



City College of San Francisco

50 PHELAN AVENUE • SAN FRANCISCO, CA 94112 • (415) 239-3000

CITIZENS' BOND OVERSIGHT COMMITTEE

MINUTES

FRIDAY, APRIL 21, 2017

OCEAN CAMPUS

MULTI-USE BUILDING, ROOM 140

50 PHELAN AVENUE, SAN FRANCISCO

Members Present: Mr. Faruq Ahmad, Ms. Christine Hanson, Mr. Kenneth Laslavic, Mr. Rafael Musni, Mr. Todd A. Suchevits, Ms. Karen Waltz and Mr. Daniel Weaver

Presenters: Mr. David Martin, CFO, Ms. Linda da Silva, Associate Vice Chancellor of Facilities

Guests: Michael Adams, Harry Bernstein, Mary Ann Duggan, Will Maynez, David Pilpel

- 1. Call to order and Roll Call:** Mr. Rafael Musni, Chair called the meeting to order at 9:30 AM. CBOC member Christine Hanson requested to move agenda item 3.j. regarding the CBOC bylaws review to occur before the Facilities Master Plan presentation. CBOC Chair Rafael Musni amended the roll call to include CBOC member Kenneth Laslavic (9:39 AM arrival).
- 2. Review and approve minutes for prior meetings**
 - a. Minutes to the September 22, 2016 meeting unanimously approved. CBOC member Daniel Weaver moved to approve the minutes of September 22, 2016, seconded by CBOC member Todd Suchevits. Minutes were approved unanimously (Ayes: Faruq Ahmad, Christine Hanson, Rafael Musni, Todd Suchevits, Daniel Weaver).
 - b. Minutes to the January 19, 2017 meeting unanimously approved. CBOC member Daniel Weaver moved to approve the minutes of January 19, 2017, seconded by CBOC member Faruq Ahmad. Minutes were approved unanimously (Ayes: Faruq Ahmad, Christine Hanson, Kenneth Laslavic, Rafael Musni, Todd Suchevits, Daniel Weaver).
 - i. CBOC Chair Rafael Musni inquired if phoning in was addressed. Linda da Silva responded that if a Committee member wanted to phone in the notice would include the member's physical location and per Brown Act posted 72 hours prior to the meeting. CBOC member Christine Hanson noted that the wording in the Brown Act is very specific how your voice can be counted and will distribute language to the Committee.
- 3. CBOC Reports**
 - a. CBOC Bylaws Review Task Force
 - i. CBOC member Christine Hanson recommended that Committee send a note to the Board of Trustees to request amending the bylaws to include wording taken

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- out of the previous bylaws. She suggested removing the section forbidding the formation of ad hoc or subcommittees and putting back parameters for the ability to form subcommittees. She also requested putting back in wording on the purpose of the CBOC as set forth in Prop 39.
- ii. CBOC Chair Rafael Musni recognized the arrival of CBOC Vice Chair Karen Waltz (9:45 AM).
 - iii. Linda da Silva suggested setting up a task force with 2-3 members to meet with Bond Counsel David Casnocha to propose bylaws modifications to be reviewed by the governing Board of Trustees. CBOC member Christine Hanson was concerned that it would not be a fruitful discussion as three meetings ago she did submit work with Rafael Musni on behalf of the Committee to David Casnocha with no response.
 - iv. CBOC Chair Rafael Musni called for members to serve on a CBOC bylaws review task force. CBOC members Christine Hanson, Karen Waltz, Faruq Ahmad, and Rafael Musni showed interest in serving on the task force.
 - v. David Pilpel provided a public comment with concerns about the formation of a task force with the proposed four members serving since they will be a quorum of the entire body and triggering notice issues under the Brown Act. He stated that another issue are member terms expiring prior to the next meeting and the question of whether they can continue to serve past their expiration date. He commented that since the current provisions of the bylaws restricts establishing subcommittees for any purpose, having a smaller group of this body, regardless of what it is called, that will be considering any matter and making recommendations back to the body would appear to be a subcommittee. He suggested to send a short and directed letter to the Board to make specific changes to the bylaws to include the purpose, remove restrictions on subcommittees, and indicate that upon further review of the bylaws, there may be more specific suggestions of amendments.
 - vi. CBOC member Christine Hanson handed out copies to the Committee a draft letter to the San Francisco College Board of Trustees to request consideration to amending bylaws by reinserting language stating purpose of the CBOC, removing the portion which states that the Committee shall not establish subcommittees for any purpose, and reinstating the language to form subcommittees from the previous version of the bylaws. CBOC Chair Rafael Musni read aloud the letter.
 - vii. CBOC member Kenneth Laslavic would like to know why language was taken out before making an endorsement of adding language back in the bylaws and suggested to table the bylaws language on subcommittees and vote solely on the language with respect to the Committee's purpose. CBOC member Christine Hanson commented that her recollection of the creation of these bylaws were presented by the administration to the Board of Trustees and were described as streamlining of the language.
 - viii. Linda da Silva suggested to invite David Casnocha to the next meeting to give adequate time to resolve the bylaws issues. A meeting was scheduled for Friday, May 12, 2017 at 10:00 AM, location to be determined.
 - ix. CBOC member Kenneth Laslavic moved to submit the letter as amended striking out the section with respect to subcommittees, seconded by CBOC Vice Chair Karen Waltz. Motion approved (Ayes: Faruq Ahmad, Kenneth Laslavic, Rafael Musni, Todd Suchevits, Karen Waltz, Daniel Weaver; Abstained: Christine Hanson).

- x. Michael Adams provided a public comment that the relationship of the Bond Oversight Committee is between Committee and the Board of Trustees, not between Committee and administration and it would be more appropriate for the Committee to directly communicate with the Board.
 - xi. Harry Bernstein provided a public comment that the Committee should be able to form subcommittees. He recalled a meeting when Mr. Zacovic was the Interim Vice Chancellor where David Casnocha observed that the bylaws were out of date and offered a revised version of the bylaws that went before the Board of Trustees and was approved. He commented that he would like for the Committee to have a report on these changes and that the Committee should not be prevented from doing work that they should be doing.
- b. Update on Facilities Master Plan
- i. Linda da Silva provided a brief update on the 10 year Facilities Master Plan still in development. An update will be provided to the Board at their next meeting on April 27, 2017. The draft proposed master plan will be going to the Board in August or September of 2017.
- c. State Capital Outlay Funded Projects (Linda da Silva, AVC Facilities) – Linda da Silva provided an update on the statewide Proposition 51 facilities bond that was passed in November 2016. The State has approved two College projects for funding in the 2017-18 budget.
- i. Civic Center @ 750 Eddy Street Seismic and Code Upgrade – The College vacated the premises in January 2015 for a seismic upgrade and remodel with a goal of moving back into the facility in the Fall of 2020. This project is fully State funded without local contribution. As plans are developed, further analysis will determine if funding is adequate to cover all costs including the project management, equipment and furniture costs. Additional local money may be necessary to complete the project and the College will seek Bond Counsel’s advice if 2005 Bond ballot language will allow bond funds to supplement the project.
 - 1) CBOC member Faruq Ahmad inquired that with a gap between State funding and actual costs if there are consideration of other available sources of funding besides local money. Linda da Silva responded that the College will go back to the State if there is a shortfall to request for augmentation funds and the other option is to utilize Bond funds if allowable and will seek Board approval.
 - 2) CBOC member Christine Hanson inquired what type of philanthropic money will be pursued. Linda da Silva responded that the College has not pursued funding through philanthropic means.
 - 3) CBOC Vice Chair Karen Waltz inquired what was in the facility before the College vacated the premises. Linda da Silva responded that Civic Center was an instructional facility with three floors of classrooms and administrative support space. The center is now in a leased facility at 1170 Market Street.
 - ii. Ocean Campus Utility Infrastructure Replacement - The \$63 million State funded project is for the upgrade and replacement of infrastructure systems at the Ocean Campus including the 1953/200-pound steam boiler plant, fire/life safety, water, sewer, storm drainage, gas, electrical, data, lighting, and irrigation systems.

- 1) CBOC member Christine Hanson inquired if the project will require State augmented funding and Bond funding. Linda da Silva responded that it is still too early to tell and explained that the utility infrastructure project will scope to budget as opposed to budget to scope and this project will be designed and scoped to the budget of \$63 million with the goal of not needing any additional funding. With the prior project mentioned, because the project is an A type health and safety category project, the funding covers the seismic and code upgrade but does not fund additions or replacements and does not adequately fund project management or FF&E.
 - 2) CBOC member Faruq Ahmad inquired if the College is developing other sources of capital that may be available that are less restrictive and more flexible so that we are not going into a project faced with a predictable short fall. Linda da Silva responded that the College's Office of Institutional Development tasked with financial and community development is writing grants and seeking philanthropic support for the College. The institution is focused now to support the Performing Arts Education Center. Bond funds may or may not be used to supplement the State funding on the Eddy Street project and there are limited capital funds that may be available if there is a funding shortfall. The goal is to scope to budget and utilize State funding for these projects. *There may be some non-Bond capital funds available to do this.*
- d. Report on Development of State Capital Outlay Grant Applications – No discussion.
- e. Status update on Performing Arts Education Center – Linda da Silva presented to the Committee a presentation that was given to the Board of Trustees on April 13th for the Performing Arts Education Center. With approximately \$40 million of Bond Funds remaining allocated to this project, the funding is inadequate to construct the PAEC project as designed currently estimated at \$150 million. The Board last year gave direction to administration to determine how to get the building constructed and look into writing more competitive State grants and potentially pursuing a phased construction scenario.
- i. CBOC member Daniel Weaver inquired if the cost includes the cost of relocating the Diego Rivera mural. Linda da Silva responded that the construction cost estimate is based on the expired 2012 State Architects stamped out plans and specifications which will need to be updated to incorporate the code triggered changes and incorporate any other changes such as relocating the Diego Rivera mural to the concourse of the PAEC and indicated that the plan is for the mural to stay where it is until it is moved.
 - ii. Linda da Silva is working with her team on submitting a competitive grant proposal for State Capital Outlay grants for funding in fiscal year 2019-20. The planning team is looking at whether it's a category A, C, or D project and providing a phasing study and cost estimate as the Board's resolution in March was to pursue a phased construction strategy. If funds are approved and allocated for design in 2019-20, construction to occur in 2020-21 with occupancy anticipated in 2023-24. Linda da Silva noted there are consultant contract awards recommendations to hire architects/engineers to prepare the final project proposals at Thursday's Board meeting.

- iii. There was discussion regarding the moving of the Diego Rivera mural currently housed in the Diego Rivera Theater.
 - iv. Linda da Silva noted that there have been project proposals written in the past for State Capital Outlay funding that involved replacing the Diego Rivera Theater and separate project proposals for the Performing Arts Complex. The consultants will strategize how to combine the proposals for the music and arts programs.
 - v. Will Maynez provided a public comment regarding the Diego Rivera mural. In regards to moving the mural, he hopes that the move can be completed using external money and noted that the new Diego Rivera Mural Project website and \$20,000 photogrammetry shoot was funded externally. He would like to start convening the international advisory council in anticipation of this move. He stated that art conservator, art mover and a structural engineer have assessed how the mural is installed and what would be entailed in removing and moving it across the street and that the original piece in 1940 was designed to be moved. He commented that the scenario would be to get the Phase I Performing Arts Center completed to encompass the mural. When the building is complete, the mural will be physically de-installed, crated, moved and installed, never going into storage. He noted that the artist Diego Rivera explicitly describes that the mural is meant to be viewed from behind a glass façade so it could be seen from outside and could be accomplished if the mural is placed in the planned Performing Arts Center.
 - vi. Harry Bernstein provided a public comment that the PAEC project is often compared with the facility at the Community College in Folsom, a project with the same architect with the same three stages. He commented that it would be unwise to independently evaluate costs without getting insight into what's been happening at that comparable facility that was built in 2011. He commented that he is shocked that an occupancy date of 2023 is being considered. He questioned the appropriateness of evaluating the cost estimates along with the total cost of ownership as that may interfere with the understanding of costs.
 - vii. CBOC member Christine Hanson commented that she was informed by someone in the Theater Department that Phase I of the project would allow the College to issue a technical theater certificate and the department will be able to work with the IATSE local (theatrical union) to train people for the theatrical field.
 - viii. CBOC member Christine Hanson shared that in 2015 there was a change to Title V that allowed community colleges to pass along maintenance costs to facility rentals as direct costs for use of college facilities.
- f. Status update on Chinatown/North Beach Center and Ocean Campus Child Development Center – Linda da Silva provided a brief update that legal counsel is continuing work on the legal matters and separate claims have been filed on both projects.
- i. CBOC member Faruq Ahmad commented there was concern brought up by the Committee last year that \$47 million of Bond money would be used to fix the problems. Linda da Silva commented that the District is hoping to prevail in the legal claims.
- g. Gough Street Relocation to Ocean Campus – Linda da Silva provided a status update on the Gough Street relocation, a non-instructional facility, where Human Resources,

Finance, Accounting, and Purchasing is housed. The Board of Trustees approved late last year and executed a 75-year ground lease with a developer to use the site to construct high density housing necessitating the move of the service units of approximately 90 bodies to the Ocean Campus. Various options are in development and the project will not be Bond funded.

- i. CBOC member Christine Hanson inquired if Bond money has been spent in moving or planning for the Gough Street relocation. David Martin responded that we have some Bond money dedicated to the project for tBP Architects as part of the Facilities Master Plan and a portion of that is related to the Gough Street relocation with approximately a little over \$7,000 to date used for the project.
 - ii. CBOC member Christine Hanson inquired if the FMP plan is funded by capital funds. *David Martin responded that the FMP is being funded by Bond Funds, contract going to the Board acknowledges Bond money spent on this.*
 - iii. CBOC member Christine Hanson inquired how many of the 90 individuals moving from Gough are consultants. Linda da Silva responded that Ellucian embedded consultants working with our IT group would be included in the planned move.
 - iv. Harry Bernstein publicly commented that the issue came before the Board that dedicated facilities in the MUB in the health technologies and early childhood development and the people and programs that were going to be directly impacted were not consulted. He suggested that the Committee continue their focus on whether this project is bond funded or not and noted that it was accepted by the Board of Trustees as being bond funded.
- h. CBOC Membership Drive –Linda da Silva noted that the membership page shows the expiration terms and each member is eligible to continue to serve as members. Members serve two-year terms and can serve up to three consecutive two-year terms. Members interested in continuing serving can inform the Chair and Linda da Silva will carry that recommendation to the Board of Trustees for re-appointment. There is now a link on the website to the application for new members.
- i. CBOC members Karen Waltz, Faruq Ahmad, Christine Hanson, and Rafael Musni indicated they will continue serving on the CBOC.
 - ii. Linda da Silva indicated that a new student representative, Bradley Hook, is being recommended to the Board at next Thursday’s Board meeting.
 - iii. Linda da Silva has reached out to the Foundation and Self Help for the Elderly organization. She will work on a press release with the College and put a link on the main City College webpage as well.
 - iv. CBOC member Daniel Weaver suggested that the website’s statement should be corrected that the CBOC meets “at least” four times a year.
- i. Highlights of CBOC Website Improvement - Linda da Silva went over the improvements to the CBOC website including the addition of information on purpose and framework around which the Committee operates.
- i. CBOC member Christine Hanson inquired if the Hoover Institute report forwarded by a community member could be included on the website. Linda da Silva responded the report can be added as a resource and suggested to also add links to the Education Code and the CaLBOC website.
 - ii. David Pipel provided a public comment regarding the website and membership drive. He indicated his interest in considering applying to be a member of the

Committee. He introduced himself to the Committee as having been extensively involved with the District as a student in the mid 1990's serving on the Facilities and Budget & Planning Committees. He was involved with the Educational Master Plan Committee and worked closely with the administration on a number of issues including recycling programs and the mural. He was particularly moved by the passing of Julia Bergman, having worked with her to obtain funding for the library, and Natalie Berg's recent passing as they were incredibly important people to this District. He recognized the narrow scope of the Committee to ensuring Bond Funds are used for the intended purposes and informing the public. He mentioned that the bylaws state that Committee shall meet at least once a year but shall not meet more frequently than quarterly and does that restrict the Committee to meet more than four times a year or if that means the Committee cannot meet in the next three weeks because it's within the same quarter. He suggested that the Committee either condition the prior approval on consistency with the bylaws or if time permits go back to the question of the letter asking the board to consider removing the restriction on subcommittees. He will speak to Linda da Silva offline with comments on ways to fix links on the website.

- j. Review the Bond Financial Report - David Martin presented the 2001 and 2005 bond fund summaries. He informed the Committee that VTD will provide the bond audit for fiscal year 2016-17 with a new bond audit team with Terry Montgomery replacing Brandon Harrison. He explained that it is required by government code to switch audit teams every 7 years and the District has elected to engage a new team in 3 years to examine books to provide a fresh perspective.
 - i. CBOC member Christine Hanson inquired of the Gough street relocation expenses and David Martin replied that the project is under the Renovation and Remodeling category. CBOC member Christine Hanson inquired if that project was closed a few years back and David Martin responded that the project is ongoing and the budget continues to change as projects are identified.
 - ii. Linda da Silva added that close out of a project is not that we move in but includes DSA closeout, archiving files, paying remaining fees and obtaining DSA closeout with certification.
 - iii. David Pilpel provided a public comment regarding the Renovation and Remodeling of Aging Facilities and Access for the Disabled Phase II category questioning whether use of funds for relocation is consistent with the Bond program and commented that it is within this Committee' purview to question and report publicly regardless of whether District's administration agrees or not.

4. Public Comment – No public comment.

- 5. Confirmation of Next Meetings** – CBOC Chair Rafael Musni motioned to hold the next two meetings at the Ocean Campus, seconded by Faruq Ahmad, motion carried unanimously.
- a. July 20, 2017 – Ocean Campus, location to be determined
 - b. October 12, 2017 – Ocean Campus, location to be determined
 - c. May 12, 2017 – Ocean Campus, location to be determined.
 - i. CBOC member Faruq Ahmad suggested to invite Anton Jungherr of CalBOC to participate at the May 12th meeting since he has experience and understanding as to best practice in the area of bylaws and bond oversight committees. CBOC Chair Rafael Musni will contact Mr. Jungherr to inquire his availability.

6. Adjournment - Meeting adjourned at 11:37 AM