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Dr. Kathleen A. Rose, Superintendent/President

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT
SPECIAL MEETING, BOARD OF TRUSTEES
Wednesday, January 10, 2018

Gavilan College Student Center Lounge
5055 Santa Teresa Boulevard
Gilroy, CA 95020

OPEN SESSION – 6:00 p.m.

AGENDA

I. OPEN SESSION 6:00 p.m.

1. Call to Order
2. Roll Call
3. Comments from the Public – This is a time for the public to address the Board.

II. INFORMATION

1. Review of Rules Governing District Conduct Prior To and After Placing a Bond Measure On The Ballot

III. CLOSING ITEMS

1. The next regularly scheduled Board meeting is February 13, 2018, **Coyote Valley Site, 560 Bailey Avenue, San Jose.**
2. Adjournment

*Roll Call Vote

GAVILAN COLLEGE MISSION

Gavilan College cultivates learning and personal growth in students of all backgrounds and abilities through innovative practices in both traditional and emerging learning environments; transfer pathways, career and technical education, developmental education, and support services prepare students for success in a dynamic and multicultural world.

PUBLIC COMMENTS – Individuals wishing to address the Board on a non-agenda item may do so during the Comments from the Public. However, no action may be taken on an item, which is not on the agenda. The public is welcomed to address the Board on particular agenda items and may do so at the time it is presented. Guidelines for Comments from the Public will be as follows:

A maximum of 3 minutes will be allotted to each speaker with a maximum of 20 minutes to a subject area. No disruptive conduct will be permitted at any Gavilan College Board of Trustees meeting.

AGENDA ITEMS – Individuals wishing to have an item appear on the agenda must submit the request in writing to the Superintendent/President two weeks prior to the regularly scheduled meeting. The Board President and Superintendent/President will determine what items will be included in the agendas. Regular meetings are held the second Tuesday of each month.

Items listed under the Consent Agenda are considered to be routine and are acted on by the Board of Trustees as one motion. There is no discussion of these items prior to Board vote unless a member of the Board, staff, or public requests that

Board of Trustees: Jonathan Brusco
Laura A. Perry, Esq.

Kent Child
Lois Locci, Ed.D.

Mark Dover
Rachel Perez

Walt Glines
Daniel Chavez



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GAVILAN COMMUNITY COLLEGE DISTRICT GUIDE TO POLITICAL CONDUCT RULES FOR GENERAL OBLIGATION BOND ELECTIONS

Board of Trustees members and staff are subject to rules governing the role that district officers and employees and interested constituents may play in promoting successful passage of a bond measure.

This brief overview is designed to highlight some of the most important legal issues that districts need to be aware of. It is not intended to be exhaustive or definitive, nor is it intended to constitute legal advice. For further guidance, it is recommended that you ask questions of the District's Bond Counsel.

Use of Public Funds and Resources

Guiding Principles:

A public agency may not spend public funds to promote a partisan position in a bond election campaign.

The Board of Trustees has the power to make reasonable expenditures for the purpose of giving voters relevant facts to aid them in reaching an informed judgement when voting upon a proposal.

Because public tax monies belong to both proponents and opponents of a bond measure, it is unfair to force opponents of the measure to lend financial support to the proponents. Public officials who violate the following rules may be subject to civil fines or criminal penalties.

PUBLIC FUNDS, SERVICES, SUPPLIES OR EQUIPMENT *MAY NOT BE USED FOR THE FOLLOWING, AND WHEN SERVING IN THEIR OFFICIAL CAPACITY, A DISTRICT EMPLOYEE CANNOT:*

- Urge voters to favor or oppose a bond measure that is before the voters;
- Purchase such campaign items as bumper stickers, posters, advertising, parade floats, or television and radio advertisements;

- Recruit volunteers for the campaign;
- Raise funds for the campaign;
- Use district copiers, meeting rooms, or suppliers to advocate for or against the measure, or discuss bond campaign matters – this includes computers, district cell phones or direct lines and district e-mail address;
- Release public employees from ordinary duties during the paid working day in order to allow them to campaign on behalf of a bond measure;
- Disseminate partisan campaign literature prepared by private partisan groups; this includes the use of a district’s personnel, internal mail system or other facilities to circulate partisan materials to employees or the public at-large;
- Discuss the bond campaign at a staff or Board meeting.

A DISTRICT, ITS OFFICERS OR EMPLOYEES *MAY*:

- Undertake studies and gather data in connection with the condition and needs of the campuses, as well as financial support and general management;
- Inform the citizens of the district’s programs and activities, including the need for improved college facilities;
- Provide factual, unbiased information about the needs facing the district and what the bond measure will accomplish;
- Provide factual, unbiased information about what will happen if the measure does *not* pass;
- Distribute factual, unbiased flyers informing voters about the measure;
- Submit a partisan ballot argument for a bond measure;
- Distribute information to the public that constitutes a fair and impartial presentation of relevant fact to aid the voters in reaching an informed judgement regarding a bond issue;
- Give a fair presentation of the facts in response to a citizen’s request for information;
- Make a public forum available on equal terms to all sides in a campaign;
- Any officer or trustee may appear at any time before a public or private organization, when requested to do so by the organization, to present the district’s view of a bond measure, to discuss the reasons why the Board has called a bond election, and to answer taxpayer questions.

WARNINGS: The line between a neutral presentation of facts and promotion of a partisan position on a ballot measure is not always clear. Whether or not a given publication or presentation is appropriate depends on the style, tenor, and timing in each case.

In general, while personal appearances are not expressly prohibited by law, a district should not spend any public money in connection with a trustee's or official's public appearance to promote a bond measure.

Freedom of Speech and Association

Guiding Principle:

District employees do not lose their individual rights of political expression because they work for a public agency.

In its efforts to avoid violating campaign laws, a district must not improperly restrict the political expression of its officers and employees. On personal time, District employees can participate in the advocacy efforts if they wish. While "off" work, District employees can:

- Volunteer for the campaign;
- Donate to or raise funds for the campaign;
- Endorse the measure;
- Wear campaign buttons;
- Place a yard sign in their yard;
- Distribute persuasive information about the measure;
- Use personal cell phones or email addresses to share or discuss campaign matters.

Role of Board of Trustees

Guiding Principle:

A Board member is not an employee of the District and most "conduct" rules do not apply.

Board Role in District Planning – Pre-Election Phase

- Support the process to determine electoral feasibility for the District (public opinion poll);
- Assist in engaging our internal and external constituencies for input and comments on college facility needs;

- Provide input on community history, issues, interests and concerns that could impact bond election success;
- Encourage participation from community stakeholders in the bond feasibility process;
- As feasibility results are presented, actively discuss results and provide direction to staff;
- Recommend external community organizations who should be updated about the District's efforts;
- Participate in Board discussions regarding bond essentials – e.g. financial, legal, electoral core components;
- Ensure a prudent, defensible, bond package;
- Review and understand the recommended (final) “Bond Measure Package”;
- Take action by approving a Resolution calling for the bond election;
- Assuming Board approval – direct and support staff in completing the filing process with County Registrar of Voters.

Board Role in Campaign Phase

- Actively work and volunteer time in support of the measure;
- Participate in community outreach in efforts to improve awareness of the measure;
- Assist in any “get-out-the-votes” efforts;
- Inform the community why you voted to place the measure on the ballot.

Campaign Finance Reporting Requirements

Guiding Principle:

Contributions of money, materials, and time to a political campaign are subject to the Political Reform Act, and donors and recipients must comply with certain reporting requirements.

Although spending limitations do not apply to a ballot measure election, public agencies that assist an election effort must still comply with reporting requirements of the Political Reform Act.

Any person or entity that directly or indirectly *receives contributions or makes expenditures of \$1,000 per year* to or for a ballot measure campaign committee, or that *makes contributions amounting to \$10,000 or more per year* to such a committee, must comply with reporting requirements of the Political Reform Act. The Act makes no exception for public agencies.

“Contributions” include:

- Compensation paid to a person for services rendered to a committee, even if the compensation is paid by a third party. For example, if a campaign consultant performs services on behalf of the Citizens’ Committee for Better College Facilities, and is paid by the district for all or part of the services, the fee is a contribution;
- Payment of a public employee’s salary for time spent working on behalf of a committee;
- Payment of an employee’s ordinary salary when the employee spends more than 10% of his or her compensation time in any month rendering services for political purposes at the direction of the employer, or is otherwise relieved of ordinary duties to be able to contribute that time;
- Free use of district facilities for meeting purposes may constitute an in-kind contribution of a district’s direct costs in providing the meeting rooms.

“Contributions” *do not* include:

- Volunteer personal services;
- Campaign activities conducted entirely on vacation time, or on time that is not publicly paid working hours;
- Contributions of time or money where it is clear from the surrounding circumstances that the purpose was not to attempt to influence the voters for or against the passage of a ballot measure.

Federal Law Concerning Ballot Measure Elections

Guiding Principle:

Federal law governing campaign activity does not extend to local, nonpartisan ballot measure elections.

Where to Go for Further Information

California State Fair Political Practices Commission

Campaign consultants can answer questions about reporting requirements under the Political Reform Act.

Technical Assistance and Analysis Division
428 J Street, Suite 800
Sacramento, CA 95814
(916) 322-5662
Hours: Monday - Friday, 8 a.m. - 5 p.m.

Gavilan Community College District

**Rules of Conduct In Context of Possible
Bond Election**

**Presented by David G. Casnocha, Esq.
Stradling Yocca Carlson & Rauth**

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Guiding Principles

- 1. Planning for a Measure**
- 2. Use of Public Funds and Resources**
- 3. Freedom of Speech and Association**
- 4. Role of Board of Trustees**
- 5. Campaign Finance Reporting**

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1. Planning for a Measure

A. Prior to placing a measure on the ballot the District MAY:

1. Spend public funds to prepare a facilities assessment
2. Conduct a voter opinion survey (no effort to influence a vote)
3. Communicate to the community the District's need for facility improvements

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Planning For a Measure

B. Prior to placing a measure on the ballot the District MAY NOT:

1. Use district funds to hire a consultant to develop and implement a strategy for building a coalition in support of the measure and the financial support for a campaign by, for example, assisting the district chancellor schedule meetings with civic leaders and potential campaign contributors in order to gauge their support for the bond measure, if the purpose or effect of such actions serves to develop a campaign to promote approval of the bond measure by the electorate.
2. Use public funds to initiate activities that are the foundation of an advocacy campaign

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2. Use of Public Funds and Resources

Rule: District may not spend its assets—cash or in-kind assets, advocating for passage or defeat of a bond measure.

1. Regulation is a statewide concern
2. Ed Code 7054(a): “No ... community college district funds, services, supplies or equipment shall be used for the purpose of urging the support or defeat of any ballot measure...”

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Use of Public Funds and Resources

3. Ed Code 7054(b): “Nothing in this Section shall prohibit the use of any of the public resources described in subdivision (a) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:
 - a) The informational activities or otherwise authorized by the Constitution or laws of this State.
 - b) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.” (emphasis added)

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3. Freedom of Speech and Association

- Employees retain free speech rights and can actively volunteer time and resources to advocate for passage of a bond measure.

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Examples of How Rules Are Applied

1. Fundraising

- a) Foundation
- b) Student Associations
- c) Campaign Committee
 - 1. District job for identification purposes
- d) Bond Consultants
 - 1. Attorney General Opinion
 - 2. State Treasurer

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2. Employee Conduct While on Job

- a) On job means 9-5ish
- b) No advocacy but can inform
- c) No use of district equipment for campaign (phone, computer, email addresses)
- d) Lunch hour – go to campaign headquarters
 - Make calls on cell raising money
- e) Speak to civic organizations as “Board Reporter”

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3. District “Informational” Outreach During Campaign

- a) strict interpretation of rules
- b) is purpose to influence vote?
- c) totality of circumstances
- d) Stanton v. Mott: “the determination of the propriety or impropriety of expenditure depends upon a careful consideration of such factors as the style, tenor and timing of the publication; no hard and fast rule governs every case.”

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4. Role of Board of Trustees

- a) Evaluate need for bond; be able to defend bond package
- b) If support package, vote to place measure on ballot
- c) Campaign for measure
- d) Summarize your activities of Board meetings
- e) Avoid using District assets in this effort

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Conclusion

1. No District assets for advocacy of bond measure
2. Penalty for violation is fine of \$1000, one year in jail
3. Critics of District will be watching for mistakes – very damaging to campaign if allegations of misuse of public funds
4. Ask questions if you're not sure

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Questions?

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2004 MEASURE E FACILITIES BOND

In 2004 voters approved Measure E, a facilities improvement bond that upgraded outdated classrooms, improved campus safety and invested in the future of the Gavilan Joint Community College District.

MEASURE E PROJECTS COMPLETED AS PROMISED:

- Upgrades and renovations to Math, Physical Sciences and Social Sciences buildings
- Upgraded plumbing and electrical wiring in classrooms and facilities
- Technology and computer upgrades to meet 21st-century standards
- Investments in Gilroy Campus infrastructure and technology
- Multipurpose building, Humanities, Art and Music Hall building renovations
- Parking lots and campus lighting to improve safety
- Coyote Valley Center and San Benito County property acquisition and development

Visit gavilan.edu/bond for full list of completed and on-going projects

FISCAL ACCOUNTABILITY:

Measure E has been overseen by a Citizens' Oversight committee that has ensured that the bond funds are being spent appropriately. The annual independent performance audits concluded that all expenditures were made for allowable purposes, no expenditures were made to pay for administrator salaries and all expenditures were made for identified projects.



For more information on Measure E and to keep up to date with progress of construction and repairs visit gavilan.edu/bond.



GAVILAN JOINT COMMUNITY COLLEGE DISTRICT PREPARING STUDENTS FOR A SUCCESSFUL FUTURE

EDUCATING OUR COMMUNITY

Gavilan has provided high-quality and affordable education to our community for generations. With the rising cost of attending a four-year college, our local community colleges ensure that lower and middle-income students who can't afford the high price of attending the University of California or State University systems have an opportunity to succeed in college and future careers. Gavilan educates the healthcare professionals that serve our medical needs, the police and firefighters that keep us safe and the skilled high-tech workers who fuel our economy.



LOCAL FUNDING FOR STUDENT SUCCESS

In order to continue providing local access to high-quality affordable education the Gavilan Joint Community College District Board of Trustees is considering placing a \$248 million bond measure on the November 2018 ballot. A potential measure would:

- Repair or replace leaky roofs, old rusty plumbing, and faulty electrical systems where needed
- Upgrade classrooms, labs and career training facilities for science, math, engineering, and technology
- Upgrade classrooms and labs to help local students complete the first two years of college affordably, and transfer to the Cal-State or UC systems.
- Expand Veterans' Center which provide job training, job placement, counseling and support services to military veterans and their families
- Improve access for students with disabilities
- Improve student safety and campus security systems including security lighting security cameras, emergency communications systems, smoke detectors, fire alarms, and sprinklers
- Upgrade and add classrooms, labs and facilities at the San Benito County campus, and add classrooms at the Coyote Valley Center to offer a much larger selection of classes, certificated programs and degrees
- Renovate the aging College library to meet modern standards for technology and research

FISCAL ACCOUNTABILITY AND OVERSIGHT

Every dollar raised locally will stay in the community and cannot be taken away by the State, ensuring that students receive all the benefits of a bond measure. The measure could cost no more than \$25 per \$100,000 of assessed value, and would require a Citizens' Oversight Committee and a project list so that the community will know exactly how and when the money will be spent.

FOR MORE INFORMATION

We welcome your input as we work to ensure our colleges are updated to continue providing quality education for everyone in our community. For more information please contact Jan Bernstein Chargin at (408) 848-4724 or jbchargin@gavilan.edu.



Gavilan Joint Community College District Frequently Asked Questions

What role does Gavilan Community College play in our community?

Gavilan has provided high quality and affordable education to our community for generations. With the rising cost of attending a four-year college, our local community colleges ensure that lower and middle-income students who can't afford the high price of attending the University of California or State University systems have an opportunity to succeed in college and future careers. Gavilan educates the healthcare professionals that serve our medical needs, the police and firefighters that keep us safe and the skilled high-tech workers who fuel our economy.

What communities does Gavilan College serve?

The Gavilan Joint Community College District includes southern Santa Clara County, including Gilroy and Morgan Hill, and most of San Benito County including Hollister.

How does Gavilan College prepare students for careers?

Our community relies on Gavilan College to prepare students of all ages for careers. Twenty percent of all local high school graduates rely on Gavilan College for higher education and to prepare for careers. Just minutes away from the heart of Silicon Valley our students have access to careers in the technology and service fields. Unique specifically to Gavilan are the direct and potential partnerships with high tech companies that are expanding rapidly in the region which give our students hands on experience while being able to obtain a quality education at a fraction of the cost of attending a four-year college.

What upgrades are needed to support continued student achievement?

Facilities on campuses need to be expanded and improved to support quality education and to prepare students for careers. We need up-to-date classrooms, labs, equipment and technology that prepare students for jobs in science, high-tech and the service industry.

How is the college planning to address the facility needs?

To continue providing a high-quality education that prepares students for the 21st-century workforce and to obtain an affordable education so that they can transfer to a four-year college, the Gavilan Joint Community College District Board of Trustees is planning to potentially place a local bond measure on the November 2018 ballot. The measure will provide locally controlled funding to make essential upgrades to our colleges.

What will the local bond measure do?

The measure will make essential upgrades and improvements to Gavilan College including:

- Repair or replace leaky roofs, old rusty plumbing, and faulty electrical systems where needed
- Upgrade classrooms, labs and career training facilities for science, math, engineering, and technology
- Upgrade classrooms and labs to help local students complete the first two years of college affordably, and transfer to the Cal-State or UC systems.
- Expand Veteran's Centers which provide job training, job placement, counseling, and support services to military veterans and their families
- Improve access for students with disabilities
- Improve student safety and campus security systems including security lighting, security cameras, emergency communications systems, smoke detectors, fire alarms, and sprinklers
- Upgrade classrooms on campuses, add a campus in San Benito County and add classrooms at the Coyote Valley center to offer a much larger selection of classes, certificated programs, and degrees
- Renovate the aging College library to meet modern standards for technology and research

Can the State take away these funds?

All money raised by the measure will stay in our community to support our local community college and students. It cannot be taken away by the State or used for staff salaries or pensions.

How can I be sure the funds will be spent wisely?

This measure requires a clear system of accountability, including a project list detailing exactly how the money will be used, a Citizens' Oversight Committee, and independent audits to ensure the money is spent properly.

Have we ever passed a local bond measure for Gavilan College?

Our local community has continued to support Gavilan College over the years. In 2004, District voters approved Measure E, a facilities improvement bond that updated facilities and classrooms. The Measure E Citizens Oversight Committee, reviewed Quarterly Financial Reports, annual independent audits, and on-going up-dates on Measure E progress. All reports and audits have indicated each year, all Measure E funds have been expended appropriately and legally only for voter-approved activities.

For more information on Measure E visit: <http://www.gavilan.edu/bond/>



GAVILAN COLLEGE

Is a local bond measure the only option for improving the District?

Yes. Unfortunately, we cannot rely on the State to be a reliable partner in funding our facilities' needs. Gavilan College is a critical resource for our community and provides quality education to our students which make them prepared to enter the workforce.

How much will the measure cost?

The measure will provide locally-controlled funding to upgrade our college and cost no more than \$25 per \$100,000 of *assessed*, not market, value for 30 years. The typical homeowner would pay about \$113 per year. The assessed value of a home is determined each year by County Assessor, but it is generally based on the original purchase price of a home. The assessed value is therefore often a much lower amount than market value, or what a home could be sold for today.

Are additional funds available for Gavilan College?

Yes, the only way Gavilan College could qualify for millions of dollars in State matching funds would be to pass a local ballot measure. If the College does not pass a measure, these funds would be lost to other communities.

How can I find out more information?

Your feedback is important to us. If you have any questions, please contact Jan Bernstein Chargin at 408-848-4724 or jbchargin@gavilan.edu.