Meeting Minutes

November 18, 2015, 5:00 p.m., SBCCD Board Room

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| Members Present – **Sam Irwin, Albert Garcia, Ken Coate, Frank Reyes, Linda Roberts-Ross, Gabriel Jaramillo** |
| Members Absent – **Patricia Small, Kevin Retana** |
| District Staff Present – **Jose Torres**, Vice Chancellor, Business & Fiscal Services; **Fath-Allah Oudghiri**, Director, Facilities Planning & Construction |
| Kitchell/BRj Staff Present – **George Johnson,** Bond Program Manager |
| Guests Present – **Heidi White**, Vavrinek, Trine, Day & Company |
| Members of the Public – Representatives from Doyle Electric, Walters Wholesale, Scout Lite Corporation, and Best Contracting Services |

**Welcome/Introductions**

Ken Coate started the meeting at 5:06 pm. Self-introductions were made.

**Approval of Minutes**

Sam Irwin made a motion to approve the meeting minutes from September 23, 2015. Frank Reyes seconded the motion and **the minutes were approved** with the following vote.

Ayes: Sam Irwin, Albert Garcia, Ken Coate, Frank Reyes, Linda Roberts-Ross, Gabriel Jaramillo

Noes: None

Absent: Patricia Small, Kevin Retana

Abstentions: None

**Public Comment**

Several members of the public attended the meeting to speak about the same topic, which was dissatisfaction with the lack of direction and lack of payments made to subcontractors and suppliers on the CHC Occupational Education 2 Building project (OE2). Four citizens spoke for five minutes each.

* Jerry Doyle of Doyle Electric introduced himself as a subcontractor on the OE 2 project. He stated that the future of his family-owned, locally-operated company is now in jeopardy as a result of his involvement with this project under Sinanian, a non-local corporation. He asserted there were over 800 Requests for Information (which a subcontractor must generate when directions are missing or unclear) and more than 100 Architect’s Supplemental Instructions, which can completely modify the scope of work. His company spent 100’s of hours on these issues which are not compensable. They have been 50 change orders with 44 still unpaid dating from 17 months ago. As of November 18, the last money his company was paid was for July. This has caused his company to pay $10,000 in late fees from suppliers out of pocket. Doyle Electric can no longer bid because its bills are unpaid. Mr. Doyle estimated lost income of $250,000 per week due to this inability to pay bills.
* Jeff Shannon from Scout Lite advised that he, too, lives in Yucaipa, and runs a local, family-owned business that was a subcontractor for OE2. He stated his company hasn’t been paid since June. He can’t buy material from vendors because he owes too much money on glass used at OE 2. He was told he needed to purchase material in September 2014 and forced to put it on site, but then couldn’t fabricate until April 2015, at which time he had to fabricate on site because the material had already been left there. He felt it was a complete disaster and stated that all the work he is doing now is paying for the losses sustained while working on OE2.
* Greg Mullet from Best Contracting had the task of installing façade metal panels on the OE2 project. He stated that he never seen a project with such incomplete plans and lack of detail. As his company was “the last man in on the job” it was their job to use architectural sheet metal to cover all the imperfections of the project. Mr. Mullet advised that it is up to the architect and design team to build specific tolerances into a job. However, in OE2, the entire lid (the soffit) had to be dropped as a result of deflection that wasn’t built into the job. As a finish contractor, the delays caused time pressure on Best Contracting to complete the job and, he feels, caused “stacking of contractors”, which can be a safety issue. At one point, Mr. Mullet reported, men had to leap off a scaffolding due to some forms coming loose.
* Greg Kohl of Walters Wholesale Electric advised that he was a concerned taxpayer. He stated that he wondered if other taxpayers would be interested to know that there is actually a company hired to make sure this job went well and how much is that company is being paid.

Committee members were moved by the public comments. Gabriel Jaramillo stated that the Brown Act prohibited committee members from speaking on items that were not part of the agenda. Ken thanked the speakers.

**Membership**

Gabriel was welcomed as a new CBOC student representative. He attends SBVC. Kevin Retana – another new student representative from CHC – was unable to attend. It was mentioned that an application had been received from Besty Starbuck of the Women’s League of Voters to fill the required taxpayer organization representative position. It is anticipated that the Board of Trustees will approve her appointment at its December 10 meeting.

**Elections**

Sam nominated Ken to continue in the position of committee chair. Frank seconded the nomination and **Ken was elected to that position by the following vote**.

Ayes: Sam Irwin, Albert Garcia, Ken Coate, Frank Reyes, Linda Roberts-Ross, Gabriel Jaramillo

Noes: None

Absent: Patricia Small, Kevin Retana

Abstentions: None

Frank then nominated Sam as vice chair. Linda Roberts-Ross seconded the nomination. **Sam was appointed to the position of vice chairperson** with the following vote.

Ayes: Sam Irwin, Albert Garcia, Ken Coate, Frank Reyes, Linda Roberts-Ross, Gabriel Jaramillo

Noes: None

Absent: Patricia Small, Kevin Retana

Abstentions: None

Committee members discussed the by-laws. It was decided that Sam would review and edit the document to be discussed at the next meeting of the CBOC. Committee members were reminded that revisions of the by-laws have to be approved by the San Bernardino Community College District Board of Trustees.

**Review of Draft Prop 39 Audit**

Heidi White of Vavrinek, Trine, Day & Company (VTD) distributed a draft audit of Prop 39. She explained that there were two reports – one on the bond fund and one on compliance with Prop 39 directives. The bond program financial statements were presented fairly in accordance with Generally Accepted Accounting Procedures.

Heidi spoke about the CBOC and whether it was following the requirements of Prop 39. The results of VTD’s tests indicated that, in all significant respects SBCCD has properly accounted for the expenditures held in the bond fund and that such expenditures were made for authorized bond projects. There were no salaries of administrators charged to the bond funds for district general administration or operations. Ken said he researched VTD and that they are very well-respected.

As the report had not yet been finalized, Heidi collected it after the discussion. It is not anticipated that there will be any changes to the report, which will be presented at the December 10 Board meeting.

**CBOC Verbal Report to the Board of Trustees – October 8, 2015**

Ken spoke about his report to the Board in which he talked about using local outreach and people in the construction trade. He felt it was well received.

**Upcoming CBOC Report – January 2016 (Written Annual Report)**

There is an annual written report which is scheduled to go to the board on January 21, 2016. Ken has written this report before. He advised that he would draft something and distribute it via email prior to the next meeting for committee review and input.

**Review of Board Items & Site Visits**

Ken mentioned that he had driven by SBVC and distributed a picture of the gym project. He also advised that he had driven by the OE 2 building and thought it looked pretty dramatic.

The committee discussed recent Board items and the fact that several projects had been delayed. Linda asked about the amendments to certain contractors. It was explained that it was necessary for architects and inspectors to stay involved in delayed projects until completion.

Ken thought it would be a good idea **for surety companies to be invited to attend projects where there are problems. He made a motion to develop a recommendation** on this. Frank seconded the motion and it was passed with the following vote.

Ayes: Sam Irwin, Albert Garcia, Ken Coate, Frank Reyes, Linda Roberts-Ross, Gabriel Jaramillo

Noes: None

Absent: Patricia Small, Kevin Retana

Abstentions: None

**Status of Measure M Projects**

Ken talked about the monthly report that was forwarded to all committee members via email each month. He advised committee members to read the report. George Johnson stated that if anyone felt there were unsafe conditions they should report that to him immediately. He went on to give a brief overview of the projects under construction.

**Future Meeting & Adjournment**

The next meeting was scheduled for January 13 at 5:00 p.m. in the SBCCD Board Room. **Meeting adjourned at 6:32 p.m.**