



**INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE**  
**Friday, September 12, 2008**  
**MINUTES**

**Call to Order**

The meeting was called to order at 12:32 p.m., by Ginny MacDonald.

**Members Present:** Richard Borevitz, Claudia Duran, Maurice Haight, & Ginny MacDonald

**Members Absent:** Michael McDowell & George Weiner

**District Representatives:** Robert Deegan Superintendent/President  
Bonnie Ann Dowd, Asst. Superintendent/Vice President,  
Finance & Administrative Services  
Mike Ellis, Director of Facilities  
Phyllis Laderman, Director of Fiscal Services  
Valarie Carlomagno, Administrative Assistant

**Guests:** Dianna Trujillo-Hernandez

**Public Comments**

Public comments were solicited. There were none.

**Approval of Minutes – June 6, 2008**

MSC: Borevitz/Nabors. The minutes were unanimously approved as corrected and will be posted on the ICOC website.

**Election of Chair and Vice-Chair for FY2008-09**

Dr. Bonnie Dowd informed the committee that in accordance with the ICOC by-laws, a Chair and Vice-Chair must be elected for a term of one year, effective July 1<sup>st</sup> through June 30<sup>th</sup>. Bonnie called for nominations for ICOC Chair and John Nabors nominated Ginny MacDonald. Ms. MacDonald accepted the nomination and was unanimously elected to serve as ICOC Chair for a one year term, expiring June 30, 2009. Bonnie called for nominations for ICOC Vice-Chair. Maurice Haight nominated John Nabors and Mr. Nabors accepted. After a unanimous vote, Mr. Nabors was appointed ICOC Vice-Chair for a one year term, expiring June 30, 2009.

Richard Borevitz took this opportunity to announce that he is running for Palomar College's Governing Board and if elected, he would not be eligible to continue to serve on the ICOC. Members wished Richard well.

**District Reports**

**Construction Projects Review:**

Mike Ellis (Facilities Department Director) provided a handout outlining the current status of Prop M construction projects (Exhibit A) and reviewed it with ICOC members.



**Palomar Community College District  
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Highlights of the report are as follows:

Mike showed the committee a photograph of an enormous mound of debris that was comprised of recycled concrete from the demolished CH, ES, LS & S buildings. By recycling the concrete, the District was able to save between \$60,000 and \$80,000 in removal cost. In addition, the District will receive recycling credits on the project.

Included in Series A is \$250,000 for Annual Implementation Plan (AIP) projects to be conducted by the Facilities Department. AIP projects are repairs and upgrades to existing facilities that are prioritized annually according to a pre-determined set of criteria. Mike stated that Prop M Funds have enabled the District to address these issues, which could not be done due to general funds already being stretched so thin. The AIP's were included in the resolution calling for approval of Prop M by the voters.

The IT Building user group has been working with the architect, HMC, to identify potential areas of shared use between the different departments, such as a paint booth and computer lab, making the areas within the building more consolidated and a better use of space.

Relocation of the baseball field will require the export of approximately 14,000 cubic feet of dirt. The MIB project needs to import dirt, so the District hopes to supply the building site for MIB with excavated dirt from the site of the new baseball field. In doing this, the District will be able to save significant costs and will continue to identify other potential recycling savings.

The Library/Learning Resource Center project will be delayed due to the state's decision to not call for a state budget to fund capital outlay projects in FY2008-09 or FY2009-10. The state had approved funding of this project at 88% of the anticipated costs; therefore, the District will delay this project until a state bond is approved. This delay will also impact the current Library Building project, which will be the new Student Services Center. Consequently, District staff is reviewing Master Plan 2022 to identify projects that might be moved up into Series A.

The MIB is out for bid. Construction is anticipated to begin in approximately 45 days. The pre-bid meeting resulted in 165 contractors requesting bid packets. This will be the first multi-prime contract for the college.

On the Information Services Technology Projects, the Information Services (IS) department is moving towards "virtual" servers, which are less expensive. IS and Facilities staff are working with Johnson Electrical Consulting on a design for the back-up generator for the A-Building, which houses the college's computer/phone infrastructure. Richard Borevitz questioned whether the firm was in some way helping SDG&E, since his understanding was that SDG&E hasn't upgraded the infrastructure since 1972. Bonnie responded that the problem is that the college's infrastructure has to be upgraded in order for the college to receive power from SDG&E to meet the load demand. Johnson Consulting is working with the District and SDG&E to design a plan that will upgrade the San Marcos site infrastructure to accommodate load demand for all projects planned for in Master Plan 2022.



**Palomar Community College District  
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John Nabors questioned whether the District has a computer system (such as Microsoft Projects) to track the multiple construction projects. Mike Ellis responded that they utilize “Front Office”, which is where they maintain project information.

Financial Data Report:

Phyllis Laderman presented and reviewed the Financial Data Report handout for expenditures through August 31, 2008. She informed the ICOC that the District auditors, Vicente, Lloyd & Stutzman, will be conducting their annual audit the last week of October and the first week of November. As part of the process they will also be auditing Prop M expenditures in accordance with GO39 requirements. The ICOC will incorporate the results into its annual performance and accounting report to be published in the spring of next year.

North Education Property Update (EIR, Mitigation Land, Reqs., Billboard Status):

Bonnie informed the ICOC that the District has been meeting with the County of San Diego and Caltrans since January this year. Initially, there were 26 items that the county challenged on the District’s EIR. After numerous meetings, the county was still challenging a few issues related to traffic impact and “fair share” costs to be paid by the district. Some issues have yet to be resolved despite the District twice changing traffic calculations on the EIR to satisfy concerns with the county and Caltrans.

The District hired a lawyer, who specializes in CEQA compliance issues, to review the EIR. The attorney determined the District’s EIR to be CEQA compliant and recommended the Governing Board certify the document at their July 8, 2008, meeting. The county was present at the Board meeting, but didn’t specifically identify how the EIR was non-compliant with CEQA requirements. The college delayed certifying the EIR on two previous occasions in an attempt to resolve the issues raised by the county and Caltrans. Once an EIR is certified, agencies have 30 days to appeal the certification. On the last day to appeal, SANDAG submitted a letter of pending lawsuit to the District. In addition, the county mailed a letter to file suit, which was post-marked on the 30<sup>th</sup> day. In response, the District entered into a “Tolling Agreement” with SANDAG allowing time to reach resolution. The District met with the county, SANDAG, and Caltrans on September 10<sup>th</sup> in an attempt to resolve.

President Bob Deegan stated that the District has “bent over backwards” to accommodate the county, and while a lawsuit is not welcome, the District has a fiduciary responsibility to the public to guard against the potential of spending Prop M funds on “fair share” costs that are not appropriate or warranted. Bonnie Dowd reiterated that the District put forth an EIR that was CEQA compliant and should a lawsuit occur, the ICOC can be reassured that the District’s efforts went above and beyond what was necessary for certification.

Paul Metcalf addressed the ICOC as the consultant hired by the District to assist in land development of the Fallbrook property. Paul distributed a handout, which he reviewed. Paul stated that he is working under the assumption that a lawsuit will not occur and is moving forward with the administrative process to avoid any unnecessary delays. He reported that the District is in negotiations for the purchase of easements to satisfy



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mitigation needs identified in the EIR. Once the sale is complete, the easement will be placed in conservancy, which releases the District from having to pay for its upkeep in perpetuity. Paul met with representatives from the River Conservancy and they are thrilled with the proposed site as it is some of the best quality they have seen. Richard Borevitz asked what is being done with the excess dirt on the property and wondered if the District could sell it at a profit. Bonnie Dowd responded that the District could not profit from the property since it is not actually going to own the land but rather the credits established for mitigation purposes.

Ginny MacDonald questioned whether the county has the authority to hold-up the project. Bonnie replied that permits will have to be pulled from the county, and the District wants to resolve the EIR issues prior to requesting permits, since they could cause a delay in issuance.

John Nabors suggested that the District might consider pulling back from their building schedule, since traffic and mitigation issues are notoriously slow to get worked out with the county. He expressed concern that there could be political fall-out from prolonged construction delays. Paul Metcalf responded that he felt confident the EIR issues would be worked out soon and advised not pushing back the completion date unless warranted. Claudia Duran encouraged the District to stay on course for the sake of the students, which will greatly benefit from the new campus.

Ginny MacDonald stated that public perception is important and her position was if the District is not able to resolve the matter by the next ICOC meeting, perhaps the construction date for the north education site will need to be pushed back. Bonnie responded that she believes it is in the best interest of all the agencies to avoid the negative publicity that accompanies a lawsuit and she is confident that the issues will be resolved.

Bonnie then took this opportunity to inform the ICOC that the north parcel was officially approved as the Palomar College North Education Center on Monday, September 8<sup>th</sup>, by the Board of Governors in Sacramento. The final step is approval by the California Post-Secondary Education Commission (CPEC), which is scheduled to meet September 24<sup>th</sup>. As soon as the District obtains final approval as center status, work will begin on designing and erecting a billboard at the Fallbrook site as requested by Ginny MacDonald.

August 13<sup>th</sup> "Doing Business at Palomar College" Symposium

Bonnie reported that the "Doing Business at Palomar College" Symposium was a huge success with 66 contractors and sub-contractors participating in the event. The symposium focused specifically on Prop M Series-A projects. As a result of the symposium, over 150 bid packets were picked-up for the MIB construction project, which should result in very competitive bidding.

This concluded the District's reports to the ICOC Committee.



## **ICOC Annual Report**

At a previous ICOC meeting, Ginny MacDonald and Michael McDowell volunteered to serve on a sub committee to begin designing the ICOC Annual Report. Bonnie suggested that Fridays work best for her schedule and she inquired whether that worked for Ginny and Mike. Both said Fridays are good for them, so Bonnie will propose several dates to Ginny and Mike via email so the sub-committee can begin working on format and content for the ICOC annual report. Bonnie reported that she will also invite Mark Oggle, Director, Communications to join the meeting to assist with design and production.

### **Comments From Members Generated the Following:**

Claudia Duran commented that the recent blackouts were handled very well and she praised administrative staff for making the students feel secure and informed.

### **Adjournment**

The meeting adjourned at 2:11 p.m.