



**CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
CITIZENS' OVERSIGHT COMMITTEE**

Meeting Minutes No: 10

Location: District Office, Room 120

Recorded by: Barbara K. Tracey

Date: July 25, 2006

Persons Present:

Committee Members	Term	Term Expires	Present	Not Present
Mr. Kevin Baker, Business Community Representative	2 yrs.	2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Dave Bouchard, Business Community Representative	2 yrs.	2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Brian Foster, Community Member Representative	2 yrs.	2007	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Gordon Galvan, Chabot College Foundation Representative	2 yrs.	2006	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Byron Kamp, Community Member Representative	2 yrs.	2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Joshua Paul, Las Positas College Student Government Representative	2 yrs.	2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Bernadette Richard, Chabot College Student Government Representative	2 yrs.	2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. John Sailors, Senior Organization Representative	2 yrs.	2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Jason Teramoto, Community Member Representative	2 yrs.	2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bob Tucknott, Taxpayers Association Representative	2 yrs.	2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District/College Representatives				
Mr. Lorenzo Legaspi, Vice Chancellor, Business Services				
Supporting Consultants				
Mr. Eloy Retamal, DMJM Program Management, Program Director				
Ms. Barbara K. Tracey, DMJM Program Management				
Mr. Tom Coffin, Bond Counsel, Stradling, Yocca, Carlson, & Rauth				
Mr. Jeff Gee, of Swinerton Management & Consulting				
Mr. Mike Vlaming, of Scarth-Lyons & Associates				

1.0 CALL TO ORDER

Mr. Byron Kamp, Committee Chair, called the meeting to order at 6:31 p.m.

2.0 ROLL CALL

A quorum was met with six committee members responding to roll. A seventh member joined the meeting at 6:34 p.m.

3.0 PUBLIC COMMENTS

No public comments were made.

INTRODUCTION OF GUESTS

Bond program consultants in attendance at the meeting were introduced:

Mr. J. Thomas Coffin, Bond Counsel, Stradling Yocca Carlson & Rauth; Mr. Jeffrey S. Gee, Swinerton Management & Consulting, Inc.; and Mr. Michael J. Vlaming, Scarth-Lyons & Associates.

4.0 APPROVAL OF MINUTES

It was moved (Mr. Sailors), seconded (Mr. Teramoto), and passed unanimously that the minutes of the April 25, 2006 meeting be approved as drafted.

It was moved (Mr. Sailors), seconded (Mr. Teramoto), and passed unanimously that the minutes of the June 20, 2006 Special Meeting be approved as drafted.

(Mr. Tucknott joined the meeting at 6:34 p.m.)

5.0 PUBLIC RESPONSE TO 2004 - 2005 ANNUAL REPORT

Mr. Kamp advised, and the Committee concurred, that this Agenda Item would be delayed for discussion during Agenda Item No. 9, 2005-2006 Annual Report.

6.0 BOND COUNSEL UPDATE

Mr. Tom Coffin stated that he had been requested to attend the meeting to discuss two specific legal issues.

The first issue he addressed was the Project Labor Agreement (PLA) that has been approved by the Board of Trustees, and the appropriate role for the Citizens' Oversight Committee in regard to the PLA. Mr. Coffin explained that, in general, Citizens' Oversight Committees role in Bond Programs is more in line with providing transparency to bond program spending. There is nothing in the Committee's Bylaws to prohibit discussion of the PLA, as long any Committee action is advisory in nature.

Mr. Coffin reiterated the three functions of the Committee, as defined in the Bylaws of the Citizens' Bond Oversight Committee, which are: inform the public, review expenditures, and issue an Annual Report.

General discussion followed Mr. Coffin's address with Committee members sharing their opinions on whether the issue of the PLA is within the purview of the Committee. Mr. Coffin stated that Bond Oversight committees don't have regulatory authority on bond programmatic issues. That authority resides with the Board of Trustees.

It was moved, by Mr. Tucknott, that the Citizens' Oversight Committee discuss the PLA and the appropriateness of the Board of Trustees entering into a PLA, and whether the PLA is a proper expenditure of bond monies. Consideration of the motion was deferred until later in the meeting so that the guests in attendance could proceed with their presentations.

Mr. Coffin then addressed the second issue he had been asked to clarify for the Committee, that being the question “Why it is appropriate to use bond proceeds to pay District administrative salaries?” Mr. Legaspi explained that management of the bond program was transitioning to District personnel, and as long as the salaries are for personnel performing bond management functions, payment with bond funds is allowed by law. Mr. Legaspi and Mr. Coffin provided answers and clarification in response to questions from Committee members.

7.0 PROJECT LABOR AGREEMENT UPDATE

Mr. Legaspi reintroduced Mr. Jeff Gee and Mr. Mike Vlaming to the Committee. Mr. Gee reviewed, for the Committee’s information, the history of the consideration of a PLA by the Board of Trustees. Mr. Gee stated that the District representatives began with a study session in March, 2005. The Board of Trustees adopted a “compass” for consideration of a PLA in April, 2005. The Board of Trustees approved, in January, 2006, entering into negotiations with labor representatives to develop a Project Services Agreement (PSA, also known as a PLA.)

Mr. Gee explained that the PSA consists of three key elements: the guiding principles adopted by the Board of Trustees; the Five Year Implementation Plan of the Bond Program; and the Swinerton Management Report of January, 2006. He further explained that requirements of the PSA must be included in project bid documents distributed to the community for any projects to which the PSA applies. Only a limited numbers of bond projects will meet the criteria of the PSA.

A question and answer period followed Mr. Gee’s presentation.

Mr. Kamp asked the Committee whether or not they felt the Board of Trustees approval of the PSA was within the purview of the Committee.

It was moved by Mr. Tucknott, and seconded by Mr. Baker, that the Committee discuss the issue that night, and vote on whether the Committee was opposed to or endorsed the Board of Trustees’ action of approving the PSA.

After extensive discussion of the motion by the Committee, Mr. Tucknott called for the question. Then, so that he might re-phrase his motion, Mr. Tucknott withdrew his motion. Mr. Baker withdrew his second.

Mr. Tucknott moved that “we,” the Citizens’ Oversight Committee, go on record as opposing the PSA and the action of the Board of Trustees in approving the PSA. Voting in favor of the motion were Mr. Baker, Mr. Bouchard, Ms. Richard, and Mr. Tucknott. Mr. Sailors and Mr. Teramoto opposed the motion. The motion passed.

8.0 COMMITTEE MEMBERSHIP

Mr. Kamp reminded members of the Committee that membership terms were soon to expire for several Committee members. He has provided to Mr. Legaspi the names of those members who have indicated their interest in continuing to serve on the Committee.

Mr. Baker announced that he will be moving out of the District next spring, and, therefore, has not submitted his name for consideration for re-appointment to the Committee.

Mr. Kamp announced that this would be Mr. Teramoto's last meeting, as his term of membership is expiring and he will not be seeking reappointment to the Committee.

9.0 2005 - 2006 ANNUAL REPORT

A draft outline and schedule for the 2005 – 2006 Annual Report was distributed as part of the meeting agenda packet.

The Committee acknowledged the annual report cost concerns expressed in a letter from a member of the community.

10.0 BOND PROGRAM UPDATE

Mr. Legaspi pointed out the Bond Expenditure Report, for expenditures through June 30, 2006, that was distributed in the meeting agenda packet. He said, in response to the request of the Committee, that he would investigate the possibility of adding subtotals by category to the report.

Mr. Legaspi commented on the very aggressive Five-Year Implementation Plan for executing bond projects. He reported on the need to maintain an escalated cash flow in order to meet the financial obligations and needs of that plan, and that approval had been requested and received from the Board of Trustees to proceed with issuance of the bond.

Mr. Legaspi reported that current three-year audit contract would be coming up for re-negotiation.

11.0 COMMITTEE MEMBER COMMENTS

No comments were offered by committee members.

12.0 ADJOURNMENT

Motion to adjourn was made (Mr. Tucknott), seconded (Mr. Bouchard.)

Meeting adjourned at 7:51 p.m.