

Governing Board Meeting Meeting - Tuesday, May 23, 2017

Members present:

Mayra Cruz
Wendy L Ho
Jeffrey B Lease
Craig Mann
Rudy N Nasol
Huong Nguyen Scott Pham

Meeting called to order at 6:15 PM

A. CALL MEETING TO ORDER

Information: 1. 4:30 p.m. The Meeting will be called to order at the District Board Room, 40 South Market Street, San Jose, CA 95113

Information: 2. Information on Public Comments and Disability Access B. APPROVAL OF CLOSED SESSION

Action: 1. Approval of Closed Session Agenda
M/S/C (Ho/Cruz) to adopt the Closed Session Agenda as submitted.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

Information: 1. Public Comments on the Closed Session Agenda There were no public comments.

D. CLOSED SESSION ITEMS FOR DISCUSSION

Information: 1. The Board will recess to Closed Session at 4:30 p.m. to consider the following items:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957 (b))
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)

Property: 27 acres of surplus land adjoining San Felipe Road and Yerba Buena
District's Negotiator(s): SJECCD Vice Chancellor Doug Smith; Mr. Jim Eller, Eller & Associates
Names of Negotiating Parties: Republic Urban Properties LLC Under Negotiation: Instructions regarding price and terms of ground lease for surplus land

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

District's Negotiator(s): Kim Garcia
Employee Organization: CSEA

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

District's Negotiator(s): Kim Garcia
Employee Organization: AFT 6157

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

District's Negotiator(s): Kim Garcia
Unrepresented Employees: M/S/C

E. RECONVENE INTO OPEN SESSION

Procedural: 1. 6:00 P.M. Pledge of Allegiance
Board President, Trustee Mann invited Student Trustees Bethel Kim, and Marcelo Lopez

Action: 2. Adoption of the Agenda

Chancellor Budd proposed the following two changes:

1. Item number F.11 on the Consent Agenda, that the curriculum recommendations for San Jose City College, request remove the prerequisite 500, 501, 502, 504.
2. Item I.2 on the Information Agenda be moved to I.1 to take place before the Title 5 Compliance – Board Diversity Training.

M/S/C (Lease/Pham) to adopt the agenda as revised.

Roll call vote was as follows:

Trustee Cruz voted yes.

Trustee Ho voted yes.

Trustee Lease voted yes.

Trustee Mann voted yes. Trustee Nasol voted yes.

Trustee Nguyen voted yes. Trustee Pham voted yes.

Advisory Vote was as follows:

Student Trustee Kim voted yes.

Student Trustee Lopez voted yes.

Information: 3. Announcement of Reportable Action Taken in Closed Session

There were no reportable actions.

Information: 4. Public Comments on Matters not on the Agenda

Mr. Jose Luis Pacheco addressed the Board to provide information on the Public Service Loan Forgiveness Program. It is a program designed for students to go into public service. It was passed by a republican President in 2008 in a democratic controlled congress. It was designed so graduate students could obtain a Masters or Ph.D.

Under the current budget that was proposed on 05/22/17 by President Trump, this program would be eliminated. This means any new students that apply for student loans as of July 1, 2018, and are interested in pursuing public service (Social worker/Doctor), would no longer be eligible for this program. There are approximately 500k students currently in this program. The forgiveness begins as of October 1, 2017 and the program has been running for approximately 10 years. Mr. Pacheco asks that the Board of Trustees think about making a statement on behalf of this program and thanks the Board for hearing his statement.

Recognition: 5. Board Recognition

Board President Trustee Mann recognizes Student Trustees Bethel Kim and Marcello Lopez.

Bethel Kim:

Board President Mann states that Student Trustee Bethel Kim is graduating this week and transferring to UC Santa Cruz, where she will pursue a degree in psychology. After graduating from UCSC, Bethel would like to work in a field where she is able to have a positive impact on the lives of young adults. She is considering pursuing a career as a school counselor or therapist.

Bethel is not the first person in her family to attend college. In fact, after immigrating to the United States, her father also graduated from EVC before transferring to San Jose State. This is one of the primary factors that motivated her to attend EVC. Bethel has indicated that one of the highlights of her time at EVC was when she realized that there is more to college life than going to classes and getting good grades and that the time spent in college can be enriched by participating in clubs and activities on campus. This is how she

became involved with ASG and eventually became a student Trustee. She said that EVC is a wonderful place where she was able to connect with people and grow as a person and individual.

Marcello Lopez:

Board President Mann states that Student Trustee Marcello Lopez is planning to transfer to UC Davis after he graduates this week, where he will work toward his ultimate goal of becoming a lawyer specializing in labor and human resources. Over the last few years Marcello has overcome great personal adversity while achieving tremendous academic success.

Since returning to college three years ago, Marcelo has earned stellar grades, and has become involved in ASG, the student law club, MEChA, METAS, and more. He is also involved in a number of community organizations. Marcelo notes that his life began to turn around when he realized the importance of education, and how it can be a path to lead anywhere you want to go.

Chancellor Budd thanked Student Trustee Kim and Student Trustee Lopez for their service, and for their hard work in paving the path for future Student Trustees. Chancellor Budd further notes that it has been a pleasure getting to know each of them, as each has been an incredible addition to the Board of Trustees. Student Trustee Kim comments that it has been an honor serving on this board as it has opened up a new perspective into how a school operates, including the background staff, amazing Instructors and Faculty like Professor Narveson, and the Board of Trustees, that all work together to ensure each student has the opportunity to obtain an education at their own pace. Trustee Kim closes by thanking the Board for this wonderful opportunity.

Student Trustee Lopez comments that both of the Student Trustees have been very lucky to have been given the opportunity to serve on this Board. Trustee Lopez notes differences in the backgrounds that each of the Student Trustees have, which illustrates a great example of what the SJECCD brings to the table in terms of educational opportunities. Trustee Lopez closes by thanking the Board for this wonderful opportunity.

F. CONSENT AGENDA

Action (Consent): 1. Adoption of the Consent Agenda

Hearing no requests to pull any items, Board President Mann stated that items F. 112 of the Consent Agenda were adopted by general consent.

Action (Consent): 2. Management Personnel Actions

Resolution: A recommendation that the Board of Trustees approve the Management personnel actions as submitted. The Board approved the Management Personnel Actions as submitted.

Action (Consent): 3. Faculty Personnel Actions Regular

Resolution: A recommendation that the Board of Trustees approve the Faculty personnel actions as submitted. The Board approved the Faculty Personnel Actions Regular as submitted.

Action (Consent): 4. Supervisory Confidential Personnel Actions

Resolution: A recommendation that the Board of Trustees approve the Supervisory Confidential Personnel Actions as submitted. The Board approved the Supervisory Confidential Personnel Actions as submitted.

Action (Consent): 5. Classified Personnel Actions

Resolution: A recommendation that the Board of Trustees approve the Classified Personnel Actions as submitted. The Board approved the Classified Personnel Actions as submitted.

Action (Consent): 6. Hourly, Student Work & Volunteer Personnel Actions

Resolution: A recommendation that the Board of Trustees approve the Short Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted. The Board approved the ShortTerm Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

Action (Consent): 7. Proposition 39: Evergreen Valley College Physical Education (PE) Building Boiler Replacement & Air Handling Unit (AHU) Modifications Project #25103 – Environmental Systems, Inc. of Northern California Change Order No. 002

Resolution: A recommendation that the Board of Trustees approve Change Order No. 002 in the amount of \$3,586.00 to Environmental Systems, Inc. of Northern California for the Physical Education (PE) Building Boiler Replacement & Air Handling Unit (AHU) Modifications Project #25103 at Evergreen Valley College. The Board approved Change Order No. 002 in the amount of \$3,586.00 to Environmental Systems, Inc. of Northern California for the Physical Education (PE) Building Boiler Replacement & Air Handling Unit (AHU) Modifications Project #25103 at Evergreen Valley College.

Action (Consent): 8. Proposition 39 Program Improvement Fund Year 3

Resolution: A recommendation that the Board of Trustees approve to accept funding from Proposition 39 Program Improvement Funding Grant Year 3 in the amount of \$36,000 for San Jose City College. The Board approved to accept funding from Proposition 39 Program Improvement Funding Grant Year 3 in the amount of \$36,000 for San Jose City College.

Action (Consent): 9. Curriculum Recommendations for Evergreen Valley College

Resolution: A recommendation that the Board of Trustees approval of the curriculum recommendations for new courses and programs submitted by Evergreen Valley College.

The Board approved the curriculum recommendations for new courses and programs submitted by Evergreen Valley College.

Action (Consent): 10. MOU Between Evergreen Valley College Nursing Program and Mission College Nursing Program

Resolution: A recommendation that the Board of Trustees approve the Memorandum of Understanding between Evergreen Valley College Nursing Program and Mission College Nursing Program.

The Board approved approve the Memorandum of Understanding between Evergreen Valley College Nursing Program and Mission College Nursing Program.

Action (Consent): 11. Curriculum Recommendations for San Jose City College

Resolution: A recommendation that the Board of Trustees approve the new courses proposed by San Jose City College. The Board approved the new courses proposed by San Jose City College.

Action (Consent) 12. RE: Gift to the District Vehicle Donation A recommendation that the Board accepts the auto donation listed below, and further directs that our appreciation be appropriately conveyed to donors. In accepting these gifts, the Board declares that the donor, not the District, has established the value of the donation. The Board accepted the auto donation.

G. GENERAL OBLIGATION BOND PROGRAMS CONSENT AGENDA

Action (Consent): 1. Adoption of the General Obligation Bond Programs Consent Agenda

Hearing no requests to pull any items, President Mann stated that items G. 16 of the Consent Agenda were adopted by general consent.

Action (Consent): 2. Measure G –2010 Bond Program: San Jose City College (SJCC) Wayfinding, Signage and Site Fencing Project #31328 – A Good Sign and Graphics Company Construction Services Agreement.

Resolution: A recommendation that the Board of Trustees find Coast Sign Company a nonresponsive bid and approve a Construction Services Agreement in the amount of \$472,125.00 to A Good Sign and Graphics Company as the lowest responsive/responsible bidder, for Wayfinding, Signage and Site Fencing Project #31328 located at SJCC. The Board approved Coast Sign Company as a nonresponsive bid and approved a Construction Services Agreement in the amount of \$472,125.00 to A Good Sign and Graphics Company as the lowest responsive/responsible bidder, for Wayfinding, Signage and Site Fencing Project #31328 located at SJCC.

Action (Consent): 3. Measure G2010 Bond Program: Evergreen Valley College Student Services Center Architectural Barrier Removal Project #3211302 – CalPacific Construction, Inc. Change Order No. 001.

Resolution: A recommendation that the Board of Trustees approve Change Order No. 001 in the amount of \$9,589.00 to Cal Pacific Construction, Inc. for the Student Services Center Architectural Barrier Removal Project #3211302 at Evergreen Valley College. The Board approved Change Order No. 001 in the amount of \$9,589.00 to Cal Pacific Construction, Inc. for the Student Services Center Architectural Barrier Removal Project #3211302 at Evergreen Valley College.

Action (Consent): 4. Measure G2010 Bond Program: Evergreen Valley College (EVC) Relocate Telephone Main Point of Entry (MPOE) to Central Utility Building (CUB) Project #32704 – Cal Coast Telecom (CCT) Agreement.

Resolution: A recommendation that the Board of Trustees approve an Agreement in the amount of \$80,980.00 to CCT for the EVC Relocate Telephone MPOE to CUB Project #32704 at Evergreen Valley College. The Board approved an Agreement in the amount of \$80,980.00 to CCT for the EVC Relocate Telephone MPOE to CUB Project #32704 at Evergreen Valley College.

Action (Consent): 5. Measure G –2010 Bond Program: San Jose City College (SJCC) – Physical Security Phase II Project #31336 Salas O'Brien, Revision No. 002 to Project Assignment Amendment (PAA) SJCC – 03.

Resolution: A recommendation that the Board of Trustees approve the Revision No. 002 to Project Assignment Amendment (PAA) SJCC 03 in the amount of \$10,650.00 to Salas O'Brien, for Physical Security Phase II Project #31336 at San Jose City College (SJCC). The Board approved Revision No. 002 to Project Assignment Amendment (PAA) SJCC 03 in the amount of \$10,650.00 to Salas O'Brien, for Physical Security Phase II Project #31336 at San Jose City College (SJCC).

Action (Consent): 6. Measure G – 2010 Bond Program: SJCC Schedule Maintenance Project #31304 – Harry L. Murphy, Inc., Agreement.

Resolution: A recommendation that the Board of Trustees approve the award of an agreement in the amount of \$84,290.00 to Harry L. Murphy, Inc., for the Schedule Maintenance Project #31304, at SJCC. The Board approved the award of an agreement in the amount of \$84,290.00 to Harry L. Murphy, Inc., for the Schedule Maintenance Project #31304, at SJCC.

Action: 1. Resolution No. 0523171 to excuse Trustee Mayra Cruz from attending the May 9, 2017, Governing Board Meeting.

A recommendation that the Board of Trustees approve Resolution No. 0523171 to excuse Trustee Mayra Cruz from attending the May 9, 2017, Governing Board Meeting due to illness.

M/S/C (Nasol/Lease) to approve Resolution No. 0523171 to excuse Trustee Mayra Cruz from attending the May 9, 2017, Governing Board Meeting due to illness.

Roll call vote was as follows:

Trustee Cruz voted abstain. Trustee Ho voted yes.
Trustee Lease voted yes.
Trustee Mann voted yes. Trustee Nasol voted yes.
Trustee Nguyen voted yes.
Trustee Pham voted yes.

Advisory Vote was as follows:

Student Trustee Kim voted yes.
Student Trustee Lopez voted yes.

Action: 2. Resolution No. 523172 Requesting the Board of Supervisors of Santa Clara County establish a tax rate for Bonds of SJECCD.

A recommendation that the Board of Trustees approve Resolution No. 0523172 requesting the Board of Supervisors of Santa Clara County to establish a tax rate for bonds of San JoseEvergreen Community College District which are expected to be sold during FY201718, and authorizing necessary actions in connection therewith.

Chancellor Budd notes that the next step in this process is to work with the County as they establish a tax rate for the bond. Chancellor Budd invites Vice Chancellor, Doug Smith, to speak to a few of the highlights of this item. Vice Chancellor Smith reports that the Resolution, drafted and presented by Bond Counsel, David Casnocha of the law firm of Stradling, Yocca, Carlson & Rauth, is simply a requirement from the County of Santa Clara for the College District to declare whether or not we intend to issue bonds in FY1718, and provide an estimate of the tax rate for those bonds. Per this resolution we are stating that it is our intention to issue bonds in FY1718. Once issued we will have three years to complete the related project work. Thus, this resolution represents the SJECCD Board of Trustees action of alerting the Santa Clara County office that we intend to issue bonds within FY1718.

M/S/C (Ho/Lease) to approve Resolution No. 0523172 requesting the Board of Supervisors of Santa Clara County to establish a tax rate for bonds of San JoseEvergreen Community College District which are expected to be sold during FY201718, and authorizing necessary actions in connection therewith.

Roll call vote was as follows:

Trustee Cruz voted yes.
Trustee Ho voted yes.
Trustee Lease voted yes.
Trustee Mann voted yes. Trustee Nasol voted yes.
Trustee Nguyen voted yes.
Trustee Pham voted yes.

Advisory Vote was as follows:

Student Trustee Kim voted yes.
Student Trustee Lopez voted yes.

Action (Consent): 3. College and Career Access Pathways

Partnership Agreement (CCAP Agreement) between San Jose City College and Evergreen Valley College, both a college of the San JoseEvergreen Community College District, and The Foundation for Hispanic Education.

Resolution: A recommendation that the Board of Trustees approve the College and Career Access Pathways Partnership Agreement (CCAP Agreement) between San Jose City College and Evergreen Valley College, both a college of the San JoseEvergreen Community College District, and The Foundation for Hispanic Education.

Chancellor Budd thanked both College Presidents and their teams for continuing to develop CCAP agreements for dual enrollment. We currently have existing CCAP agreements with San Jose Unified, East Side Union High School District, and Milpitas Unified School District. The Foundation for Hispanic Education has a separate Board, thus a separate MOU is being developed for this CCAP agreement before you.

M/S/C (Lease/Ho) to approve the College and Career Access Pathways Partnership Agreement (CCAP Agreement) between San Jose City College and Evergreen Valley College, both a college of the San JoseEvergreen Community College District, and The Foundation for Hispanic Education.

Roll call vote was as follows:

Trustee Cruz voted yes.

Trustee Ho voted yes.

Trustee Lease voted yes.

Trustee Mann voted yes. Trustee Nasol voted yes.

Trustee Nguyen voted yes. Trustee Pham voted yes.

Advisory Vote was as follows:

Student Trustee Kim voted yes.

Student Trustee Lopez voted yes.

Action: 4. Measure G2004 Bond Program: Bond List Revision

A recommendation that the Board of Trustees review and approve the revisions to the Measure G2004 bond list, as presented.

Chancellor Budd invites Vice Chancellor Smith to share some highlights on this item. Vice Chancellor Smith notes that Bond List Revisions are completed on a regular basis in order to provide the Board with a report what of projects are planned, modified, or cancelled as those changes occur. Vice Chancellor Smith invites Director of Facilities and Bond Program Management, Owen Letcher, to the podium to share more detailed highlights on this item. Mr. Letcher states that the Measure G-2004 Bond List Revision represents an approximate change of \$379k which will use up the balance of the funds for the Milpitas Extension, distributing those funds to other projects under Measure G2010. Thus this is the final expenditure of Measure G2004 money.

M/S/C (Nguyen/Lease) to approve the revisions to the Measure G2004 bond list, as presented.

Roll call vote was as follows:

Trustee Cruz voted yes.

Trustee Ho voted yes.

Trustee Lease voted yes.

Trustee Mann voted yes. Trustee Nasol voted yes.

Trustee Nguyen voted yes. Trustee Pham voted yes.

Advisory Vote was as follows:

Student Trustee Kim voted yes.

Student Trustee Lopez voted yes.

Action: 5. Measure G2010 Bond Program: Bond List Revision No. 34. A recommendation that the Board of Trustees review and approve the revisions to the Measure G2010 bond list, as presented.

Vice Chancellor Smith invites Director of Facilities and Bond Program

Management, Owen Letcher, to the podium to share more detailed highlights on this item. Mr. Letcher states that the Measure G2010 Bond List Revision captures the funds that were just released from Bond List Revision Measure G2004, as well as distributes contingency of \$875k, and interest earnings on our endowment fund. In regards to the endowment fund, in April 2017 the District reached its fiveyear period of interest earnings, which resulted in roughly \$2M that is being distributed between the two campuses evenly.

Trustee Nasol notes that some time ago San Jose City College had a Media Center which had a budget allocation and once cancelled, the remaining funds were to be distributed to other projects at SJCC, however prior to its cancellation, there were some funds expended that are not shown on the G2010 BLR.

Board President Mann requests a motion to discuss this item. M/S/C (Lease/Cruz)

Vice Chancellor Smith suggests that staff research this item and report back to the Board at a later time. Trustee Nasol agrees and requests that information regarding the Media Center project expenditures be reflected on the next Measure G2010 Bond List Revision.

Board President Mann requested that Chancellor Budd let the Board know as soon as additional information is available on this item. Chancellor Budd responded that additional information would be brought back during the June 13, 2017 Board meeting.

Roll call vote was as follows:

Trustee Cruz voted yes.

Trustee Ho voted yes.

Trustee Lease voted yes.

Trustee Mann voted yes.

Trustee Nasol voted abstain.

Trustee Nguyen voted yes. Trustee Pham voted yes.

Advisory Vote was as follows:

Student Trustee Kim voted yes.

Student Trustee Lopez voted yes.

I. INFORMATION AGENDA PRESENTATIONS, DISCUSSION ITEMS AND DOCUMENTS PROVIDED

Information: 1. Title 5 Compliance Board Diversity Training

Chancellor Budd thanks Vice Chancellor Garcia for her assistance in staying current in terms of our Title V compliance. Vice Chancellor Kim Garcia notes that this is a new addition in terms of our District requirements.

Ms. Laura Schulkind, from Libert Cassidy and Whitmore Legal Counsel, introduced the presentation (attached) noting her work in designing and working with public entities to build workforce diversity throughout her career. Beginning in the 1980's representing all minority, women police officers in the City of

San Francisco, and most recently spearheading the effort to update the Title V regulations which require all California Community Colleges to engage in diversity in hiring. Thus this material is very familiar to her. This particular training was developed with intent to link workforce diversity to student equity, as well as designed for the Board's policy lens.

Trustee Nasol requests for clarification around legal job requirements, such as a requirement to speak a specific language. Ms. Schulkind responds that in order for job criteria to be legal, is it must be required for use while doing a job, for example communicating in the classroom, or in a registrar's office.

Trustee Cruz notes that traditionally our institution requires transcript submittals upon the employment application submittal, however this has the potential to create bias. Trustee Cruz asks Ms. Schulkind to describe her experience with other community colleges in dealing with this type of bias. Ms. Schulkind responds that one piece of this would be properly training screening committees on cultural competence, best practices, etc. However, the challenge and limitations to this are that it does not work for our unconscious bias.

Board President Mann thanks Ms. Schulkind for her wonderful presentation commenting that it was one of the best presentations this Board has received. Board President Mann asks the Board if they have any additional comments.

Trustee Cruz thanks Ms. Schulkind for her great presentation. Trustee Cruz further poses a question: in our current climate of diversity and multicultural education, and in an educational and academic system that has been asked to move to equity and inclusion, how do we reconcile those worlds? Ms. Schulkind comments that, it is not necessarily a different world, and that the big policy challenge is that we are talking about diversity, but we must not forget about adverse impact or under representation. We need to use diversity as the legal tool to achieve equity, meaning we are using diversity in a thoughtful and meaningful way. Academic Senate Representative, Fabio Gonzalez comments when going through the process of hiring diverse groups of employees, we tend to do a good job of getting diverse applicants, but those diverse applicants are more difficult to hire. How might we overcome this? Ms. Schulkind comments that, in her experience, many districts report a wide range of differing results in this area, but at the end of the day we are obligated to select the most qualified and capable person for the job. Ms. Schulkind further notes the importance of properly training ("everyone has to go to the diversity gym") the screening committees, as the reality is, the things that impact our decision making are deeply embedded.

Trustee Mann poses a question to Chancellor Budd that, given this presentation, in the Chancellor's opinion is there a part for the Board to play as well as the institution to selfexamine and evolve in our practices? Chancellor Budd responded by thanking Ms. Schulkind for the excellent training and comments on the multiple outreach and diversity trainings and discussions recently held with the Board, and notes the importance of equitizing what we are doing in these meetings, at the district and college level. Chancellor Budd further comments on appreciating the term "diversity gym" as we all work together to create diverse screening committees and achieve our values of opportunity, equity, and social justice.

Vice Chancellor Garcia notes that in the last two years we have looked at how we onboard people. This presentation is more about constantly thinking about how we can be more welcoming in order to serve our students.

Trustee Lease thanks Ms. Schulkind for her presentation, noting that the Board has had a number of trainings, and each one conducted by Ms. Schulkind is exceptional, thoughtful, easy to understand, and most importantly, retainable.

AFT 6157 Representative Barbara Hanfling comments on the AFT 6157's mentoring program. This program assigns someone outside of the newhire's department who is responsible for introducing them to the campus community to ensure they feel empowered and are a part of that community.

Student Trustee Lopez comments that knowledge and understanding promotes growth, and poses the

question: How are we going to change our thinking for students and staff leaders at the campuses. Board President Mann notes that this should be on the Dashboard and a goal of the Chancellor as part of the Chancellor's performance evaluation. Board President Mann further comments that this must be embraced by leadership in order to move forward.

Ms. Schulkind reminds the Board, in closing, that while she has completed this presentation the job is now with the Staff and the Board which consist of the same team with the same goals as well as the same legal limits.

Information: 1. Transition to Measure X Update on Measure G2004 & G2010

Formerly Information Agenda Item I.2 Transition to Measure X – Update on Measure G 2004 & G2010.

Chancellor Budd thanks Vice Chancellor Smith and his team, led by Owen Letcher, who provided a presentation (attached) on the transition to Measure X, highlighting updates from G04 and G2010. Vice Chancellor Smith adds that the Resolution #0523172 passed this evening, was to issue bonds for Measure X in this next fiscal year. We plan to finish our final expenditures for G04 within the next 30 days. This presentation is about the move forward plan for what is essentially \$3/4M.

Mr. Letcher provides an overview of this presentation by stating this report will illustrate the process, and next step to close out G04, and the winddown of G10, as well as discuss the transition to measure X, the changes being proposed with internal staffing, RFP, RFQ, program & construction management services.

Mr. Letcher further notes that BLR 32, and BLR 34, created projects that bridge between G04 and G10, and transferred expenditures back into 04 in order to exhaust all funds. Target date to close out all G04 projects is June ending with a fiscal year end audit which will be presented to the Board in December or January. Some services will continue that include legal reporting, as well as CBOC work.

Mr. Letcher reports on G2010 successes being that all projects have been completed ontime, with clean audits, no claims or lawsuits against the District, as well as outstanding credit ratings. We are currently winding down as we move into measure G2010 yearseven, with endowment funds that do not have a time limit for expenditure and will extend beyond 2019, which means we will have a CBOC and reporting requirements beyond that date. As of May 14th, EVC spent \$125M, with a remaining balance of \$17M, and SJCC has spent \$55M with a remaining balance of \$36M. Districtwide has spent \$26M with a balance of \$10.5M which includes programwide contingency as well as overhead costs. Overall Measure G2010 has spent \$207M with a remaining balance to spend by June 2019 of \$64M. Mr. Letcher continues by reporting on lessons learned in Measure G2004 stating that communication out to the campuses is a key area of improvement. To address that and provide more direct access to the bond program for those that are on the college campus, the Board has approved a Bond Program Manager position at each of the colleges.

Trustee Nasol notes the importance of engagement at the college level regarding the allocation of bond projects as well as the educational and facilities master plan projects, so as to avoid building a project that will not be applicable a few years from that point in time. Additionally, with the help of the recently created Board Outreach Adhoc Committee, Trustee Nasol is hopeful that moving forward, the Measure G2010 program can benefit from their efforts.

Mr. Letcher continues discussing moving forward with Measure X. Because of our strong standards, recordkeeping and compliance via services with Gilbane and other contractors, we are proposing to enter into a direct professional services contract with the Ann Kennedy Group for bond accounting and financial compliance, and then start a process immediately for RFQ and RFP for program and construction management services. Internally, the two campus based bond program managers will alleviate some of the workload on the college Vice Presidents, and be that conduit to communication at the campus level. Last

November we received 33 proposals for architectural services. Kicking off in fall 2017 in the design phase will be the EVC

Engineering Building as well as the SJCC Career Technical Education Building. Mr. Letcher notes that a review of the Facilities Master Plan will take place prior to the start of the projects and completion of the bond project lists.

The Measure X process includes focused outreach, and a PM/CM selection committee. Vice Chancellor Smith noted that as we move forward to finish G2010, we are activating a PM/CM selection committee process, and our hope is that our teams can meet where G2010 is and take over. Thus the timing of this process is very critical in terms of our continual needs.

Trustee Nasol raised concern over the \$64M remaining of Measure G2010 projects, as it appears that Gilbane has already been selected for these projects without going through the RFQ process. Trustee Nasol requests clarification around the steps that are being taken to ensure those remaining G2010 dollars are being shared with other qualified vendors. Mr. Letcher responded that he has been working with the purchasing department on the scoring criteria and qualifications to move forward as quickly as possible. The proposal is to continue with Gilbane into year seven and have Gilbane complete the work that is currently in construction so as to avoid transition mix ups. The program management services that Gilbane provides would then taper down with Gilbane possibly assisting on the start of some design processes as the new project management company is brought onboard.

Mr. Letcher continues highlighting the program management internal and external staff, and the transitions that would take place with the transition into Measure X.

Mr. Letcher briefly speaks to nonbond projects totaling approximately \$1.6M annually, which include Proposition 39 energy efficiency projects, State Funded Scheduled Maintenance, Investor Owned Utility Incentive Program, and Energy Savings. Mr. Letcher reports the District has recently engaged to a minority, women owned, small business for assistance with Prop 39 year four and year five projects.

In closing, Mr. Letcher provides an overview of next steps including a smooth transition from G2010 to Measure X service providers, the close out G2004, finalization of negotiations with Gilbane for a year seven contract, as well as the proposal of an agreement with Ann Kennedy Group for the financial management & bond compliance piece. We currently have 19 active projects, 14 projects in design, which is a good time within a project to transition with the Measure X team, and eight projects in the stage of closeout that we are proposing be left with Gilbane team to finish out.

Trustee Cruz noted the need for the District to continuously assess what and how we are doing business. As we get ready to make these next steps into Measure X, what kinds of assessments have we put into place that will inform the RFP process, and what will we do to reflect that in a much more inclusive RFP process. Additionally, in the spirit of our outreach program and the vision we are trying to develop, is there a way that consent contracts can use an identifier that shows how/where we meet our outreach goals?

Mr. Letcher responds that this would be a simple implementation where we can add a designation indicating that data. Mr. Letcher continues by listing some of the other types of improved process suggestions he has heard throughout the district as we pursue these outreach efforts which include, accountability, expectations from a reporting standpoint, additional reporting elements, and communication back to the district which with the addition of a bond program manager will assist in providing that link back in terms of communications.

Trustee Cruz requests that Mr. Letcher elaborate on the next steps in terms of Measure X and the Ann Kennedy Group services. Mr. Letcher responds that

AKG currently works as a subcontractor to Gilbane under Measure G2004 and Measure G2010. The District is proposing a new contract with AKG as the onsite Financial Bond Consultant for Measure X, which will include services such as compliance management, coordination with bond counsel, coordination of

resolutions related to the bond, preparations of Citizens' Bond Oversight Committee (CBOC) reports, CBOC website, CBOC audit, compliance reporting items, assist with items that are ultimately forwarded to the credit rating agencies.

Trustee Cruz notes the importance of providing opportunities and access to various businesses, however she is concerned that the District is proposing to continue with the same financial contractor that has been used for the last two bond measures. How does this recommendation support the outreach vision to open the opportunities for minority, womenowned, disabled, and veteran businesses? Mr. Letcher highlights the very specialized skill set that AKG provides to the District, there are not many other firms that provide this particular skillset unless they are attached to a larger firm, and thus a costlier service. Additionally, AKG is a womenowned micro business.

Trustee Nasol supports Trustee Cruz's comments Trustee Nasol notes concern in terms of project close-outs, and states that we need to be mindful of warranties and maintenance, to ensure our staff are kept in the loop, specifically regarding the Milpitas Extension landscape overgrowth issues that have recently come to the Board's attention. Mr. Letcher responded that he has been working with MUSD regarding the maintenance of the landscaping which has just recently (this week) been taken care of. Additionally the design contractor will be back later this week to complete this maintenance. Trustee Ho seconds Trustee Cruz's comments in terms of the need for an assessment plan to properly inform the RFQ and RFP process. Additionally, in going out for a Measure X PM/CM company, it would also make sense to have a similar process for the financial services piece that works toward our values as an organization that is committed to social justice, and provides an opportunity for us to live up to those values.

Vice Chancellor Smith expressed appreciation to the Board for their thoughtful comments. Vice Chancellor Smith reiterates that this is the transition plan, we will need to be prepared to go out for a PM/CM to get to Measure X. In the meantime, we are working with our existing agencies to get us to that point. This process will take some time, and those two paths need to meet in order to have continuity.

Academic Senate Representative, Jesus Covarrubias, comments that given the thoughts and feelings heard throughout the District with the last bond measure, Mr. Covarrubias expresses his appreciation going forward with new ideas and fresh perspectives.

J. BOARD MEETING EVALUATION

Discussion: 1. Board of Trustees to Discuss Board Meeting Performance Trustee Ho commented that the Measure X presentation was very reflective of the District using our existing resources to benefit our students. Additionally, Trustee Ho notes there was a bit of difficulty in terms of adhering to our code of conduct during tonight's meeting, and as such reminds Board to be mindful of that as well as the fact that Board President Mann is empowered to keep the meeting running in an orderly fashion.

K. CONTINUATION OF CLOSED SESSION (If needed) L. RECONVENE TO OPEN SESSION

Information: 1. Announcement of Action Taken in Closed Session

M. ADJOURNMENT

Information: 1. The meeting will be adjourned.

Board President Mann calls for a motion to adjourn.

M/S/C (Lease/Nguyen) to adjourn.

Adjournment at 8:47p.m.

Dr. Deborah Budd, Board Secretary

