



SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT

MINUTES OF THE CITIZENS' OVERSIGHT COMMITTEE MEETING Thursday, June 19, 2008

The regular meeting of the Measure L Bond Citizens' Oversight Committee of the San Joaquin Delta Community College District was held on Thursday, June 19, 2008, at 5:30 p.m. in the Board Room, Administration 103, 5151 Pacific Ave., Stockton, California.

Members Present: Janet Lilly, Scott Malm, Perfecto Munoz

Member Excused: Donna Gale, Dan Schroeder, Jeff Thompson

I. Called to Order

The Board meeting was called to order by Vice Chairperson Perfecto Munoz at 5:37 p.m. There was not a quorum present.

Call to Order

II. Communications

A. Public Comments

- There were no public comments.

Public Comments

III. Welcome, Introductions, and Announcements

A welcome was extended to Dr. Jon C. Stephen, who was recently appointed as the new Vice President of Business Services.

Those also in attendance:

- Janet Rivera, Board of Trustees member
- Dr. Raúl Rodríguez, Superintendent/President
- Raquel Puentes-Griffith, Budget Manager
- Lee Belarmino, Vice President of Information Technology
- Greg Greenwood, Director of Public Information
- Lora Boehlke, Bond Team
- Gary Scott, PERA Division Dean
- Sam Hatch, faculty
- Dr. Wesley Swanson, faculty

IV. Unfinished Business

There was no unfinished business.

V. New Business

- A. *Approval of Minutes* – Due to the lack of a quorum, the draft minutes from the February 21, 2008, meeting will be reviewed at the next meeting.
- B. *COC Charge Refresher* – Vice President Stephens gave an overview of the charge of the Citizens’ Oversight Committee – why they are here. This was a reminder that under the Prop 39 Legislation what the Citizens’ Oversight was charged with officially and then each district that adopted a Prop 39 bond and cast one, as Delta College did in 2004, got to put their own “brand” on that Citizens’ Oversight Committee. Dr. Stephens’ referenced an attachment to the agenda, “Jones Hall, Summary of Proposition 39 and Related Legislation,” by Bill Kadi. After Prop 39 passed and certain statutes were enacted, it basically laid out some rules for a 55% bond, which is exactly what Delta College’s bond is. An annual independent performance audit is required, which is being done. They look at the financial data and the actions of this Committee and make sure the rules laid out by the bond language are adhered to. Another requirement is to have an annual independent fiscal audit, which is done. The expenditures of the bond are reviewed making sure we are adhering to sound fiscal policy. Under the “Limitations” portion of the Prop 39 report, Mr. Kadi points out that as part of this contract we have with the tax payers, we need to create an Oversight Committee that looks at our expenditures to make sure that what we told the public that what they were voting for is what they were getting.

Each committee adopts their committee charge in a slightly different way. Our Citizens’ Oversight Committee charge states: “Our Committee has been charged with the oversight of bond fund expenditures in accordance with Measure L ballot language.” This is practically the same language as contained in Prop 39. The COC is to evaluate each expenditure in the context of buying something that is advertised in the ballot language for Measure L.

Grand Jury Report – Comments posted by the Grand Jury in regards to the Citizens’ Oversight Committee were reviewed. The Grand Jury indicated that the COC has more of a major role in questioning the expenditure of dollars. One recommendation was that the COC meet once a month in an effort to pre-approve all expenses charged to Measure L funds. A committee member questioned the term “pre-approve” in the text of the recommendation, as the Committee is not to pre-approve

Approval of Minutes

COC Charge Refresher

Grand Jury Report discussion

expenditures. It was felt that this could be a misprint; however, the Committee was adamant that this was not a misprint. Another recommendation is that the COC “question all changes in projects selected for funding, project plans, or delays in construction.” This seems to be outside the purview of the layer of control that is expected from the COC. A more refined definition of this recommendation would be needed. A third recommendation is that the COC adhere to the Brown Act. As this committee is a recommending committee to the Board of Trustees, it is an open meeting. The agendas will continue to meet the requirement of being published on time. The College has 90 days to respond to the Grand Jury Report

- C. *Citizens’ Oversight Committee Annual Report* – The Committee received extra copies of their 2006-07 Annual Report to distribute as needed.

- D. *Bond Refresh – Bond Team Roles and Responsibilities*- On April 15, 2008, the Board of Trustees endorsed a new Bond Team and named Vice President of Information Technology Lee Belarmino as the Bond Executive. Vice President Belarmino commented that the College is now entering into a lot of construction on Bond projects. The Bond Team is tracking the cope, time line and costs of the projects. The Team is learning everything about each project and keeping the momentum going to assure completion of these projects in a timely manner. On June 26th, there will be a Board of Trustees/Bond workshop. The Team will be coming forward and detailing to the Board the construction methods being used and the proposed cost of each project.

- E. *Measure L Quarterly Finance Report* - As there was no quorum to take action on the Quarterly Finance Report, a discussion did take place regarding this item. Vice President Stephens pointed out that the total Bond Program budget reconciliation to date is \$114,335,620. This past week, another \$92 million in bonds was sold. The College was able to do a unique transaction called a cullible cap, which we have an option to refund in the future so that if interest rates go down and our assessed valuation in San Joaquin go up, we could refund it and generate more money.

There is another accounting change coming, and that is currently the College is budgeting the amount of cash we have on hand as a result of the bonds plus future raises of the bond. We will be taking that estimated cash and budgeting it out through the projects. When you get down to the bottom of the current projects, you will see a line that says “unallocated.” That’s the amount of cash that is left

Annual Report distribution

Bond Team Roles and Responsibilities

Measure L Quarterly Finance Report/Program Update

over and not assigned to a project. On June 26th, we will get a clearer priority from the Board of Trustees that tells us that these are the projects that we want the Bond Team to pursue. Subsequently on July 15th, we will have taken that information and turned it around into a solid recommendation by the Board of Trustees so we will have a clear direction what is to be funded and at what level.

F. *Work Breakdown Structure (WBS)* – Budget Manager Raquel Puentes-Griffith gave a presentation on how the WBS ties into the Bond financial reporting. WBS is a fundamental project management tool that is used to display a level of effort or any kind of a project. It is organized by levels. All projects will be displayed in a fashion that is related to a chart-like layout. This WBS will be laid out and accessible to all on the web site. There will be access to all bond projects, types, the name of the project and the dollars spent to date. This will show where the funds were spent by project location, type and categories. Ms. Puentes-Griffith provided a hand-out and went over the type of expenditure, current reporting category, and the proposed WBS reporting category. The Third Quarter Financial Report is now being evaluated and taking that report and reassigning those costs under the new WBS reporting categories so they can be seen how they align from the current report to the new structure. It is hoped that this will provide a clearer and more accurate reflection of where the Bond funds have been expended and there will be access to all the information online.

G. *Primer on Phases of a Project* – Director of Facilities Management Maria Baker presented a “Primer on Phases of a Capital Project.” There is usually a **Pre-Planning Phase** in which an institution would determine if they are going to expand a facility; if unable to expand a facility, if a new facility is to be built; and then if that facility would be built, would it be on the existing site or somewhere else. If it is to be built somewhere else, what are the steps necessary to make that happen.

Once approval from the Board of Trustees or the Chancellor’s Office is obtained, the **Programming Phase** begins. Occurring during this phase is the site analysis, initial environmental studies, program development, regulatory and code analysis, and feasibility reviews as needed.

Schematic Design, prepared by the architect, engineer or other design professional is completed by creating and evaluating alternative design approaches to the project until a single design has been selected, illustrated and approved by the faculty, staff, students, and administration.

Work Breakdown Structure

Primer on Phases of a Capital Project

The continued development of the chosen design, incorporating elements, systems, materials and details until all significant design decisions are resolved and approved is known as **Design Development**.

The **Preliminary Plans**, often considered the same phase as Design Development, involves the completion of environmental requirements and preparation, submission, and approval of preliminary plans by the Chancellor's Office and State Public Works Board for State-funded projects.

Upon the approval of the Design Development/Preliminary Plans, the **Construction Document** phase begins. It involves translation of the Design Documents by the architect, engineer or other design professional into construction drawings and detailed specification for use by the contractor for the construction of the project.

The **Bidding and Award** phase includes submittal of the construction documents for State projects to the Chancellor's Office for approval, the approval to bid, the bid process, submittal to the Chancellor's Office for approval to award, and the award of the contract to the contractor.

Construction Administration is the construction of the project as defined by the contract documents and any formal changes to the contract. It also includes equipment and system activation commissioning and post-occupancy evaluation.

Ms. Baker was asked to describe design-build project. She noted that the method traditionally used is a design-bid-build. The Student Services Project is using a design-build format. This project was one of five colleges selected to construct a facility using the design-build method. Behind the design-build concept is that you should be able to save money or build faster. What typically should happen in the design-build environment is that you would have schematic design and those would be handed over to the design build team and they would finish designing those documents. The bidding process is eliminated because that step has been done. Once approval is received from the Division of State Architect (DSA), building can begin. Currently, the documents are at DSA waiting for approval.

H. *Project Updates* –

- *Security Camera Project* – This item was asked to be deferred until the next meeting when the Campus Police representative can be present.
- *North Road* – This is an infrastructure project. The need for this project includes placement of the storm

drainage, sanitary sewer, the fire/domestic water, low voltage, power, and the purpose is to provide these amenities for proposed facilities that will go in this area in order to make them functional. There will also be an extension of the existing loop road that will connect to the new facilities planned for this area. Another piece of this project was the improvement of the intersection at Pershing Avenue. This will enable to alleviate truck travel from Pacific Avenue to Pershing Avenue.

- *Football/Track/Softball* – PERA Division Dean Gary Scott distributed a handout of what the projects will look like upon completion. The baseball field has been completed for a year now, and has become very efficient as far as usage. Another completion has been the soccer field/throwing area. Right now, work is being done on the football field, track area, softball field, and parking facilities for these areas. This gives Delta College an athletic complex, which allows the College to keep control this area. This complex will be fenced off in order to keep these facilities in premium condition and to control the usage. Field turf will be used on the football field. The track will be the only track in California using the Mondo surface, the same type being used in the upcoming Olympics, at no cost to the College. The Mondo Company will use this facility to showcase this product to help sell their product. The softball field will be equitable to the baseball field. These projects should be completed by this fall, in time for the football season.

V. Committee Member Comments

- Vice Chair Munoz commented that he is glad to see Lee Belarmino leading the Bond Team, and he is looking forward to future presentations by Vice President Belarmino.
- Committee member Scott Malm noted that he has been routinely impressed with the preparation and delivery by staff with the presentations made.

VI. Other Business/Comments

- President Raúl Rodríguez thanked the three Citizens' Oversight Committee members for their patience in sticking with their commitment to serve on this committee.
- Faculty member Sam Hatch thanked the committee for their service. He felt that in the refresher course there was not sufficient emphasis on the Oversight Committee's responsibility to keep the public informed and to create transparency. An example – until last week, the only audit on the Bond Oversight web page was the financial audit for 2006-07. He felt that the financial audit and performance audits are primary

compliance documents that ought to be available to the public. First, he credits Greg Greenwood for getting those on the website this past week; however, these should be placed there in a timelier manner rather than a 2-3 year delay. Second, and Mr. Hatch noted that this could be changing, the 2006-07 financial audit was not quite transparent...the income was disaggregated – income from bond sales and from interest on accounts holding bond money. On the expenditure side, it was capital outlays. He believes this is not transparent. It would be hard for any member of the public could get any idea of how the money is being spent. He encourages the Committee to look at the transparency issue. It is his hope that the Committee looks at the Measure L and Citizens' Oversight Committee websites. When Mr. Hatch was asked for his definition of transparency. Transparency to him means that a thoughtful, interested citizen could go into the website and get some sense of what is going on in the Bond. It is unlikely that they would have a deep sense of it but enough of a sense that they could ask focused questions of what is going on. The expenditures, therefore, are not transparent when they are disaggregate. Committee member Janet Lilley replied that with the new program that is being implemented, that this will achieve some of the objectives that both Mr. Hatch and the Committee are looking for. She continued to explain that this Committee is serving in the capacity that they see best to inform the public, through the website and e-mail access to the website. Mr. Greenwood added that any concerns regarding the website should be sent to his attention.

It was the consensus of the Committee to adjourn the meeting at 7:21 p.m.

Respectfully submitted,

Jon C. Stephens
Vice President of Business Services

Meeting adjourned.

