit E**

Second Amended Memorandum of Option

(Attached)

RECORDING REQUESTED BY AND WHEN  
RECORDED MAIL TO:

Gavilan Joint Community College District  
5055 Santa Teresa Blvd.  
Gilroy, CA 95020  
Attn: Dr. Steven Kinsella

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SECOND AMENDED MEMORANDUM  
OF OPTION AGREEMENT RE:  
CONSERVATION EASEMENT

This Second Amended Memorandum of Option Agreement Re: Conservation Easement (“Second Amended Memorandum”) is entered into as of December \_\_, 2014, by and between **Mariposa Peak, LLC**, a California limited liability company (“Grantor”), and **Gavilan Joint Community College District**, a California public agency (“Grantee”).

Grantor and Grantee previously recorded a Memorandum of Option Agreement Re: Conservation Easement in Santa Clara County as Document No. 22192738 (“Memorandum”), to give notice of the existence of an Option Agreement between Grantor and Grantee dated December 2, 2011 (“Option Agreement”). Per the Option Agreement, Grantor has granted to Grantee the exclusive option (“Option”) to create a permanent conservation easement or deed restriction (the “Conservation Easement”) as defined in the Option Agreement on, over, across and under an approximately 165-acre area of land located in Santa Clara County, California, APN Portion of 898-15-005 (the “Option Premises”).

On or about July 24, 2014, Grantor and Grantee entered into a First Amendment to Option Agreement between Mariposa Peak, LLC, and Gavilan Joint Community College District (“First Amendment to Option Agreement”), pursuant to which the exact location and legal description of the Option Premises were confirmed and agreed upon by the Parties. The Parties thereafter executed and recorded a First Amended Memorandum of Option Agreement Re: Conservation Easement in Santa Clara County as Document No. 22673668 (“First Amended Memorandum”).

On December \_\_, 2014, Grantor and Grantee entered into a Second Amendment to Option Agreement Re: Conservation Easement (“Second Amendment to Option Agreement”), which extended the Option Period, as defined in the Option Agreement, from December 31, 2014, to December 31, 2015. This Second Amended Memorandum now replaces and supersedes the Memorandum and the First Amended Memorandum in their entirety.

The Option must be exercised, if at all, on or prior to December 31, 2015. This Second Amended Memorandum expires by its own terms at 11:59 p.m. on December 31, 2015, and thereafter shall be of no further effect.

The terms and conditions of the Option (including the purchase price to be paid by Grantee) are set forth in full in the Option Agreement, as modified by the First Amendment to Option Agreement and

the Second Amendment to Option Agreement. The Option Agreement, First Amendment to Option Agreement, and Second Amendment to Option Agreement are hereby incorporated by reference with the same force and effect as though set forth herein.

The purpose of this Second Amended Memorandum is to give notice of the existence of such Option Agreement, First Amendment to Option Agreement, and Second Amendment to Option Agreement which, together with this Second Amended Memorandum, constitute the entire agreement between Grantee and Grantor concerning the Option affecting the Option Premises located on the Mariposa Peak Ranch property.

IN WITNESS WHEREOF, this Second Amended Memorandum of Option Agreement Re: Conservation Easement has been executed by the Parties on the date and year first written above.

**Grantor:**

MARIPOSA PEAK, LLC,  
A California limited liability company

By: M & J French Ranch, LLC

\_\_\_\_\_  
Milton J. French, Manager  
Janet French, Manager

Date: \_\_\_\_\_

**Grantee:**

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT,  
A California public agency

By: \_\_\_\_\_  
Dr. Steven Kinsella, Superintendent/President

Date: \_\_\_\_\_

**NOTARY ACKNOWLEDGEMENTS**

STATE OF CALIFORNIA  
SANTA CLARA COUNTY

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_ (here insert name and title of the officer), personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(NOTARY SEAL)



STATE OF CALIFORNIA  
SANTA CLARA COUNTY

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_ (here insert name and title of the officer), personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(NOTARY SEAL)

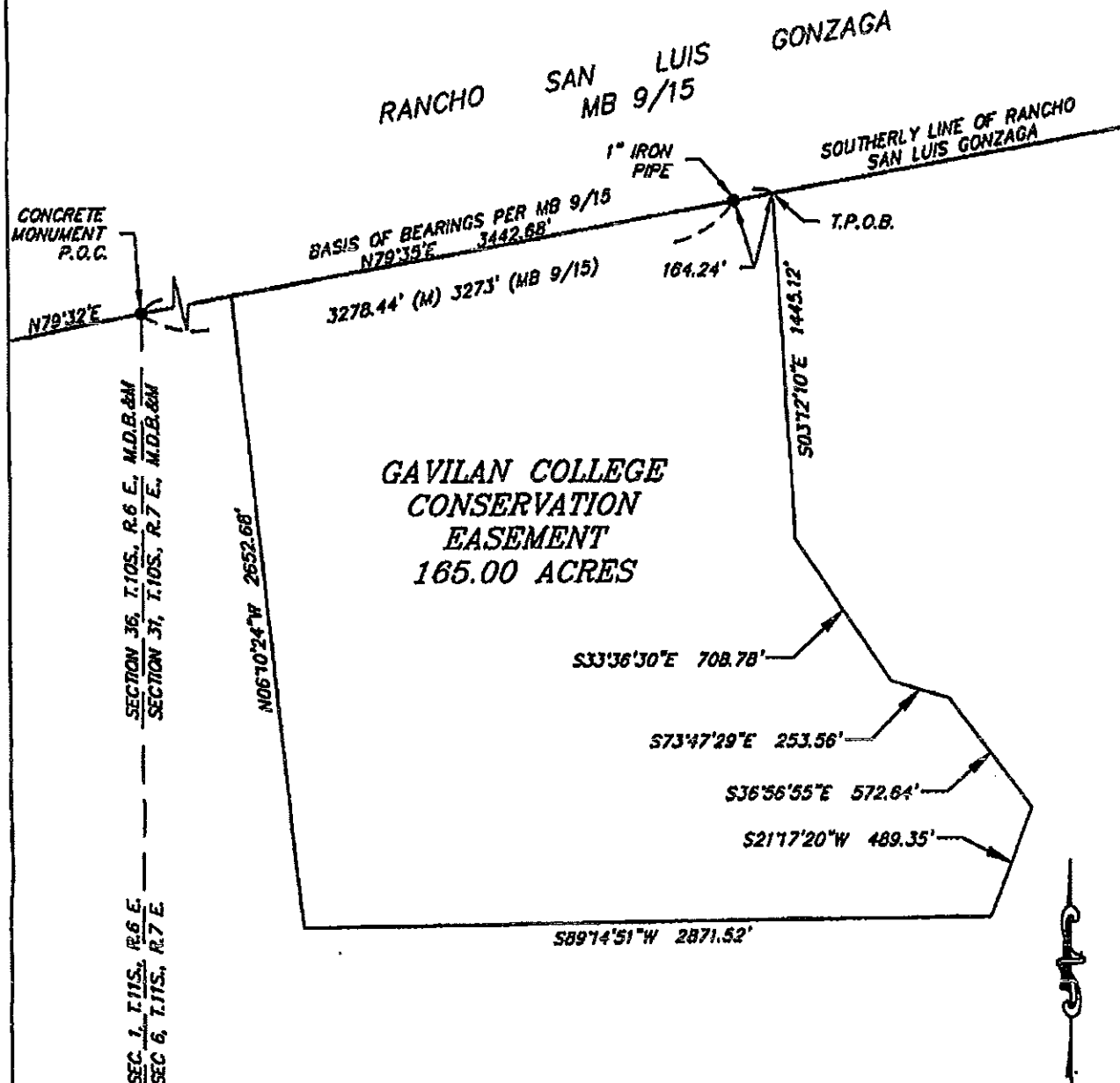
**EXHIBIT A**

**TO FIRST AMENDMENT TO  
MEMORANDUM OF OPTION AGREEMENT  
RE: CONSERVATION EASEMENT**

EXHIBIT "A"

GAVILAN COLLEGE CONSERVATION EASEMENT

LOCATED IN SECTION 31, T.10 S., R.7 E. AND SECTION 6, T.11S., R.7 E. M.D.B.&M., SANTA CLARA COUNTY, CA,



MARIPOSA PEAK RANCH

**LEGAL DESCRIPTION  
GAVILAN COLLEGE  
CONSERVATION EASEMENT**

BEING a Conservation Easement over, upon and across a parcel of land located in the County of Santa Clara, State of California, further being located in Section 31, Township 10 South, Range 7 East, M.D.B.&M. and Section 6, Township 11 South, Range 7 East, M.D.B.&M., and said parcel also being more particularly described as follows:

COMMENCING at a 6" diameter concrete monument set at the intersection of the southerly line of the Rancho San Luis Gonzaga with the west line of said Section 31 as shown on the Record of Survey map filed April 18, 1946 in Book 9 of Maps at Page 15 in the Office of the County Recorder of said County;

THENCE along said southerly line as shown on said map, North 79°35' East, 3278.44 feet (3273 feet as described on said map) to a 1" pipe set on Crest of Divide" as described on said map;

THENCE continuing along said southerly line, North 79°35' East, 164.24 feet to the TRUE POINT OF BEGINNING;

THENCE leaving said southerly line, South 03°12'10" East, 1445.12 feet;

THENCE South 33°36'30" East, 708.78 feet;

THENCE South 73°47'29" East, 253.56 feet;

THENCE South 36°56'55" East, 572.64 feet;

THENCE South 21°17'20" West, 489.35 feet;

THENCE South 89°14'51" West, 2871.52 feet;

THENCE North 06°10'24" West, 2652.68 feet, more or less to a point of intersection with said southerly line;

THENCE along said southerly line, North 79°35' East, 2311.55 feet to the TRUE POINT OF BEGINNING

CONTAINING 165.00 acres of land, more or less.

The above Legal Description is shown on the attached Exhibit "A" and by reference hereto made a part hereof.



Legal Description Prepared Under the Supervision of

Andrew K. Holmes L.S. 4428

License Expires 09/30/15

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

December 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