



Melinda Nish, Ed.D.  
*Superintendent/President*

**Governing Board**

Norma L. Hernandez

Tim Nader

Humberto Peraza, Jr.

Jean Roesch, Ed.D.

Terri Valladolid

**SOUTHWESTERN COMMUNITY COLLEGE DISTRICT  
PROPOSITION R CITIZENS' BOND OVERSIGHT COMMITTEE**

**Thursday, June 21, 2012**

**Members:** Joe David Casillas, Thomas Davis, Claudia Duran, Matt Kriz, Nicholas Segura, Jr., Ditas Yamane

**Resource Staff:** C.M. Brahmabhatt, (Consultant, SWC), John Brown (Director of Facilities, Operations and Planning), Melinda Nish, Ed.D. (Superintendent/President), Robert Temple (Consultant, SWC),

**Date:** Thursday, June 21, 2012

**Time:** 5:30 p.m.

**Place:** Southwestern College  
900 Otay Lakes Road  
Chula Vista, CA 91910  
Room L246

Persons wishing to address the Committee should complete a Request for Public Comment card (available at the reception table) and indicate on the card if they wish to speak under Public Comment, or when a specific agenda item is considered. Cards should be submitted to the secretary prior to the start of the meeting. An oral presentation to the Committee does *not* constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may *briefly* respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."

**A G E N D A**  
**(Amended 6-19-12)**

<b>ITEM</b>	
1. CALL TO ORDER – ROLL CALL	Yamane
2. PUBLIC COMMENT	Yamane
3. APPROVAL OF MINUTES OF JANUARY 18, 2012 (ENCLOSURE)	Yamane
4. APPROVAL OF MINUTES OF MAY 21, 2012 (ENCLOSURE)	Yamane
5. DISCUSSION OF LEGAL COUNSEL FOR CBOC MEETINGS	Casillas
6. DISCUSSION OF PROP R EXPENDITURES 2012-13 UPDATE AND BOARD OF TRUSTEES APPROVAL (ENCLOSURE)	Davis
7. DISCUSSION OF LEGAL ACTIONS ON PROP R	Davis
8. DISCUSSION OF COMMUNICATION PLAN AND ANNUAL REPORT	Temple
9. DISCUSSION OF COMMUNITY BENEFITS AGREEMENT	Nish
10. OTHER ITEMS	Temple
11. COMMITTEE COMMENTS / REQUESTS	Temple
12. ADJOURNMENT	Yamane

June 21, 2012

Prop R CBOC Agenda

Enclosure – Item #3



Proposition R



At Work!

## **Southwestern Community College District**

### **Proposition R Citizens' Bond Oversight Committee January 18, 2012**

#### **MINUTES**

#### **1. CALL TO ORDER**

The meeting was called to order at 5:30 p.m. and a roll call was taken.

Members Present: Dave Adams, Joe David Casillas, Thomas Davis, Claudia Duran, Nicholas Segura, Jr. (arrived at 5:50), Ditas Yamane

Members Absent: None

Staff Present: John Brown, Director of Facilities, Operations and Planning  
Bob Temple, Interim Vice President for Business & Financial Affairs  
Dr. Melinda Nish, Superintendent/President

#### **2. APPROVAL OF MINUTES, September 21, 2011 (ENCLOSURE)**

Motion by Duran; Second by Kriz; the minutes of the September 21, 2011 meeting were unanimously approved.

#### **3. PUBLIC COMMENT**

None.

#### **4. Introduction of New Superintendent/President Dr. Melinda Nish**

Dr. Nish gave the committee a brief background of her career. Dr. Nish spoke of the internal review being conducted and ongoing since last spring as well as the ongoing investigation by the district attorney. The SWC internal review is nearing completion and should be released within a few weeks. She will be sure the committee receives these results electronically. We have already made positive changes for contracts procedures. With the advice of legal counsel, the Governing Board took action and suspended contracts with BCA Architects and Seville Construction Services. Echo Pacific was terminated for convenience in the fall. We are currently conducting a very thorough review of these contracts to determine what the next course of action will be. The District is taking the investigation of the District Attorney very

seriously and cooperating fully. The DA has already received the preliminary draft findings of our internal review. Pledges to the committee and the community that anything that has been done improperly will be fixed and we move forward in a very legally compliant and transparent method.

The question of what our legal liabilities are for suspending these contracts was raised. It was discussed that depending on future actions taken by the Governing Board there could be legal issues or it could be settled. The internal review is expected to be completed within the next few weeks.

The question was asked regarding the circumstance of the contracts being terminated?

Dr. Nish clarified that Echo Pacific was the only firm terminated and that they were terminated for convenience. BCA and Seville were only suspended. The action was based on the advice of our legal counsel – and she is not at liberty to disclose the legal opinions that the action was based on. This is still under review, so we will have to gather information as it is available and pass along to committee.

Mr. Davis inquired if this issue (the contract terminations and suspensions) will be included in the annual report? It was pointed out that the annual report is the committee's report, so it would be up to them to include this.

Mr. Casillas asked: 1) who is bonded and who will be liable for lawsuits because of these actions? 2) who is the District's legal firm and are they bonded?

Mr. Brown responded that this is a contract remedy that is a clause in the contracts with these two firms. He stated that he has full faith and confidence in the 6 individuals who were working for the Program Management team at the time of their firm's suspension.

Mr. Temple asked for the committee to please be patient with District staff as some of these questions/concerns will be addressed when the legal report of the investigation is released.

## **5. President Address Recent Media Items and Path Forward**

This agenda item was addressed in agenda item 4.

## **6. Review CBOC Education Code Roles and Responsibilities**

John Brown distributed the CBOC Bylaws to the committee members. The Bylaws were reviewed with the committee. The committee needs only to ask if they would like to review contracts, etc. Annual Report for July 1, 2010 through June 30, 2011 is in arrears as members have joined the committee after this date and the audit report was not received until recently.



## **7. Review of FY 2010-2011 Audit Report**

Ken Pun of Caporicci & Larson, Inc. presented a PowerPoint presentation of the 2010-2011 Prop R audit report. Review of the audit responsibilities and processes as well as the scope of the audit was presented.

Mr. Kris asked how long it takes Caporicci & Larson, Inc. to prepare the audits for the District. Ken replied that 680 total hours were recorded and 280-300 hours of this were spent in preparing the Prop R audit.

Mr. Adams asked for clarification on one item that was carried over from last year regarding \$1.5M due from SWCCD to Prop R.

Mr. Yanda replied that at that time we had not established a fund for the monies to be paid from Prop R. Prop AA was paying for Prop R expenses and the funds needed to be reimbursed. This year the item that appears due from SWCCD is the Series C Bond proceeds that are held at the County. The funds were not seated in the county fund at June 30, 2010 they were seated in the Prop AA fund because that was the only fund available to make that deposit into. The District was unaware that it took 2-3 months to complete the process to establish a separate bond fund at the county.

Ms. Yamane asked if there are underlying documents to support this? Mr. Yanda replied that there are documents that he will provide to the committee.

Mr. Adams stated that this process and the accounts are now set up and unless there are more bonds sold in the future this process should not need any changes.

Mr. Davis asked Chair Adams to explore the legality of moving funds from Prop AA to Prop R. He did not believe this was a legal or proper procedure.

Mr. Casillas asked if this would be reflected in the Prop AA audit? Mr. Yanda replied that it would be reflected.

Mr. Pun of Caporicci & Larson, Inc. pointed out that Prop AA & R funds are part of District funds and the moving of funds from one to another should not be an issue. He also confirmed this with the attorney. Money is being accounted for and properly reflected in the financial statement.

Mr. Yanda will also check with bond counsel.

Mr. Davis also served on the Prop AA CBOC which was not required by law but met frequently. He is unaware of any meetings being held and have not met in over a year and a half.

Mr. Adams asked if Prop AA is closed out? Mr. Davis thought there were funds left over. Mr. Yanda stated that at the end of year there were approximately \$2M unspent.

Mr. Brown stated that the Snack Bar and 510/570 (\$3.5M) are Prop AA projects that are still incomplete at this point. Until they are complete we will not know the final cost. These were not listed individually as required projects of Prop AA so they have actually accomplished more than was promised to voters.

Mr. Temple will follow up to gather the correct information and relay this to the committee.

Mr. Adams requested this information be forwarded to the committee within a week. Mr. Temple replied that this should be fine.

#### **8. Prop R Program Update (ENCLOSURE)**

Mr. Brown presented an update of Prop R projects. Fieldhouse / Central Plant procurement process – CM at risk. Attempting to avoid waste – purpose of CM at risk. Tomorrow at 2:00 in room L238 will be an outreach event. CBOC members are welcome. The purpose of this event is to inform vendors of process to pre-qualify.

Mr. Adams asked how we are doing with DSA? Mr. Brown replied that this process could be problematic following the suspension of architect. He will speak with DSA. Mr. Davis asked if the original plan is what was sent to DSA. Mr. Brown replied that for the Corner Lot Project, yes this is the original plan minus the parking garage.

Mr. Kriz recalled a conversation at a previous meeting regarding retail space being designed into the corner lot design. He believes that Prop R funds cannot be used for retail space. Mr. Temple stated that Prop R funds can be used for retail space, but we would need to sell taxable bonds, so we are not planning retail space for the corner lot.

#### **9. User Group Updates and Future Volunteers**

Item not addressed.

#### **10. COMMITTEE COMMENTS / REQUESTS**

Seville previously maintained the 'buildswc' website, a District employee is now maintaining this website. The buildswc website still routes user to the same information.

Next CBOC scheduled meeting is March 21, 2012.

The committee plans to meet to compile their annual report on February 1, 5:30-7:00 in room 1651C.

#### **11. ADJOURNMENT**

The meeting was adjourned at 6:50.

June 21, 2012

Prop R CBOC Agenda

Enclosure – Item #4



**Southwestern Community College District**

**Proposition R Citizens' Bond Oversight Committee  
May 21, 2012**

**MINUTES**

**1. CALL TO ORDER**

The meeting was called to order at 6:00 p.m. and a roll call taken.

Members Present: Joe David Casillas, Matt Kriz, Nicholas Segura, Jr., Ditas Yamane

Late Arrivals: Thomas Davis arrived at 6:22 p.m.

Members Absent: Claudia Duran

Staff Present: CM Brahmhatt (Consultant, SWC) via telephone, John Brown (Director of Facilities, Operations and Planning), Melinda Nish, Ed.D. (Superintendent/President), Robert Temple (Consultant, SWC) via telephone; Lillian Leopold (Chief Public Information & Government Relations Officer); Norma Hernandez (SWC Governing Board President); Humberto Peraza, Jr. (SWC Governing Board Vice President)

**2. PUBLIC COMMENT**

None. Ditas Yamane stated there will be two items added to the agenda for the next meeting. She will email the items to the meeting recorder.

**3. REVIEW OF CBOC BY-LAWS (2 ENCLOSURES)**

Nish: commented that in the past there has been an orientation conducted (by bond counsel) with the committee to review bylaws and ballot language. The committee agreed and requested this be scheduled for the first meeting following the appointment of new CBOC members, September 19, 2012.

**4. CBOC MEMBERS / REVIEW OF TERM, RECRUITMENT, CHAIR, VICE-CHAIR (2 ENCLOSURES)**

Current membership was discussed. Due to the resignation of Dave Adams, Ditas Yamane has stepped up to be Interim Chair. Yamane requests clarification of process for recruitment to replace outgoing members. Yamane understands that the terms expire at the end of the fiscal year. Advertisements will be out very soon. Clarification was provided that members whose terms are expiring must complete the application process if they wish to continue to serve on the committee.



## **5. TIMELINE OF PROP R 2011-2012 REPORT**

Brown: staff is ready to proceed and assist with the preparation of the report. Reporting period ends June 30, 2012. Positive things are happening that should be included in the report, such as the construction projects that are under way. Audit information is not available yet, but preliminary information is available.

Temple: financial audit will be available no later than the end of November this year and maybe earlier. The financial audit will be available and will be presented at the December CBOC meeting.

Kriz: feels that the preliminary report can be started in draft form using preliminary figures prior to receiving the financial audit report. Looks forward to a professional report being presented for this next year – graphics, etc. to provide a positive reinforcement for this year's report.

Temple: unaudited financials will be available no later than September this year. He feels that with Lillian providing input and support to the report it will be a high quality report.

Segura: reiterated what Kriz said about wanting to have a more comprehensive annual report, one that is appropriate while overseeing the spending of bond funds. He stated that he is willing and able to do whatever he can to provide support.

Yamane: agrees that with the help of Lillian the report will be very positive and will reflect the positive things being done on campus that will benefit the community.

## **6. TIMELINE OF PROP R 2012-2013 REPORT**

Nish: asked for assistance from C.M. Brahmhatt on this item – Governing Board approval of Phase I at the May 9<sup>th</sup> meeting.

Brahmbhatt: we needed authorization from the Governing Board for Phase I projects that were approved January of 2011. In order to narrow down what we will be doing for 2012-13, the Educational Master Plan will be revisited this year, followed by the Facilities Master Plan– this will determine what will support future projects (according to ballot language). At that time before we take on any new projects we will have specific approval of all projects laid out in ballot language and have a pathway and connectivity with our Facilities Master Plan in order to ensure it is transparent and explains why we are doing the projects and how it will benefit the community and the District in future years.

Yamane: requested a timeline be provided to the committee no later than July 1<sup>st</sup>, one that includes which projects are scheduled for each month. Updated timeline is desired for the next scheduled meeting. It was also requested that the timeline be included on the website.

Temple: we will provide the same briefing that was provided to the Governing Board. It lists the projects that were approved and timelines for those projects.

Nish: to clarify, these projects include the landscaping and entryway construction; stadium and field house, football stadium and practice field (synthetic turf), Central Plant, National City new two-story facility, technology infrastructure, updated security including blue lights, and equipment for renovated and remodeled buildings. We will provide a 2012-13 timeline.

## **7. FUTURE MEETING SCHEDULE**

2012-13 schedule of CBOC meetings was discussed and confirmed.

Nish: July 11<sup>th</sup> is the latest anticipated date for the Governing Board approval of the new CBOC members. Recommends that the June 20<sup>th</sup> meeting be moved to June 21<sup>st</sup> 5:30-7:00, there is a SWC Governing Board meeting scheduled on June 20<sup>th</sup>.

Future 2012-2013 meetings approved for 5:30-7:00 p.m. on the following dates:  
June 21, 2012\*, September 19, 2012, December 19, 2012, March 20, 2013, and June 19, 2013.

\*Temple clarified that at the June 21, 2012 meeting the timeline for Phase I projects and Governing Board approvals will be provided to the committee.

## **8. OTHER ITEMS**

Nish: made an announcement that at the May 23<sup>rd</sup> Governing Board meeting the final candidate for Vice President for Business and Financial Affairs will be presented for approval. Steven Crow, is currently serving as CBO/CIO College of Siskiyou where he has been for ten years. We are very excited to have someone coming on board who has many years of California Community College experience and knowledge, is a CBO, has worked with Prop 39 projects at the College of Siskiyou, and feels we have found a very good candidate to bring before our Governing Board. Pending Governing Board approval he begins on Monday, July 2<sup>nd</sup>.

Yamane: will email the meeting recorder two requested items to be added to the June 21<sup>st</sup> agenda.

Brown: bid opening that was scheduled for May 22<sup>nd</sup> was pushed to May 31<sup>st</sup>. Three packages will open and the other 18 will be out June 14<sup>th</sup>. McGraw Hill listed our walk date incorrectly and there were many added items to be included in the packets.

Davis: inquired about DSA approval on these open bids.

Temple: this should not be discussed as this was not an agenda item but will be discussed at the June 21<sup>st</sup> meeting.

Segura: asked when these bid openings will be posted on the website.

Brown: he will provide to the committee the link to the electronic plan room where this is located.

## **9. COMMITTEE COMMENTS / REQUESTS**

None.

## **10. ADJOURNMENT**

Yamane thanked Norma Hernandez, Humberto Peraza and Lillian Leopold for attending. The meeting was adjourned at 6:40 p.m.

June 21, 2012

Prop R CBOC Agenda

Enclosure – Item #6





SOUTHWESTERN COLLEGE

Melinda Nish, Ed.D.  
*Superintendent/President*

**Governing Board**

Norma L. Hernandez

Tim Nader

Humberto Peraza, Jr.

Jean Roesch, Ed.D.

Terri Valladolid

**Additional Information – Agenda Item #11  
May 9, 2012 Governing Board Meeting**

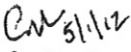
1. When were projects Governing Board approved?
  - The below listed five projects were approved by the Governing Board on January 19, 2011.
    - ✓ Landscaping and Entry Construction
    - ✓ Replacement of DeVore Stadium and Field House
    - ✓ Synthetic Turf: Football Stadium, Practice
    - ✓ Central Plant
    - ✓ National City 2-Story Facility
  - Technology – Recommended now with input from Shared Consultation Committee (SCC) and Technology Subcommittee (originally included in security item approved by the Governing Board January 19, 2011).
  - Updated Security (Blue Lights and Other Cleary) - This generic project was approved by the Governing Board on January 19, 2011 and more specific programming has since been done and is included in this project as recommended.
  - Phase I Equipment for Renovated Remodeled Buildings - Approved January 19, 2011 without specifics. This gross estimate is based on cost per square footage for remodeled buildings approved January 19, 2011.
  - Planning, Programming, Feasibility, Current Management - With the termination of Seville Prop R budget funds, this needs to be set aside and Governing Board approved to manage Phase I. This dollar amount is an estimate for between 12 and 18 months depending on the type of services contracted.
  - Phase I Sunk Costs 2010 to Current – This is an estimate of Prop R funds expended or encumbered for the Corner Lot Project.
2. What is involved in each project?
  - Attached is a brief description (memorandum dated May 1, 2012) of Prop R Phase I Projects on tonight's agenda for approval.
3. How were the cost estimates arrived at?
  - These estimates are all rounded off and are not exact costs.
  - Some estimates are more accurate because we have awarded contracts for the project.
  - Some estimates are slightly greater than the original January 19, 2011 estimates as we are further along in programming the specifics.
  - Some estimates are very basic estimates, which is not to be confused with a guess. They are based on professional estimates giving a generically defined scope of work. As we get further along in programming the specifics we will have more accurate estimates.
  - As contracts are awarded and as projects are completed the actual program projects will be brought back to the Governing Board in order to update the Prop R Phase I budget.




May 1, 2012

MEMORANDUM

TO: Melinda Nish, Ed.D.  
Superintendent/President

APPROVED BY: C.M. Brahmbhatt   
Interim Vice President for Business and Financial Affairs

INITIATED BY: John R. Brown, P.E.   
Director of Facilities, Operations and Planning

SUBJECT: Brief description of Prop R Phase I Projects 2012-2013

Staff has been executing the Prop R program in concert with the January 13, 2011 Governing Board approved phasing plan. The Governing Board accepted and approved the recommendations as outlined in the "Prop R New Look 2025" on March 14, 2012. The "Prop R New Look 2025" and the prior approved phasing plan would benefit from reconciliation. Staff proposes reconciling the direction of Phase I in 2012-2013 by approving the attached Phase I 2012-2013 Plan.

The projects meet the criteria of the Prop R Bond language and a brief summary of each project is provided.

Landscaping and Entry Construction - Gotham and Elmhurst widening and improvements, Lot O access, ADA improvements, drainage corrections, projects in 2008 Education and Facilities Master Plan and in concert with City of Chula Vista road improvements. Majority of project awarded and under construction.

Replacement of Devore Stadium and Field House - Project in 2008 Education and Facilities Master Plan, project briefed on multiple occasions to Governing Board, design is complete and in construction bidding. Project provides Athletic and Health Sciences complex.

Synthetic Turf Football Stadium and Practice Fields - Project in 2008 Education and Facilities Master Plan, project briefed to Governing Board, design is complete. Dean of Health, Exercise Science and Athletics supports synthetic turf field at DeVore Stadium for increased use and possible revenue generation. DeVore Stadium field is out for construction bid, along with practice fields out for additive bid item in same bid package.

Central Plant - Project in 2008 Education and Facilities Master Plan, provides heating and cooling for new Field House and provides for added expansion for any corner lot development and addition of other buildings. Mechanical contract was awarded by the Governing Board January 25, 2012.

National City Multi-Story Facility - Project in 2008 Education and Facilities Master Plan. Project programmed to provide 15,000 assignable square feet of life science and specialized health profession laboratory. Programs supported are heavily impacted and additional space is necessary to maintain programs. This project supports capital expansion at National City in support of application for Higher Education Center status, a potential annual state revenue increase of \$1,000,000. This project completes commitment made to the City of National City under previously approved community development agreement.

Technology - Concept project approved at Shared Consultation Council for expansion of wireless capability on the Chula Vista campus including utility support, upgrades to network hardware, and modernization and improvements to server room and center in Bldg 210.

Updated Security (Blue Lights and other Cleary requirements) - This project addresses aged or missing emergency notification infrastructure on all campuses. Will also provide "mass notification" on campus sites in accordance with statute.

Phase I – Equipment for Renovated and Remodeled Buildings - Furniture, Fixtures, and Equipment (FFE) is programmed separately and will be developed ahead of final delivery of each new structure.

Planning, Programming, Feasibility, Current Management – Bond program has labor requirement to provide management functions, also steps need to be taken to provide studies, planning, feasibility, and programming of future phases of the Prop R Bond program.

Phase I Sunk Costs 2009 to Current - These are costs already expensed to the Bond Program for work up through the current date. It includes work on contracts suspended and terminated.

This is strictly an approval to provide direction to staff on Phase I execution. Specific contract actions and funds expenditure will be brought before the Governing Board for approval or ratification.

JRB:jf