

# MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT

Citizens' Bond Oversight Committee

Monday, March 7, 2011 3:00 PM – Regular Meeting Sam Karas Room, Library and Technology Center Monterey Peninsula College

# MEETING AGENDA

### 1. Call to Order

2.	Introduction of New Committee Members Mr. J. Fagan, Mr. Stewart Fuller, Mr. Robert Mulford, and Mr. Niels Reimers will be introduced.	
3.	<b>Public Comment</b> Members of the audience wishing to address the Citizens' Bond Oversight Committee may do so during the public comment period. Under provisions of the Brown Act, the Committee is prohibited from discussing or taking action on oral requests that are not part of the agenda. Comments are limited to three minutes per person or as determined by the Committee.	
4.	Purposes, Duties and Authorized Activities of the Citizens' Bond Oversight Committee/Review of Ethics Policy Statement Mr. David Casnocha, bond counsel from Stradling, Yocca, Carlson, and Rauth, will provide an overview of the purpose of the Committee, its duties, and authorized activities as set forth in the Bylaws. Mr. Casnocha will also review the Citizens' Bond Oversight Committee Ethics Policy Statement.	INFORMATION
5.	<b>Review of the Ralph M. Brown Public Meetings Act</b> Mr. David Casnocha will briefly outline the requirements of the Brown Act as it relates to the conduct of Citizens' Bond Oversight Committee meetings.	INFORMATION
6.	Approval of November 1, 2010 Minutes	ACTION

Accept Bills and Warrants Report
 The list of payments from bond funds expended through December
 31, 2010 will be reviewed for acceptance by the committee.

**ACTION** 

8.	<b>Bond Expenditure Status Report</b> The December 31, 2010 bond expenditure status report will be reviewed with the committee. The February 2011 cost control report will also be presented.	INFORMATION
9.	<b>Bond Auditors' Reports for 2009-10</b> The Independent Auditors' Report of the District's bond funds, for the fiscal year ended June 30, 2010, and the District's Bond Performance Audit Report, for the fiscal year ended June 30, 2010, will be reviewed with the committee.	INFORMATION
10.	Updated Credit Rating Letter and Report on the District's General Obligation Bonds Standard & Poor's letter and report affirming a "AA-" rating on the District's bonds will be reviewed.	INFORMATION
11.	State Capital Outlay Funding Process The process for requesting state funding for community college facilities projects will be reviewed.	INFORMATION
12.	Facilities Construction Plan Overview Mr. Ma will provide a summary of the District's facilities construction program.	INFORMATION
13.	<b>Update on Facilities Projects, Timelines and Schedules</b> A status report will be provided on all projects. The timelines and schedules for current facility projects will be reviewed.	INFORMATION
14.	Meeting Schedule Future meetings of the Committee are scheduled for: Monday, June 6, 2011 Monday, August 8, 2011 Monday, November 7, 2011 (Annual Organizational Meeting)	INFORMATION
15.	Suggestions for Future Agenda Topics and Announcements	

# 16. Adjournment

Public records provided to the Committee for the items listed on this agenda may be viewed online at the College's website <a href="http://www.mpc.edu/mpcbond/CitizensBondOversight/Pages/CBOCAgendas.aspx">http://www.mpc.edu/mpcbond/CitizensBondOversight/Pages/CBOCAgendas.aspx</a>, at the Superintendent/President's office, Monterey Peninsula College, 980 Fremont Street, Monterey, California during normal business hours, or at the Committee meeting.

Committee tour of facilities projects at June meeting.

# MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT

### CITIZEN'S BOND OVERSIGHT COMMITTEE

Monday, November 1, 2010 3:00 PM – Regular Meeting Sam Karas Room, Library and Technology Center Monterey Peninsula College

#### Meeting Minutes

MEMBERS PRESENT:	Mr. Peter Baird Mr. Scott Coté Mr. Steve Emerson Ms. Daphne Hodgson, Chair Ms. Mary Ann Kane Ms. Elinor Laiolo Mr. Gary Ray, Vice Chair Ms. Sondra Rees Mr. Antron Williams
ABSENT:	Mr. Ron Pasquinelli
STAFF PRESENT:	Ms. Rosemary Barrios, Controller Mr. Pete Buechel, Purchasing Coordinator Dr. Douglas Garrison, Superintendent/President Mr. Steve Morgan, Director, Facilities Ms. Vicki Nakamura, Assistant to the President
OTHERS PRESENT:	Mr. Joe Demko, Kitchell Mr. J. Fagan Mr. Stewart Fuller Mr. Robert Mulford

#### 1. Call to Order

The regular meeting of the Citizen's Bond Oversight Committee of Monterey Peninsula College was called to order at 3:03 PM by Chair Hodgson.

#### 2. Public Comment

There were no public comments.

#### 3. Introductions

Dr. Garrison introduced Mr. Stephen Ma, the District's new Vice President for Administrative Services. He noted Mr. Ma's extensive experience working at the San Dieguito Union High School District in Encinitas, California.

Dr. Garrison also introduced Antron "Kage" Williams who was recently appointed to serve as the student representative on the committee. He is a returning student at MPC; he plans to pursue a graduate degree in social psychology. Mr. Williams also serves as the District's student trustee.

### 4. Committee Membership Update

Dr. Garrison noted the November meeting is the culmination of membership terms on the committee, with the Bylaws providing that a member may not serve more than two consecutive two-year terms. He indicated four members, Mr. Baird, Mr. Emerson, Ms. Laiolo, and Ms. Rees, had reached that milestone and in acknowledgment, the Governing Board approved a resolution recognizing their service on the committee. Each was presented with a certificate of appreciation.

Dr. Garrison reported a search was conducted for individuals to fill the four vacancies and represent similar membership interests on the committee. Three new members have been appointed by the Board. Mr. J. Fagan will serve as a representative of a business organization, being a member of the Marina Chamber of Commerce. He also serves on the Government Affairs Committee of the Monterey Peninsula Chamber of Commerce. Mr. Stewart Fuller, CEO of the Monterey Credit Union, will be representing the MPC Foundation, a college support organization. The third new member, Mr. Niels Reimer, will be representing a senior citizens' organization as a member of the Carmel Foundation. Dr. Garrison noted the fourth vacancy will be filled by Mr. Bob Mulford. He is being recommended for appointment to the committee at the next Board of Trustees meeting as a representative of a business organization, the Monterey Peninsula Chamber of Commerce.

The four new members will officially assume their positions on the committee at the March meeting.

### 5. Officers

Dr. Garrison commended Ms. Hodgson's service as Chair during the past year and reported she has agreed to continue this role in 2011. Ms. Hodgson opened the floor for nominations for Vice Chair. Mr. Ray was nominated by Ms. Kane, seconded by Mr. Emerson. The vote was unanimous in support of Mr. Ray's election.

#### 6. Approval of August 30, 2010 Minutes

Motion to approve the minutes of the August 30, 2010 meeting was made by Mr. Emerson and seconded by Ms. Rees. Motion carried unanimously, with abstentions by Ms. Hodgson and Mr. Coté.

#### 7. Accept Bills and Warrants Reports

Dr. Garrison reported the June 30, 2010 report was carried over from the August 30 meeting due to loss of a quorum. Ms. Barrios, the District's controller, provided follow-up on the entry for underreported hazardous waste for to the Board of Equalization. She checked the invoice and explained the payment should have been described as a correction of an underpayment of normal fees in 2009.

Ms. Kane noted a double billing on pages 9-10 to Mobile Modular Management Corp. for rental of the testing modular for the supportive services program. Mr. Ma said staff will research and report back at the next meeting.

Mr. Emerson asked about the loss of quorum at the August meeting. He recalled the meeting proceeded under the assumption the quorum was still valid and requested clarification in the event of a similar occurrence at a future meeting. Dr. Garrison explained that Ms. Nakamura did further research in Robert's Rules of Order, and if a quorum is lost during the meeting, it should be acknowledged as soon as it is known. To ignore the loss of a quorum is not considered good business practice; any remaining action items should be carried forward.

It was moved by Vice Chair Ray, and seconded by Ms. Rees to accept the June 30, 2010 bills and warrants report with the correction provided by Ms. Barrios.

Mr. Ma reviewed the September 30, 2010 report and noted the completed projects category is now at \$53.9 million compared to the previous quarter's figure of \$49.2 million. He said this increase largely reflects the new Administration Building project being moved to this category. Mr. Ma reported the cumulative total of payments made for the quarter was \$32.59 million.

Mr. Baird acknowledged the reports are clearer as a result of additional information being provided regarding the Williams Scotsman entries. There were no questions on the report.

Motion to accept the September 30, 2010 bills and warrants report was made by Mr. Baird, seconded by Mr. Emerson. Motion carried unanimously.

#### 8. Bond Expenditure Status Report

Mr. Ma reviewed the bond expenditure status report for September 30, 2010. There were no comments.

Mr. Demko reported the October cost control report reflects the project budgets approved in August by the Board of Trustees. He indicated budget savings generated as a result of lower bids have been placed in a general contingency to cover future projects that may come in over the estimated bid amounts. Mr. Baird asked if a journal entry from the general contingency would be made when an uncompleted project went over budget or needed additional funds. Mr. Demko responded the general contingency was a holding fund and would be adjusted once a project was finished and moved to the completed projects category.

#### 9. Annual Report for 2009-10

Ms. Nakamura distributed replacement pages for the projects listing section of the annual report to reflect revisions made after the agenda had been published.

Dr. Garrison stated the annual report is a requirement per the Bylaws and will be presented for acceptance to the Governing Board and then posted on the District's website. Noting the format duplicates the prior year's report, he reviewed the various sections.

Chair Hodgson commented the overall total amount budgeted for Prop 39 bond funds on page 19 of the projects section should match the figure for total bond receipts listed in the financial summary on page 7. Mr. Ma agreed he had the same question when he reviewed the report. It was explained the \$1.9 million difference represents an unbudgeted amount. Mr. Demko further clarified the program management component represents the payments made to date and future expenses are unbudgeted. He added there are other costs included in the bond program that cannot be assigned to a specific project. Mr. Ma indicated the need for bond program services should diminish as the projects are completed and there should be sufficient funds to cover future expenses. There was a question whether the \$1.9 should be assigned to the general contingency. After some discussion, Mr. Ma stated the \$1.9 million will be allocated to the program management category to cover the remaining years of the bond program. This change will allow the total amount budgeted for bond funds to correspond with the total bond receipts.

Dr. Garrison noted the general contingency has resulted from the current favorable bid climate. The campus is aware that project budgets need to be adhered to before drawing from the general contingency. Mr. Emerson advised adding further explanation regarding

the general contingency for the public's information. Mr. Coté noted the contingency was equivalent to 1% of the total bond funds; he suggested this fact should be included in the explanation. Chair Hodgson recommended deleting "general" from the description, as the contingency was not for general purposes, but rather for projects.

Ms. Kane noticed an error in the total cost of the Early Start Projects on page 9. A question was asked about the amounts listed for the Public Safety Training Center on page 16. The total cost was listed as \$7,478,201; however, the budget figure was \$7.5 million. Mr. Demko said the project was recently completed and all of the costs have not been billed yet. The total cost will be changed to reflect the budgeted amount. It was also noted the member roster listed two Chairs and two Vice Chairs. These items will be corrected in the final report.

Mr. Baird remarked the annual report is far improved and clearer than the very first reports. He attributed the improvements in the report to Chair Hodgson's input.

Motion to approve the annual report with the changes discussed was made by Mr. Emerson, and seconded by Vice Chair Ray. Motion carried unanimously.

#### 10. Update on Facilities Projects, Timelines and Schedules

Mr. Demko reviewed the status of current facility projects.

<u>Education Center at Marina Permanent Facilities</u> - Mr. Demko reported the tilt up walls are in place and the roof structure is visible. The wind turbine feature has also been received.

<u>Infrastructure</u> - Mr. Demko indicated the ceramics program kilns are in need of repair. He noted this project category has a \$6 million budget which includes several projects. These projects will be completed as feasible; however, the building projects take precedence.

<u>New Student Services Building</u> - Mr. Demko reported problems have delayed the completion of this project until January or February. He noted five subcontractors for the project went out of business and design issues need to be addressed by the architect.

<u>Swing Space</u> - Mr. Demko reported the pads have been installed near the Theater in preparation for the modular buildings.

Facilities Committee - The committee continues to meet.

<u>Business-Computer Science Building</u> – Mr. Demko reported the project was ahead of schedule. The ceiling and lighting are being installed. He said the building exterior will be painted next week.

<u>Humanities/Old Student Services/Business Humanities</u> – Mr. Demko said state funding is available to enable this project to go forward for bidding.

<u>Theater</u> – The drawings have been submitted to the Division of the State Architect (DSA) for approval.

<u>Life Science/Physical Science Buildings</u> – Mr. Demko said drawings have almost been completed after many meetings with the architect.

<u>Music Building</u> – Schematic drawings and cost estimates have been prepared for different design options.

<u>Gym First Floor/Pool/Tennis Courts</u> – Mr. Demko explained the sequencing order for the project. The gym needs to be renovated before the existing pool building can be demolished. The drawings are in DSA for approval.

<u>Student Center</u> – Mr. Demko reported schematic drawings have been completed by the architect. Consensus has been reached regarding the bookstore location.

<u>Outside Lockers Adjacent to the Art Buildings</u> – Mr. Demko said the architect is completing drawings for this project.

Mr. Coté asked if the theater building would still be connected to the Music building. Dr. Garrison responded no. He explained the project referenced by Mr. Coté was submitted to the state for funding; however, the state facilities bond was deferred in both 2008 and 2010. Since there is a backlog of projects awaiting state funding, the District has taken a different direction on this project. The music building will remain in its existing footprint and will be updated instead.

Mr. Coté also asked about the plans for the swimming pool. Mr. Demko replied the District reviewed program needs and since there is no diving program, the deep end of the pool will be filled in. The pool will be renovated to a new, more efficient design.

Ms. Kane recalled the Facilities Committee was studying the option of a performing arts center. Dr. Garrison responded the committee was charged with modifying the theater project to serve other disciplines. After interviewing 4 different colleges and analyzing modifications, cost estimates, and the pros and cons, it was determined the theater could not be modified without creating problems backstage. An alternative project was proposed to meet program needs.

Mr. Demko concluded his report with a review of the construction schedule.

#### 11. Meeting Schedule

The meeting dates of March 7, June 6, August 8, and November 7 (annual organizational meeting) were proposed for 2011. Motion to approve the proposed meeting schedule was made by Vice Chair Ray and seconded by Ms. Kane. Motion carried unanimously.

#### 12. Suggestions for Future Agenda Topics and Announcements

Dr. Garrison reported the District's bond counsel, David Casnocha, will be invited to the March meeting to provide an orientation for the new members. Mr. Emerson stated regular tours of the facilities were very important and valuable. He said he saw many transitions during his tenure on the committee.

Mr. Baird expressed his appreciation for the committee. He commended District staff and noted the bond program is well run. He concluded that MPC stands out in the area.

#### 13. Adjournment

Chair Hodgson adjourned the meeting at 4:40 p.m.

	A	genda Item #7
	Monterey Peninsula College	
	Bills & Warrants Report	
	Through December 31, 2010	
		Amount
Vendor Name	Description of Service or Purchase	Paid
New Student Services Building		
	Total Expense at September 30, 2010	\$6,642,335.43
Kleinfelder	Testing and special inspection services. Service thru August 15, 2010.	7,751.50
San Jose Blue	Upload into PlanWell.	352.18
US Bank Service Center Inc.	Purchase of supplies, dust mask, knox boxes, and clips to mount white board.	685.23
Swinerton Builders	Retention payment for application #14.	42,368.95
Kitchell CEM	Construction management services for the month of September 2010.	21,297.00
David Foord	Inspection services for the month of August 2010.	10,275.00
Swinerton Builders	Payment application #14. 76.5% complete.	381,320.55
David Foord	Inspection services for the month of September 2010.	10,425.00
Kleinfelder	Testing and special inspection services. Service thru October 10, 2010.	8,457.80
San Jose Blue	Printing services.	53.56
San Jose Blue	Printing services.	60.15
Swinerton Builders	Payment application #15. 80.8% complete.	270,461.70
Swinerton Builders	Retention payment for application #15.	30,051.30
Hammel Green & Abrahamson	Professional design services for the period ending October 22, 2010.	7,821.35
Hammel Green & Abrahamson	Professional design services for the period ending September 24, 2010.	10,949.89
Kitchell CEM	Construction management services for the month of October 2010.	21,297.00
Cardinale Moving & Storage Co.	Moved furniture from storage at Fort Ord back to MPC smart classrooms. Service for August 2010.	745.00
David Foord	Inspection services for the month of October 2010.	9,000.00
	To Date Expense through December 31, 2010	<u>\$7,475,708.59</u>
Automotive Technology Building	Renovation	
automotive reenholog, bunding	Total Expense at September 30, 2010	\$923,017.73
Green Valley Landscape	Repair and add irrigation, plant 16 plants, seed lawn, and add battery powered valves.	2,925.99
Geo. H. Wilson Inc.	Mechanical and plumbing work. Billing thru 9/30/10.	593.00
Geo. H. Wilson Inc.	Retention payment for mechanical and plumbing work. Billing thru 9/30/10.	4,498.00
American Supply Co.	Purchase of equipment: speed scrub, dolly, stepladder, and 44 gallon containers.	6,694.67
Apex Signs & Graphics	Purchase 6 ADA room signs and exit signs.	297.70
Wasson's Cleaning	Post construction cleaning to include mopping and vacuuming the floors.	662.50

	enua item #7
Monterey Peninsula College	
Bills & Warrants Report	
Through December 31, 2010	
	Amount
Description of Service or Purchase	Paid
Reimbursement for purchase of: wood filler, 1 power strip, parts to hang projector and wood to refinish instructor console.	269.66
To develop a concept to safely attach the existing awning design provided for annex building to the existing	
shop building at each main door. Also to provide colored graphics of possible painting options for the existing shop, and develop a building sign.	8,440.50
Special inspection services consisting of: administration, engineer review, document preparation and data management/evaluation. Service thru October 10, 2010.	653.00
Relocate fan switch in the auto tech tool room and install time clock and program.	959.05
Furnish and install 60 ft. of Burke 664P 6" topset base at interior walls.	416.00
Purchase of quick clean surface cleaner.	4,045.79
Purchase of: dry erase board, and steel magnet hook set.	629.90
Purchase two 4 drawer racks, and 5 compartments with latch.	453.94
Special inspection services consisting of: administration, and engineer review. Service thru November 7, 2010.	<u>377.00</u>
To Date Expense through December 31, 2010	<u>\$954,934.43</u>
Total Expense at September 30, 2010	\$27,731.33
PlanWell retrieval.	\$30.59
Topographical surveying services associated with locker improvements at the existing art building. Service for $10/11/10$ .	\$7,500.00
Schematic design services. Service for the month of October 2010.	\$3,900.00
To Date Expense through December 31, 2010	\$39,161.92
· Renovation	
Total Expense at September 30, 2010	\$7,478,201.30
No new expense this period.	\$0.00
To Date Expense through December 31, 2010	\$7,478,201.30
	Monterey Peninsula College           Bills & Warrants Report           Image: Construct of the second

	Α	genda Item #7
	Monterey Peninsula College	
	Bills & Warrants Report	
	Through December 31, 2010	
		Amount
Vendor Name	Description of Service or Purchase	Paid
PE Phase II		
	Total Expense at September 30, 2010	\$39,828.02
San Jose Blue	Printing work.	\$160.20
San Jose Blue	Document printing.	\$1,981.59
HGHB	Design services. Service for October 2010.	\$1,400.00
Division Of State Architect	Reopen closed file to get certification for gym modification phase I.	\$500.00
	To Date Expense through December 31, 2010	<u>\$43,869.81</u>
Pool Building		
	Total Expense at September 30, 2010	\$14,196.00
Kleinfelder	Services provided: administration, data management, drilling/trenching, and field activities.	\$4,065.00
HGHB	Preliminary plan and design services. Service for September 2010.	\$4,732.00
Kleinfelder	Services provided: administration, data management, graphic design, project management, engineer review, exploration geoservices, concrete sawing, and underground locating.	\$7,201.25
HGHB	Working drawings. Service for October 2010.	\$37,518.00
	To Date Expense through December 31, 2010	\$67,712.25
Pool/Tennis Court Renovation	Total Expense at September 30, 2010	\$37,323.58
Kleinfelder	Geotechnical analysis and reporting. Service thru November 7, 2010.	\$236.50
Division of State Architect	Design review fees for the pool and tennis courts.	\$17,000.00
	To Date Expense through December 31, 2010	<u>\$54,560.08</u>

	Monterey Peninsula College	
	Bills & Warrants Report	
	*	
	Through December 31, 2010	
		Amount
Vendor Name	Description of Service or Purchase	Paid
New Education Center at Marina		
	Total Expense at September 30, 2010	\$4,204,133.69
Kleinfelder	Provide special inspection services for the period thru July 18, 2010.	\$3,047.50
Peninsula Office Solutions	Copier service agreement for the period 9/21/10-10/21/10.	\$25.90
Williams Scotsman	Rental payment for unit UM2-00635 for the period 9/14/10-10/13/10.	\$442.68
David Foord	Inspection services for the month of August 2010.	\$4,050.00
Kleinfelder	Special inspection services including: concrete compression, compaction testing (nuclear), soil services, field coordination, and document preparation. Service thru August 15, 2010.	\$13,815.50
Kleinfelder	Special inspection services including: concrete sampling and testing, compaction testing, welding and visual observation, Service thru September 12, 2010.	\$16,451.20
Kitchell CEM	Construction management services for September 2010.	\$18,717.00
First National Bank-Dilbeck & Sons	Retention payment for Dilbeck & Sons for payment application #7.	\$13,959.58
HGHB	Professional design services for the month of September 2010.	\$11,664.00
Williams Scotsman	Rental payment for unit UM2-00635 for the period 10/14/10-11/13/10.	\$442.43
Pacific Gas & Electric	PG&E to provide: main trench, main pipe installation, and service pipe installation at 289 12th Street, Marina.	\$36,435.92
David Foord	Inspection services for the month of September 2010.	\$3,675.00
Peninsula Office Solutions	Copier service agreement for the period 10/21/10-11/21/10.	\$25.90
Dilbeck & Sons Inc	Payment application #7. 43.18% complete.	\$125,636.23
Kleinfelder	Special inspection services including: welding and visual observation, project management, and concrete compression. Service thru October 10, 2010.	\$13,528.75
Axiom Engineers	Commissioning services for the period September 26, 2010 to October 23, 2010.	\$1,980.00
Kitchell CEM	Construction management services for October 2010.	\$18,717.00
First National Bank-Dilbeck & Sons	Retention payment for Dilbeck & Sons for payment application #8.	\$10,624.54
HGHB	Professional design services for the month of October 2010.	\$11,664.00
Williams Scotsman	Rental payment for unit UM2-00635 for the period 11/14/10-12/13/10.	\$442.43
Kleinfelder	Refund for duplicate payment that was made on June 22, 2010.	(\$13,232.91)
Dilbeck & Sons Inc	Payment application # 8. 45.57% complete.	\$95,620.84
David Foord	Inspection services for the month of October 2010.	\$3,600.00
	To Date Expense through December 31, 2010	<u>\$4,5</u> 95,467.18

#### Agenda Item #7 **Monterey Peninsula College Bills & Warrants Report** Through December 31, 2010 Amount Vendor Name Description of Service or Purchase Paid **Furniture/Equipment** Total Expense at September 30, 2010 \$683.160.48 No new expense this period. \$0.00 To Date Expense through December 31, 2010 \$683.160.48 Swing Space Total Expense at September 30, 2010 \$2,561,547.13 Williams Scotsman Rental payment for unit CPX-66223 for the period 9/24/10 - 10/23/10. \$421.09 Williams Scotsman Rental payment for unit CPX-65509 for the period 9/29/10 - 10/28/10. \$421.90 Williams Scotsman Rental payment for unit MDT-47207 for the period 9/29/10 - 10/28/10. \$982.91 Professional design services for relocatable village implementation. Service for August 2010. HGHB \$4,820.00 Janitorial cleaning of 2 classrooms including: windows inside and outside, vacuuming of carpet and dusting. Wasson's Cleaning \$217.50 Siemens Building Tech Inc. Provide material, labor and equipment to install fan control in swing space. \$4.195.00 Mobile Management Corp Rental of supportive services classroom building 39581 for the month of October 2010. \$420.00 Rental payment for unit CPX-67301 for the period 10/3/10 - 11/2/10. Williams Scotsman \$421.09 Printing of documents for portable village. San Jose Blue \$143.88 Printing of documents for portable village. \$1.070.09 San Jose Blue Cardinale Moving & Storage Co Move supportive services testing center. Service on 9/24/10. \$610.00 Cardinale Moving & Storage Co Move humanities classroom for supportive service testing center. Service on 9/21/10. \$835.00 Disconnect furniture and relocate outlet in humanities to prepare for supportive services testing center. Central Electric \$1,286.35 David Foord Inspection of record services for September 2010. \$750.00 Williams Scotsman Rental payment for unit CPX-66223 for the period 10/26/10 - 11/23/10. \$421.09 Rental of supportive services classroom building 39581 for the month of November 2010. Mobile Modular Management Corp \$420.00 Otto Construction Build center sound wall in humanities testing center. \$2,518.00 Rental payment for unit CPX-65509 for the period 10/29/10 - 11/28/10. Williams Scotsman \$421.09 Rental payment for unit CPX-67301 for the period 11/3/10 - 12/2/10. Williams Scotsman \$432.46 Williams Scotsman Rental payment for unit MDT-47207 for the period 10/29/10 - 11/28/10. \$982.91 Professional design services for relocatable village implementation. Service for October 2010. HGHB \$5.150.00 Provide relocatable preparation services, including: moving dirt and rock. Service thru 10/2/10. Don Chapin Co \$71,820.00 Division of State Architect Additional fees for temporary education center portable project. \$683.56 Mobile Modular Management Corp Rental of supportive services classroom building 39581 for the month of December 2010. \$420.00

		genda Item #7
	Monterey Peninsula College	
	Bills & Warrants Report	
	Through December 31, 2010	
		Amount
Vendor Name	Description of Service or Purchase	Paid
Swing Space (continued)		
William Scotsman	Rental payment for unit CPX-66223 for the period 11/24/10-12/23/10.	\$421.09
William Scotsman	Rental payment for unit CPX-65509 for the period 11/29/10-12/28/10.	\$432.46
William Scotsman	Rental payment for unit MDT-47207 for the period 11/29/10-12/28/10.	\$1,009.45
Epico Systems Inc	Service provided to re-terminate 2 data drops and test 8 others in the humanities room for supportive services testing center temporary relocation.	\$340.00
Kleinfelder	Service provided for the portable village consisted of: administration, data management, field activities, compaction testing, soil sampling and testing. Service thru November 7, 2010.	\$11,852.25
Urban Lumberjacks	Trim trees at portable village to allow for trailers.	\$1,960.00
Don Chapin Co	Provide relocatable preparation services, including: moving dirt and rock. Service thru 11/30/10.	\$9,900.00
David Foord	Inspection of record services for October 2010.	\$2,325.00
Don Chapin Co	Provide additional digging for joint trench conversion and slurry cap sewer line for portable village project.	\$8,753.60
S.M.T. Group	Security deposit, and rent payment for December for rental of warehouse for theater rehearsal, scene shop and storage.	\$ <u>19,521.80</u>
	To Date Expense through December 31, 2010	\$ <u>2,717,926.70</u>
General Institutional Bond Mgmt		
	Total Expense at September 30, 2010	\$4,475,474.80
San Jose Blue	PlanWell retrieval for the lecture forum.	\$6.24
San Jose Blue	PlanWell retrieval for the library technology center.	\$6.24
San Jose Blue	PlanWell retrieval for the administration building.	\$15.00
San Jose Blue	PlanWell retrieval for the old library.	\$15.00
San Jose Blue	PlanWell licensing monthly user fee and document management for September 2010.	\$50.00
Kitchell	Program management service for September 2010.	\$32,735.00
San Jose Blue	Document printing of administration building 16 and baseball renovation plans.	\$46.02
San Jose Blue	PlanWell licensing monthly user fee and document management for October 2010.	\$50.00
San Jose Blue	PlanWell retrieval for Marina Education Center.	\$114.10
Kitchell	Program management service for October 2010.	\$36,527.00
Division of State Architect	Reopen closed file to get certification for stadium track and field phase 1A.	\$750.00
Office Depot	Purchase of office supplies.	<u>\$549.84</u>
	To Date Expense through December 31, 2010	\$4,546,339.24

		genda Item #7
	Monterey Peninsula College	
	Bills & Warrants Report	
	Through December 31, 2010	
Vendor Name	Description of Service or Purchase	Amount Paid
vendor Ivanie		r alu
Theater Building		
Theater Bununig	Total Expense at September 30, 2010	\$424,617.56
Kleinfelder	Geotech and geohazard testing reports. Service thru September 19, 2010.	\$16,456.04
Div. of State Architect	Plan check and review fee.	\$43,520.00
Hammel Green and Abrahamson	Working drawings. Service for the period ending August 20, 2010.	\$81,945.60
Hammel Green and Abrahamson	Working drawings. Service for the period ending September 24, 2010.	\$82,878.60
Kleinfelder	Geotech and geohazard testing reports. Service thru October 10, 2010.	\$708.41
CA Geological Survey	Assessment of geologic hazard reports.	\$3,600.00
San Jose Blue	Printing services.	\$269.37
San Jose Blue	Printing services.	\$380.17
Hammel Green and Abrahamson	Working drawings. Service for the period ending October 22, 2010.	\$27,626.20
	To Date Expense through December 31, 2010	\$682,001.95
Infrastructure - Phase III		
	Total Expense at September 30, 2010	\$3,786,757.46
Office Depot	Install one workstation to the MPC Foundation office.	\$338.28
Kleinfelder	Special inspection services for Parking Lot C consisting of soil testing. Service thru September 12, 2010.	\$221.50
Kleinfelder	Special inspection services for bus turnaround, service included: soils testing. Service thru September 12, 2010.	\$1,626.00
Kleinfelder	Special inspection services for Fitness Center. Service included: data management, and engineer review. Service thru October 10, 2010.	\$365.00
Division of State Architect	Additional fees due for track and field project.	\$8,167.69
Division of State Architect	Additional fees due for lecture forum and social science restroom project.	\$985.23
Kleinfelder	Special inspection services for Parking Lot C consisting of soil testing. Service thru October 10, 2010.	\$65.00
Don Chapin Company	Construction services for the percolation pond at the Public Safety Training Center. Remove existing soils and replace with sand to allow pond to properly percolate.	\$13,500.00
Epico System Inc.	Provide 4 CAT6 cables for data drops at the auto tech referee station	\$1,544.00
Otto Construction	Provide and install roll up door at auto technology garage building.	\$5,624.00

		genda Item #7
	Monterey Peninsula College	
	Bills & Warrants Report	
	Through December 31, 2010	
		Amount
Vendor Name	Description of Service or Purchase	Paid
Infrastructure - Phase III (con	tinued)	
Central Electric	Install power to new dyno machine in the auto technology center.	\$5,682.00
C2G Civil Consultants	DSA submittal and approval process services for Parking Lot B expansion.	\$2,858.41
San Jose Blue	Printing for Parking Lot B expansion.	\$133.83
San Jose Blue	Upload to PlanWell Parking Lot B DSA sets.	\$877.89
Kitchell CEM	Construction management services for new administration building. Final billing for January 2008.	\$5,346.12
C2G Civil Consultants	Design services for the bus stop relocation.	\$1,425.00
Kleinfelder	Special inspection services for Fitness Center. Service included: engineer review, and document preparation. Service thru November 7, 2010.	\$515.00
Division of State Architect	Additional fees for Fitness Center elevator.	\$465.07
Division of State Architect	Plan check fee for art department lockers project.	\$1,100.00
Division of State Architect	Additional fees due for Fitness Center elevator.	<u>\$1,439.92</u>
	To Date Expense through December 31, 2010	\$3,839,037.40
Humanities, Bus-Humanities, S	Student Services	
· /	Total Expense at September 30, 2010	\$429,080.33
San Jose Blue	Document printing.	\$48.71
San Jose Blue	PlanWell retrieval.	\$135.70
	To Date Expense through December 31, 2010	\$429,264.74

	Ac	genda Item #7
	Monterey Peninsula College	-
	Bills & Warrants Report	
	Through December 31, 2010	
Vendor Name	Description of Service or Purchase	Amount Paid
<b>Business &amp; Computer Science</b>	Building (includes Math)	
	Total Expense at September 30, 2010	\$706,664.96
Otto Construction	Payment application #4. 38.3% complete.	\$168,013.80
David Foord	Inspection services for the month of August 2010.	\$3,525.00
Kitchell CEM	Construction management services for September 2010.	\$9,000.00
Kleinfelder	Special inspection services including: project management, bolt testing, steel sampling, concrete sampling, concrete compression, and steel inspection. Service for the period thru September 12, 2010.	\$5,058.50
HGHB	Professional design services for the month of September 2010.	\$5,265.00
Kleinfelder	Special inspection services including: administration, concrete sampling, concrete compression, and compaction testing. Service for the period thru October 10, 2010.	\$1,391.00
Wasson's Cleaning	Cleaning of HVAC system.	\$1,464.00
David Foord	Inspection services for the month of September 2010.	\$3,450.00
Otto Construction	Payment application #5. 59.5% complete.	\$310,104.90
HGHB	Professional design services for the month of October 2010.	\$3,510.00
Kitchell CEM	Construction management services for October 2010.	\$9,000.00
Carpe Diem Specialties	Furnish and install approximately 136 square feet of access floor panels. The material will be manufactured by Access Floor Corporation of Renton, WA. Panel will be AFC CCS 1250, the panel covering will be bare epoxy painted steel.	\$1,051.64
Epico System	Provide labor and material for the installation of 1 - 25 pair copper PE89 cables in existing Data Sub box in front of the business computer science building. A 150 foot coil will be placed in Sub box and spliced to existing 25 pair copper cable. A blackjack OSP rated splice case will be used to house the 25 pair splice using quick connect compression benas. Other end will be pulled into the business computer science IDF by others.	\$688.00
Kleinfelder	Special inspection services including: administration, bolt torque testing, concrete services, and steel inspection. Service thru November 7, 2010.	\$3,282.00
Otto Construction	Payment application #6. 84.5% complete.	\$349,236.00
David Foord	Inspection services for the month of October 2010.	\$2,775.00
	To Date Expense through December 31, 2010	\$1,583,479.80

	A	genda Item #7
	Monterey Peninsula College	-
	Bills & Warrants Report	
	Through December 31, 2010	
		Amount
Vendor Name	Description of Service or Purchase	Paid
Life Science & Physical Science		
San Jose Blue	Total Expense at September 30, 2010	\$163,070.09
San Jose Blue	Document printing.	\$236.91
San Jose Blue	Document printing.	\$377.20
НСНВ	Document printing.	\$387.37
HGHB	Preliminary plans 20% complete. Service for August 2010.	\$54,760.00
HGHB	Preliminary plans 60% complete. Service for July 2010.	\$109,520.00
Division of State Architect	Preliminary plans 100% complete and working drawings 20% complete. Service for September 2010.	\$191,662.40
San Jose Blue	Plan check fee for life science and physical science.	\$58,912.00
San Jose Blue	Document printing.	\$102.08
San Jose Blue	Document printing.	\$159.41
HGHB	Document printing.	\$617.41
HGHB	Working drawings 50% complete. Service for October 2010.	\$123,213.60
HGHB	Architectural preliminary design services for the month of October 2010.	\$4,650.00
	Preliminary design services for October 2010.	\$2,000.00
	To Date Expense through December 31, 2010	\$709,668.47
Closed Projects		
Old Library		\$21,279.52
Early Start - Walkway/Safety Improve	ements	\$225,630.18
Early Start - Telephone System Upgrad	les	\$599,414.48
Early Start - As Built Drawings		\$209,792.00
Early Start - Roof Repairs		\$480,255.64
Early Start - HVAC Repairs	Social Science/Computer Science buildings.	\$618,538.68
Early Start - Landscaping	Library Technology Center area.	\$438,292.96
Early Start - Vehicles		\$187,070.27
Early Start - Master Signage Plan		\$53,890.42
Early Start - Auto Technology Bldg	HVAC replacement.	\$16,443.00

		Agenda Item #7
	Monterey Peninsula College	*
	Bills & Warrants Report	
	Through December 31, 2010	
	Through Determber 51, 2010	
		Amount
Vendor Name	Description of Service or Purchase	Paid
<b>Closed Projects (continued)</b>		
Drafting Bldg	Furnace replacement.	\$13,974.00
Early Start - New Plant Services Bldg	Costs over state funding for new building.	\$487,574.35
Early Start - Demolition of Old Plant S	ervices Bldg	\$63,521.68
Environmental Impact Report - Campu	S	\$154,162.67
Business & Computer Science Bldg	Seismic design.	\$7,981.84
Humanities Bldg	Seismic design.	\$16,375.04
International Center Bldg	Blueprints.	\$14.71
Physical Science Bldg	Architectural Services, for potential elevator replacement.	\$6,986.44
Life Science Bldg	Architectural Services, for potential elevator replacement.	\$7,793.83
Pool/Tennis Courts	Preliminary architectural services.	\$405.00
Physical Education Facility		\$1,488,294.29
PE Field/Track		\$14,848,446.67
Fitness Phase IB		\$899,827.93
College Center Renovation		\$23,608.41
Social Science Renovation		\$863,696.74
Music/Theater Building		\$22,732.50
Family and Consumer Science		\$67,671.12
Gymnasium Building	Floor/Seismic/Bleachers.	\$877,645.99
Lecture Forum Renovation		\$2,117,203.20
Child Development Center		\$1,029,198.71
Infrastructure - Phase I		\$20,886,001.04
Infrastructure - Phase II		\$2,481,606.93
New Administration/Old Library Build	ίησ	\$4,712,191.10
The second secon		
	To Date Expense through December 31, 2010	\$53,927,521.34
	Total Payments	\$89,828,015.68

		BUNDEXPEN	IDITURE REPO	-			· · · · · · · · · · · · · · · · · · ·
Total Budget		A Total Bond Budget	B Total Bond	C 2010-2011	A-B-C	(B+C)/A	
With Other	Projects		Prior Year				%
Funds			Expenses	Year to Date	Bond Budget	% Bond Cost	Construction
				Bond Payments	Balance	Bond Cost	Schedule
	In Process	<b>•</b> / • • • • • •					
	Auto Technology Building Renovation	\$1,000,000	\$650,361	\$304,573	\$45,066	95%	100%
	Business, Computer Science & Math	\$2,300,000	\$410,207	\$1,173,273	\$716,520	69%	80%
	College Center Renovation	\$4,000,000	\$0	\$0	\$4,000,000	0%	
\$4,000,000	Furniture & Equipment	\$4,000,000	\$669,122	\$14,038	\$3,316,840	17%	28%
\$7,690,000	Humanities, Bus-Hum, Student Services	\$3,845,000	\$393,008	\$36,257	\$3,415,735	11%	0%
1 - 1	Infrastructure - Phase III	\$6,466,000	\$3,395,657	\$443,380	\$2,626,963	59%	61%
\$14,500,000	Life Science and Physical Science	\$14,500,000	\$126,420	\$583,248	\$13,790,332	5%	0%
\$9,100,000	New Education Center at Marina	\$9,100,000	\$3,474,477	\$1,120,990	\$4,504,533	50%	60%
	New Student Services Building	\$9,500,000	\$5,449,783	\$2,025,926	\$2,024,291	79%	85%
	PE Phase II - Gym/Locker Room Renov.	\$3,940,128	\$39,828	\$4,042	\$3,896,258	1%	
\$2,000,000	Pool/Tennis Courts Renovation	\$2,000,000	\$37,324	\$84,948	\$1,877,728	6%	0%
\$7,500,000	Public Safety Training Center Renovation	\$7,500,000	\$7,475,675	\$2,526	\$21,799	100%	100%
	Swing Space / Interim Housing	\$4,600,000	\$2,507,963	\$209,964	\$1,882,073	59%	62%
\$9,305,016		\$9,305,016	\$352,713	\$329,289	\$8,623,014	7%	0%
	Contingency	\$1,667,699	\$0	\$0	\$1,667,699	0%	0%
\$87,568,843	Total in Process	\$83,723,843	\$24,982,538	\$6,332,454	\$52,408,851		
	Future						
	Arts Complex	\$4,387,987	\$19,529	\$19,633	\$4,348,825	1%	
	Music	\$1,200,000	\$0	\$0	\$1,200,000	0%	
	PSTC Parker Flats	\$6,000,000	\$0	\$0	\$6,000,000	0%	0%
\$17,587,987	Total Future	\$11,587,987	\$19,529	\$19,633	\$11,548,825		
	Completed						
\$1,057,576	Early Start/Completed-HVAC Repairs	\$618,539	\$618,539	\$0	\$0	100%	100%
\$2,965,574	Early Start/Completed-New Plant Serv Bldg	\$487,574	\$487,574	\$0	\$0	100%	100%
\$599,414	Early Start/Completed-Telephone System	\$599,414	\$599,414	\$0	(\$0)	100%	100%
	Family Consumer Science	\$67,671	\$67,671	\$0	\$0	100%	100%
	Gym - floor/seismic/bleachers	\$877,646	\$877,646	\$0	(\$0)	100%	100%
	Infrastructure - Phase II	\$2,481,607	\$2,481,607	\$0	\$0	100%	100%
	Infrastructure - Phase I	\$20,886,001	\$20,886,001	\$0	\$0	100%	100%
	Lecture Forum Renovation	\$2,117,203	\$2,117,203	\$0	\$0	100%	100%
	New Admin / Old Library Renovation	\$4,712,191	\$4,712,191	\$0 \$0	(\$0)	100%	100%
	New Child Development Center Bldg	\$1,029,198	\$1,029,198		\$0	100%	
. , ,	Other Early start / completed	\$1,950,211	\$1,950,211	\$0 \$0	\$0 \$0	100%	
						1	
	PE Field Track, Fitness Building	\$17,236,569	\$17,236,569	\$0	\$0 \$0	100%	100%
	Social Science Renovation (inc. Seismic)	\$863,697	\$863,697	\$0	\$0	100%	100%
	Total Completed	\$53,927,521	\$53,927,522	\$0	(\$1)		
\$189,310,516	Total All Projects	\$149,239,351	\$78,929,589	\$6,352,087	\$63,957,675		
	General Institutional-Bond Management		\$4,385,948	\$160,391			
			\$83,315,537	\$6,512,478			
	Total Bond Funds Spent to Date		\$89,82	28,015			

#### **BOND EXPENDITURE REPORT 12/31/10** А В С

Agenda Item # 8-A

				st Control Report
				2/9/2011
			MPC Edu	cation Center at Marina
	Budget	Current Projection	Variance	Comments
Design Phase	\$ 1,044,000	\$ 1,044,000	\$	- Includes Architect, DSA fees, etc. for permanent facilities
CEQA/Design	\$ 286,500	\$ 286,500	\$	- Temporary facilities design and environmental services
Constructn bid	\$ 4,309,949	\$ 4,309,949	\$	- Actual bid amount for permanent buildings
C.O. Contngcy.	\$ 430,994	\$ 430,994	\$	At this time the forecasted change order contingency appears adequate
Test & Inspect.	\$ 275,000	\$ 275,000	\$	-
Cnstr Mgmt Fee	\$ 288,000	\$ 288,000	\$	-
Equipment	\$ 366,000	\$ 366,000	\$	- Furniture and equipment
Site demo	\$ 782,800	\$ 782,800	\$	- Includes hazmat, demolition and haul-off of six existing buildings
Utility Services	\$ 725,000	\$ 725,000	\$	- Also included are contingencies for MCWD, PG&E and AT&T
Site work	\$ 287,000	\$ 287,000	\$	- Includes parking lot
Temp Facilties	\$ 304,757	\$ 304,757	\$	- Relocatable buildings used during construction
Other	\$-	\$-	\$	-
Total	\$ 9,100,000	\$ 9,100,000	\$	-

spring 2011. The current projection anticipates a \$1,900,000 savings to the budget. The savings have been transferred to a Contingency line item in the Master Budget. The Board approved a revised budget on August 24, 2010.

New Student Services Building				
	Budget	Current Projection	Variance	Comments
Design Phase	\$ 1,223,000	\$ 1,223,000	\$-	Design includes Architect, DSA fees, printing, etc.
Constructn bid	\$ 7,099,000	\$ 7,099,000	\$-	Actual bid amount.
C.O. Contngcy.	\$ 567,000	\$ 567,000	\$-	The change order contingency is adequate at this time.
Test & Inspect.	\$ 228,000	\$ 228,000	\$-	
Cnstr Mgmt Fee	\$ 383,000	\$ 383,000	\$-	
Equipment	\$-	\$-	\$-	Furniture and equipment will be from a separate fund.
Other	\$-	\$-	\$-	
Total	\$ 9,500,000	\$ 9,500,000	\$-	

Summary: The project costs are currently within the budget. The construction began July 27, 2009 and completion is anticipated in March of 2011. Discussions have been initiated with the Archtect (HGA) regarding design issues and the resultant impact on cost. Final costs are being compiled, and it appears that the testing and inspection budget and the change order contingency will need to be increased.

	Budget	Current Projection	Variance	Comments
Design Phase	\$ 386,000	\$ 386,000	\$-	Design includes Architect, Const. Mgmt., DSA fees, printing, etc.
Constructn bid	\$ 5,400,000	\$ 5,400,000	\$-	Projected.
C.O. Contngcy.	\$ 540,000	\$ 540,000	\$-	
Test & Inspect.	\$ 140,000	\$ 140,000	\$-	
Equipment	\$ -	\$ -	\$-	Furniture and equipment will be from a separate fund.
Other	\$ -	\$ -	\$-	
Total	\$ 6,466,000	\$ 6,466,000	\$-	

	Budget	Current Projection	Variance	Comments
Design Phase	\$ 297,325	\$ 297,325	\$ -	Design includes Architect, DSA fees, printing, etc.
Constructn bid	\$ 1,595,000	\$ 1,595,000	\$ -	Actual bid amount, plus demo cost and hazmat removal
C.O. Contngcy.	\$ 159,500	\$ 159,500	\$ -	
Test & Inspect.	\$ 90,000	\$ 90,000	\$ -	
Cnstr Mgmt Fee	\$ 81,675	\$ 81,675	\$-	
Equipment	\$-	\$-	\$ -	
Other	\$ 76,500	\$ 76,500	\$ -	Transferred
Total	\$ 2,300,000	\$ 2,300,000	\$ -	
Summary: The cu	rrent projection	n anticipates a \$	5293,854 savin	gs to the budget. The projected savings of \$293,854 was transferred to a
Contingency line	item in the Ma	ster Budget. Th	e project has e	ssentially been completed, and the contractor is working on the "punch list." costs will be within budget.

FINANCIAL AUDIT WITH INDEPENDENT AUDITORS' REPORT AND INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

JUNE 30, 2010

# JUNE 30, 2010

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Agenda Item # 9

# MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT

# **MEASURE I GENERAL OBLIGATION BONDS**

FINANCIAL AUDIT WITH INDEPENDENT AUDITORS' REPORT

JUNE 30, 2010



VALUE THE DIFFERENCE

#### **INDEPENDENT AUDITORS' REPORT**

Governing Board and Citizens' Oversight Committee Monterey Peninsula Community College District Monterey, California

We have audited the accompanying financial statements of the Measure I General Obligation Bonds (the Building Fund) of Monterey Peninsula Community College District (the District) as of June 30, 2010, as listed in the table of contents. These financial statements are the responsibility of the District's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1 of the Notes to Financial Statements, the financial statements present only the Building Fund and do not purport to, and do not, present fairly the financial position of the District as of June 30, 2010, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America. Also, as discussed in Note 2 of the Notes to Financial Statements, the Building Fund's financial statements are prepared on the modified accrual basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position - modified accrual basis of the Measure I General Obligation Bonds of Monterey Peninsula Community College District as of June 30, 2010, and the results of its operations - modified accrual basis for the year then ended, in conformity with the basis of accounting described in Note 2.

In accordance with *Government Auditing Standards*, we have also issued our report dated December 23, 2010, on our consideration of the District's internal control over financial reporting for the Building Fund and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and is important for assessing the results of our audit.

allinek, Time, Day à Co., L.P.

Rancho Cucamonga, California December 23, 2010

# BALANCE SHEET - MODIFIED ACCRUAL BASIS JUNE 30, 2010

		Building
ASSETS		Fund
Cash and cash equivalents	\$	69
Investments		73,878,750
Accounts receivable		24,285
Due from other funds		182,000
Total Assets	\$	74,085,104
LIABILITIES AND FUND BALANCE LIABILITIES		
	¢	1 717 204
Accounts payable and accrued liabilities	\$	1,717,284
FUND BALANCE		
Unreserved		
Designated		72,367,820
Total Liabilities and Fund Balance	\$	74,085,104

See the accompanying notes to financial statements.

# STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - MODIFIED ACCRUAL BASIS FOR THE YEAR ENDED JUNE 30, 2010

	Building Fund
REVENUES	
Local revenues	\$ 621,134
EXPENDITURES	
Supplies and materials	997
Services and operating expenditures	2,496,651
Capital outlay	10,878,398
Total Expenditures	13,376,046
EXCESS OF EXPENDITURES OVER REVENUES	(12,754,912)
FUND BALANCE, BEGINNING OF YEAR	85,122,732
FUND BALANCE, END OF YEAR	\$ 72,367,820

See the accompanying notes to financial statements.

# NOTES TO FINANCIAL STATEMENTS JUNE 30, 2010

#### NOTE 1 - ORGANIZATION AND NATURE OF ACTIVITIES

The Measure I General Obligation Bonds (the Building Fund) is a governmental fund of Monterey Peninsula Community College District (the District). This fund is used to account for the activity of the Proposition 39 Measure I General Obligation Bonds approved by the voters of the District. These financial statements present only the Building Fund and do not purport to, and do not, present fairly the financial position of the District and the changes in its financial position in conformity with accounting standards generally accepted in the United States of America.

#### NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING PRINCIPLES

#### **Financial Statement Presentation**

The financial statements of the Building Fund have been prepared on the modified accrual basis of accounting which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. The statement of revenues, expenditures, and changes in fund balance is a statement of financial activities of the Building Fund related to the current reporting period. Using this method, revenues are recognized when they are both measurable and available, and expenses are recognized when goods are received or services are rendered.

#### **Use of Estimates**

The preparation of financial statements, in conformity with accounting principles generally accepted in the United States of America, requires management to make estimates and assumptions that affect reported amounts of assets and liabilities at the reporting date, and revenues and expenses during the reporting period. Actual results could differ from those estimates.

#### **Capital Assets and Long-Term Obligations**

The accounting and reporting treatment applied to the capital assets and long-term obligations associated with the Building Fund are determined by its measurement focus. The Building Fund is accounted for on a spending or "financial flow" measurement focus. This means that only current assets and current liabilities are generally included on the balance sheet. The reported fund balance is considered a measure of "available spendable resources". Thus, the capital assets and long-term obligations associated with the Building Fund are accounted for in the basic financial statements of the Monterey Peninsula Community College District.

# NOTES TO FINANCIAL STATEMENTS JUNE 30, 2010

#### NOTE 3 - INVESTMENTS

#### **Policies and Practices**

The District is authorized under California Government Code to make direct investments in local agency bonds, notes, or warrants within the State; U.S. Treasury instruments; registered State warrants or treasury notes; securities of the U.S. Government, or its agencies; bankers acceptances; commercial paper; certificates of deposit placed with commercial banks and/or savings and loan companies; repurchase or reverse repurchase agreements; medium-term corporate notes; shares of beneficial interest issued by diversified management companies, certificates of participation, obligations with first priority security; and collateralized mortgage obligations.

#### **Investment in County Treasury**

The District is considered to be an involuntary participant in an external investment pool as the District is required to deposit all receipts and collections of monies with their County Treasurer (*Education Code* Section 41001). The fair value of the District's investment in the pool is reported in the accounting financial statements at amounts based upon the District's pro-rata share of the fair value provided by the County Treasurer for the entire portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by the County Treasurer, which is recorded on the amortized cost basis.

# NOTES TO FINANCIAL STATEMENTS JUNE 30, 2010

#### **General Authorizations**

Limitations as they relate to interest rate risk, credit risk, and concentration of credit risk are indicated in the schedules below:

	Maximum	Maximum	Maximum
Authorized	Remaining	Percentage	Investment
Investment Type	Maturity	of Portfolio	in One Issuer
Local Agency Bonds, Notes, Warrants	5 years	None	None
Registered State Bonds, Notes, Warrants	5 years	None	None
U.S. Treasury Obligations	5 years	None	None
U.S. Agency Securities	5 years	None	None
Banker's Acceptance	180 days	40%	30%
Commercial Paper	270 days	25%	10%
Negotiable Certificates of Deposit	5 years	30%	None
Repurchase Agreements	1 year	None	None
Reverse Repurchase Agreements	92 days	20% of base	None
Medium-Term Corporate Notes	5 years	30%	None
Mutual Funds	N/A	20%	10%
Money Market Mutual Funds	N/A	20%	10%
Mortgage Pass-Through Securities	5 years	20%	None
County Pooled Investment Funds	N/A	None	None
Local Agency Investment Fund (LAIF)	N/A	None	None
Joint Powers Authority Pools	N/A	None	None

#### **Summary of Investments**

Investments as of June 30, 2010, consist of the following:

	Reported
	Value
County Investment Pool - Monterey	\$ 73,878,750

#### **Interest Rate Risk**

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The District manages its exposure to interest rate risk by investing in the County Pool.

# NOTES TO FINANCIAL STATEMENTS JUNE 30, 2010

#### **Specific Identification**

Information about the sensitivity of the fair values of the District's investments to market interest rate fluctuation is provided by the following schedule that shows the distribution of the District's investment by maturity:

	Fair	Maturity
Investment Type	Value	Date
County Investment Pool - Monterey	\$ 73,933,378	226 *

\* Weighted average days to maturity.

#### **Credit Risk**

Credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The District's investment in the County Pool is not required to be rated, nor has it been rated as of June 30, 2010.

	Fair
Investment Type	Value
County Investment Pool - Monterey	\$ 73,933,378

#### NOTE 4 - ACCOUNTS RECEIVABLE

The accounts receivable in the amount of \$24,285 represents interest earnings that have yet to be received as of June 30, 2010. All amounts have been determined by management to be fully collectable.

#### NOTE 5 - DUE FROM OTHER FUNDS

Due from Capital Outlay Projects Fund

#### NOTE 6 - ACCOUNTS PAYABLE AND ACCRUED LIABILITIES

The accounts payable and accrued liabilities represent amounts owed to vendors for both ongoing and completed construction projects in the amount of \$1,717,284 as of June 30, 2010.

\$ 182,000

# NOTES TO FINANCIAL STATEMENTS JUNE 30, 2010

#### NOTE 7 - FUND BALANCE

Fund balance is composed of the following element:

Unreserved Designated

#### \$ 72,367,820

#### NOTE 8 - COMMITMENTS AND CONTINGENCIES

As of June 30, 2010, the District had the following commitments with respect to the unfinished capital projects:

CAPITAL PROJECTS	Remaining Construction Commitments	Expected Date of Completions
Auto Technology Building	\$ 117,098	2010-2011
New Ed Center Building at Marina	3,218,381	2010-2011
Business Computer Science	1,420,245	2010-2011
Furniture and Equipment	14,038	2014-2015
New Student Services Building	3,205,925	2010-2011
Infrastructure - Phase III	84,595	2015-2016
General Institutional Bond Management	86,260	TBD
	\$ 8,146,542	

The projects are funded through a combination of general obligation bonds and capital project apportionments from the State Chancellor's Office.



Vavrinek, Trine, Day & Co., LLP Certified Public Accountants

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#### INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Governing Board and Citizens' Oversight Committee Monterey Peninsula Community College District Monterey, California

We have audited the accompanying balance sheet and statement of revenues, expenditures and changes in fund balance for the Measure I General Obligation Bonds (the Building Fund) of Monterey Peninsula Community College District (the District) for the year ended June 30, 2010, and have issued our report thereon dated December 23, 2010. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

#### **Internal Control Over Financial Reporting**

In planning and performing our audit, we considered Monterey Peninsula Community College District's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the Building Fund's financial statements, but not for the purpose of expressing an opinion on the effectiveness of Monterey Peninsula Community College District's internal control over the Building Fund's financial reporting. Accordingly, we do not express an opinion on the effectiveness of Monterey Peninsula Community College District's internal control over the Building Fund's financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of Monterey Peninsula Community College District's Building Fund's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

#### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether Monterey Peninsula Community College District's Building Fund's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of the Board of Trustees, District Management, and the Citizens' Oversight Committee and is not intended to be and should not be used by anyone other than these specified parties.

Rancho Cucamonga, California, Time, Dey & CO., LLP.

December 23, 2010

# FINANCIAL STATEMENT FINDINGS AND RECOMMENDATIONS JUNE 30, 2010

There were no findings related to the financial audit of the Building Fund for the year ended June 30, 2010.

# SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS JUNE 30, 2010

There were no findings related to the financial audit of the Building Fund for the year ended June 30, 2009.

Agenda Item # 9

# MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT

# MEASURE I GENERAL OBLIGATION BONDS

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

JUNE 30, 2010

Agenda Item # 9



Vavrinek, Trine, Day & Co., LLP **Certified Public Accountants** 

VALUE THE DIFFERENCE

#### **INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES**

Governing Board and Citizens' Oversight Committee Monterey Peninsula Community College District Monterey, California

We have performed the Agreed-Upon Procedures enumerated in Exhibit A, which were agreed to by the management of Monterey Peninsula Community College District (the District) for the purpose of determining compliance with Measure I General Obligation Bond requirements for the year ended June 30, 2010. The District's management is responsible for maintaining compliance with Proposition 39 requirements. This engagement to perform Agreed-Upon Procedures was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described in Exhibit A either for the purpose for which this report has been requested or for any other purpose.

The procedures we performed and the results of those procedures are described within this report as Exhibit B.

We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion relating to the matters included in the Agreed-Upon Procedures. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of the Monterey Peninsula Community College District Governing Board, Independent Citizens' Oversight Committee, and District administrators and is not intended to be and should not be used by anyone other than those specified parties.

Rancho Cucamonga, California Dep q CU., LLP.

December 23, 2010

## AGREED-UPON PROCEDURES REPORT JUNE 30, 2010

Our engagement will be designed to perform the following agreed-upon procedures:

- 1. Verify that District procedures for disbursement of funds related to the voter approved Measure I general obligation bonds were applied in accordance with applicable laws and regulations, as well as policies approved by the Board of Trustees. This will be accomplished through the inspection of specified documents evidencing certain types of transactions and detailed attributes thereof, including, but not limited to, the specific documents related to bid procedures for contracts and services, invoices for services rendered, and other appropriate documents deemed necessary to provide a basis for the results of our review.
- 2. Verify compliance with expenditure allowances for the 2009-2010 fiscal year within the Measure I Bond Initiative placed on the Local Election Ballot held on November 5, 2002.
- 3. Verify appropriateness of Measure I Bond expenditures for the 2009-2010 fiscal year to the object code classification within the general ledger.
- 4. Analyze the balance of Measure I Bond Funds available at June 30, 2010, for future expenditures.

# AGREED-UPON PROCEDURES REPORT JUNE 30, 2010

#### **Agreed-Upon Procedure (1)**

Procedure

Verify that District procedures for disbursement of funds related to the voter approved Measure I general obligation bonds were applied in accordance with applicable laws and regulations, as well as policies approved by the Board of Trustees. This will be accomplished through the inspection of specified documents evidencing certain types of transactions and detailed attributes thereof, including, but not limited to, the specific documents related to bid procedures for contracts and services, invoices for services rendered, and other appropriate documents deemed necessary to provide a basis for the results of our review.

#### Results

We included 34 percent of all expenditures charged to the Measure I Bond Funds for the 2009-2010 fiscal year in our examination. Based upon our examination of actual invoices and purchase orders, there were no exceptions noted in the District's procedures related to the disbursement of Measure I Bond Funds. The District used formal bid procedures for those contracts over the construction bid level requirements and informal bid procedures for those contracts below the construction bid level to select contractors for the various projects in accordance with Education Code requirements and District policy. Budgets for specific projects have been approved and monitored in accordance with Board requirements.

#### **Agreed-Upon Procedure (2)**

Procedure

Verify compliance with expenditure allowances for the 2009-2010 fiscal year within the Measure I Bond Initiative placed on the Local Election Ballot held on November 5, 2002.

#### Results

We noted no exceptions in the expenditures tested of the Measure I Bond Funds. The District has not charged ongoing expenditures that are the responsibility of the District to the Measure I Bond Fund, nor has any administrative or indirect cost been charged to the Measure I Bond Fund.

## AGREED-UPON PROCEDURES REPORT JUNE 30, 2010

#### **Agreed-Upon Procedure (3)**

Procedure

Verify appropriateness of Measure I Bond expenditures for the 2009-2010 fiscal year to the object code classification within the general ledger.

Results

For Measure I Bond expenditures incurred for the 2009-2010 fiscal year, we verified the appropriateness of the expenditures to the object code classification within the general ledger to ensure proper classification and coding. There were no exceptions noted. The expenditures reflected within the general ledger object code classifications were proper and in accordance with provisions of the *Budget and Accounting Manual* issued by the California Community College Chancellor's Office.

# AGREED-UPON PROCEDURES REPORT JUNE 30, 2010

### **Agreed-Upon Procedure (4)**

Procedure

Analyze the balance of Measure I Bond Funds available at June 30, 2010, for future expenditures.

Results

#### **Financial Summary**

	<b>General Obligation Bond Fund</b>	
1. REVENUES AND (	OTHER FINANCING SOURCES	Building Fund
2003-2004	Proceeds from sale of bonds	\$ 40,000,000
2003-2004	Interest income earned and paid	485,875
2004-2005	Interest income earned and paid	799,782
2005-2006	Interest income earned and paid	1,529,143
2005-2006	Proceeds from refunding of bonds	4,240,051
2006-2007	Interest income earned and paid	1,441,914
2007-2008	Proceeds from new issuances	108,628,528
2007-2008	Interest income earned and paid	1,308,722
2008-2009	Interest income earned and paid	198,008
2009-2010	Interest income earned and paid	621,134
Subtotal	_	159,253,157
2. EXPENSES AND O	THER FINANCING USES	
2003-2004	Expenses	1,318,754
2004-2005	Expenses	2,815,133
2005-2006	Expenses	9,574,342
2006-2007	Expenses	20,713,267
2007-2008	Expenses	22,925,031
2008-2009	Expenses	16,162,764
2009-2010	Expenses	13,376,046
Subtotal		86,885,337
Net Fund Balance at	June 30, 2010	\$ 72,367,820

3. Available unspent funds as of June 30, 2010, were \$72,367,820.

As stated in the District's audited financial statements as of June 30, 2010, the total expenditures and other outgo from the Measure I Building Fund were \$13,376,046 for fiscal year 2009-2010, totaling \$86,885,337 to date. Bond proceeds in the amount of \$152,868,579, and additional earnings to date of \$6,384,578 for interest, provide \$72,367,820 from initial issuance available for future expenditures.

# -17-

#### Agenda Item # 10

The McGraw ·Hill Companies

# STANDARD &POOR'S

One Market Steuart Tower, 15th Floor San Francisco, CA 94105-1000 tel 415 371-5000 reference no.: 40169108

February 16, 2011

Monterey Peninsula Community College District Administrative Services 980 Fremont Street Monterey, CA 93940--4799 Attention: Mr. Steve Ma, Vice President, Administrative Services

Re: Monterey Peninsula Community College District, California, General Obligation Bonds

Dear Mr. Ma:

Standard & Poor's has reviewed the rating on the above-referenced obligations. After such review, we have affirmed the "AA-" rating and stable outlook. A copy of the rationale supporting the rating and outlook is enclosed.

The rating is not investment, financial, or other advice and you should not and cannot rely upon the rating as such. The rating is based on information supplied to us by you or by your agents but does not represent an audit. We undertake no duty of due diligence or independent verification of any information. The assignment of a rating does not create a fiduciary relationship between us and you or between us and other recipients of the rating. We have not consented to and will not consent to being named an "expert" under the applicable securities laws, including without limitation, Section 7 of the Securities Act of 1933. The rating is not a "market rating" nor is it a recommendation to buy, hold, or sell the obligations.

This letter constitutes Standard & Poor's permission to you to disseminate the above-assigned rating to interested parties. Standard & Poor's reserves the right to inform its own clients, subscribers, and the public of the rating.

Standard & Poor's relies on the issuer/obligor and its counsel, accountants, and other experts for the accuracy and completeness of the information submitted in connection with the rating. To maintain the rating, Standard & Poor's must receive all relevant financial information as soon as such information is available. Placing us on a distribution list for this information would facilitate the process. You must promptly notify us of all material changes in the financial information and the documents. Standard & Poor's may change, suspend, withdraw, or place on CreditWatch the rating as a result of changes in, or unavailability of, such information. Standard & Poor's reserves the right to request additional information if necessary to maintain the rating.

Mr. Steve Ma Page 2 February 16, 2011

Please send all information to: Standard & Poor's Ratings Services Public Finance Department 55 Water Street

New York, NY 10041-0003

If you have any questions, or if we can be of help in any other way, please feel free to call or contact us at <u>nypublicfinance@standardandpoors.com</u>. For more information on Standard & Poor's, please visit our website at <u>www.standardandpoors.com</u>. We appreciate the opportunity to work with you and we look forward to working with you again.

Sincerely yours,

Standard & Poor's Ratings Services a Standard & Poor's Financial Services LLC business

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# STANDARD &POOR'S

One Market Steuart Tower, 15th Floor San Francisco, CA 94105-1000 tel 415 371-5000 reference no.: 40169108

February 16, 2011

Monterey Peninsula Community College District Administrative Services 980 Fremont Street Monterey, CA 93940--4799 Attention: Mr. Steve Ma, Vice President, Administrative Services

Re: Monterey Peninsula Community College District, California, General Obligation Bonds

Dear Mr. Ma:

Standard & Poor's has reviewed the Standard & Poor's underlying rating (SPUR) on the abovereferenced obligations. After such review, we have affirmed the "AA-" rating and stable outlook. A copy of the rationale supporting the rating and outlook is enclosed.

The rating is not investment, financial, or other advice and you should not and cannot rely upon the rating as such. The rating is based on information supplied to us by you or by your agents but does not represent an audit. We undertake no duty of due diligence or independent verification of any information. The assignment of a rating does not create a fiduciary relationship between us and you or between us and other recipients of the rating. We have not consented to and will not consent to being named an "expert" under the applicable securities laws, including without limitation, Section 7 of the Securities Act of 1933. The rating is not a "market rating" nor is it a recommendation to buy, hold, or sell the obligations.

This letter constitutes Standard & Poor's permission to you to disseminate the above-assigned rating to interested parties. Standard & Poor's reserves the right to inform its own clients, subscribers, and the public of the rating.

Standard & Poor's relies on the issuer/obligor and its counsel, accountants, and other experts for the accuracy and completeness of the information submitted in connection with the rating. To maintain the rating, Standard & Poor's must receive all relevant financial information as soon as such information is available. Placing us on a distribution list for this information would facilitate the process. You must promptly notify us of all material changes in the financial information and the documents. Standard & Poor's may change, suspend, withdraw, or place on CreditWatch the rating as a result of changes in, or unavailability of, such information. Standard & Poor's reserves the right to request additional information if necessary to maintain the rating.

SPOORS

Mr. Steve Ma Page 2 February 16, 2011

Please send all information to: Standard & Poor's Ratings Services Public Finance Department 55 Water Street New York, NY 10041-0003

If you have any questions, or if we can be of help in any other way, please feel free to call or contact us at <u>nypublicfinance@standardandpoors.com</u>. For more information on Standard & Poor's, please visit our website at <u>www.standardandpoors.com</u>. We appreciate the opportunity to work with you and we look forward to working with you again.

Sincerely yours,

Standard & Poor's Ratings Services a Standard & Poor's Financial Services LLC business

Standard & Poor PO

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#### Standard & Poor's Ratings Services Terms and Conditions Applicable To Public Finance Ratings

You understand and agree that:

<u>General</u>. The ratings and other views of Standard & Poor's Ratings Services ("Ratings Services") are statements of opinion and not statements of fact. A rating is not a recommendation to purchase, hold, or sell any securities nor does it comment on market price, marketability, investor preference or suitability of any security. While Ratings Services bases its ratings and other views on information provided by issuers and their agents and advisors, and other information from sources it believes to be reliable, Ratings Services does not perform an audit, and undertakes no duty of due diligence or independent verification, of any information it receives. Such information and Ratings Services' opinions should not be relied upon in making any investment decision. Ratings Services does not act as a "fiduciary" or an investment advisor. Ratings Services neither recommends nor will recommend how an issuer can or should achieve a particular rating outcome nor provides or will provide consulting, advisory, financial or structuring advice.

<u>All Rating Actions in Ratings Services' Sole Discretion</u>. Ratings Services may assign, raise, lower, suspend, place on CreditWatch, or withdraw a rating, and assign or revise an Outlook, at any time, in Ratings Services' sole discretion. Ratings Services may take any of the foregoing actions notwithstanding any request for a confidential or private rating or a withdrawal of a rating, or termination of this Agreement. Ratings Services will not convert a public rating to a confidential or private rating.

<u>Publication</u>. Ratings Services reserves the right to use, publish, disseminate, or license others to use, publish or disseminate the rating provided hereunder and any analytical reports, including the rationale for the rating, unless you specifically request in connection with the initial rating that the rating be assigned and maintained on a confidential or private basis. If, however, a confidential or private rating or the existence of a confidential or private rating subsequently becomes public through disclosure other than by an act of Ratings Services or its affiliates, Ratings Services reserves the right to treat the rating as a public rating, including, without limitation, publishing the rating and any related analytical reports. Any analytical reports published by Ratings Services reserves the right to use, publish, disseminate or license others to use, publish or disseminate analytical reports with respect to public ratings that have been withdrawn, regardless of the reason for such withdrawal. Ratings Services may publish explanations of Ratings Services' ratings criteria from time to time and nothing in this Agreement shall be construed as limiting Ratings Services' ability to modify or refine its ratings criteria at any time as Ratings Services deems appropriate.

Information to be Provided by You. For so long as this agreement is in effect, in connection with the rating provided hereunder, you warrant that you will provide, or cause to be provided, as promptly as practicable, to Ratings Services all information requested by Ratings Services in accordance with its applicable published ratings criteria. The rating, and the maintenance of the rating, may be affected by Ratings Services' opinion of the information received from you or your agents or advisors. You further warrant that all information provided to Ratings Services by you or your agents or advisors regarding the rating or, if applicable, surveillance of the rating, as of the date such information is provided, (i) contains no untrue statement of material fact and does not omit a material fact necessary in order to make such information, in light of the circumstances in which it was provided, not misleading and (ii) does not infringe or violate the intellectual property rights of a third party. A material breach of the warranties in this paragraph shall constitute a material breach of this Agreement.

<u>Confidential Information</u>. For purposes of this Agreement, "Confidential Information" shall mean verbal or written information that you or your agents or advisors have provided to Ratings Services and, in a specific and particularized manner, have marked or otherwise indicated in writing (either prior to or promptly following such disclosure) that such

information is "Proprietary and Confidential." Notwithstanding the foregoing, information disclosed by you or your agents or advisors to Ratings Services shall not be deemed to be Confidential Information, and Ratings Services shall have no obligation to treat such information as Confidential Information, if such information (i) was known by Ratings Services or its affiliates at the time of such disclosure and was not known by Ratings Services to be subject to a prohibition on disclosure, (ii) was known to the public at the time of such disclosure, (iii) becomes known to the public (other than by an act of Ratings Services or its affiliates) subsequent to such disclosure, (iv) is disclosed to Ratings Services or its affiliates by a third party subsequent to such disclosure and Ratings Services reasonably believes that such third party's disclosure to Ratings Services or its affiliates was not prohibited, (v) is developed independently by Ratings Services or its affiliates without reference to the Confidential Information, (vi) is approved in writing by you for public disclosure, or (vii) is required by law or regulation to be disclosed by Ratings Services or its affiliates. Ratings Services acknowledges that it is aware that U.S. and state securities laws impose restrictions on trading in securities when in possession of material, non-public information and has adopted securities trading policies to that effect.

Ratings Services' Use of Information. Except as otherwise provided herein, Ratings Services shall not disclose Confidential Information to third parties. Ratings Services may (i) use Confidential Information to assign, raise, lower, suspend, place on CreditWatch, or withdraw a rating, and assign or revise an Outlook, and (ii) share Confidential Information with its affiliates engaged in the ratings business who are bound by appropriate confidentiality obligations; in each case, subject to the restrictions contained herein, Ratings Services and such affiliates may publish information derived from Confidential Information. Ratings Services may also use, and share Confidential Information with any of its affiliates or agents engaged in the ratings or other financial services businesses who are bound by appropriate confidentiality obligations ("Relevant Affiliates and Agents"), for modelling, benchmarking and research purposes; in each case, subject to the restrictions herein, Ratings Services and such affiliates may publish information derived from Confidential Information. With respect to structured finance ratings not maintained on a confidential or private basis, Ratings Services may publish data aggregated from Confidential Information, excluding data that is specific to and identifies individual debtors ("Relevant Data"), and share such Confidential Information with any of its Relevant Affiliates and Agents for general market dissemination of Relevant Data; you confirm that, to the best of your knowledge, such publication would not breach any confidentiality obligations you may have toward third parties. Ratings Services will comply with all applicable U.S. and state laws, rules and regulations protecting personally-identifiable information and the privacy rights of individuals. Ratings Services acknowledges that you may be entitled to seek specific performance and injunctive or other equitable relief as a remedy for Ratings Services' disclosure of Confidential Information in violation of this Agreement. Ratings Services and its affiliates reserve the right to use, publish, disseminate, or license others to use, publish or disseminate any non-Confidential Information provided by you, your agents or advisors.

Ratings Services Not an Expert, Underwriter or Seller under Securities Laws. Ratings Services has not consented to and will not consent to being named an "expert" or any similar designation under any applicable securities laws or other regulatory guidance, rules or recommendations, including without limitation, Section 7 of the U.S. Securities Act of 1933. Ratings Services is not an "underwriter" or "seller" as those terms are defined under applicable securities laws or other regulatory guidance, rules or recommendations, including without limitation Sections 11 and 12(a)(2) of the U.S. Securities Act of 1933. Rating Services has not performed the role or tasks associated with an "underwriter" or "seller" under the United States federal securities laws or other regulatory guidance, rules or recommendations in connection with this engagement.

<u>Office of Foreign Assets Control</u>. As of the date of this Agreement, (a) neither you nor the issuer (if you are not the issuer) or any of your or the issuer's subsidiaries, or any director or corporate officer of any of the foregoing entities, is the subject of any U.S. sanctions administered by the Office of Foreign Assets Control of the U.S. Department of the Treasury ("OFAC Sanctions"), (b) neither you nor the issuer (if you are not the issuer) is 50% or more owned or controlled, directly or indirectly, by any person or entity ("parent") that is the subject of OFAC Sanctions, and (c) to the best of your knowledge, no entity 50% or more owned or controlled by a direct or indirect parent of you or the issuer (if you are not the issuer) is the subject of OFAC sanctions. For so long as this agreement is in effect, you will promptly notify Ratings Services if any of these circumstances change.

<u>Ratings Services' Use of Confidential and Private Ratings</u>. Ratings Services may use confidential and private ratings in its analysis of the debt issued by collateralized debt obligation (CDO) and other investment vehicles. Ratings Services may disclose a confidential or private rating as a confidential credit estimate or assessment to the managers of CDO and similar investment vehicles. Ratings Services may permit CDO managers to use and disseminate credit estimates or

assessments on a limited basis and subject to various restrictions; however, Ratings Services cannot control any such use or dissemination.

Entire Agreement. Nothing in this Agreement shall prevent Ratings Services from acting in accordance with applicable laws, regulations and Ratings Services' policies as published from time to time. Subject to the prior sentence, this Agreement, including any amendment made in accordance with provisions hereof, constitutes the complete and entire agreement between the parties on all matters regarding the rating provided hereunder. The terms of this Agreement supersede any other terms and conditions relating to information provided to Ratings Services by you or your agents and advisors hereunder, including without limitation, terms and conditions found on, or applicable to, websites or other means through which you or your agents and advisors make such information available to Ratings Services, regardless if such terms and conditions are entered into before or after the date of this Agreement. Such terms and conditions shall be null and void as to Ratings Services.

Limitation on Damages. Ratings Services does not and cannot guarantee the accuracy, completeness, or timeliness of the information relied on in connection with a rating or the results obtained from the use of such information. RATINGS SERVICES GIVES NO EXPRESS OR IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE. Ratings Services, its affiliates or third party providers, or any of their officers, directors, shareholders, employees or agents shall not be liable to you, your affiliates or any person asserting claims on your behalf, directly or indirectly, for any inaccuracies, errors, or omissions, in each case regardless of cause, actions, damages (consequential, special, indirect, incidental, punitive, compensatory, exemplary or otherwise), claims, liabilities, costs, expenses, legal fees or losses (including, without limitation, lost income or lost profits and opportunity costs) in any way arising out of or relating to the rating provided hereunder or the related analytic services even if advised of the possibility of such damages or other amounts except to the extent such damages or other amounts are finally determined by a court of competent jurisdiction in a proceeding in which you and Ratings Services are parties to result from gross negligence or willful misconduct of Ratings Services. In furtherance and not in limitation of the foregoing, Ratings Services will not be liable to you, your affiliates or any person asserting claims on your behalf in respect of any decisions alleged to be made by any person based on anything that may be perceived as advice or recommendations. In the event that Ratings Services is nevertheless held liable to you, your affiliates, or any person asserting claims on your behalf for monetary damages under this Agreement, in no event shall Ratings Services be liable in an aggregate amount in excess of seven times the aggregate fees paid to Ratings Services for the rating giving rise to the cause of action, up to a maximum of US\$5,000,000 except to the extent such monetary damages directly result from Ratings Services' intentional wrongdoing or willful misconduct. The provisions of this paragraph shall apply regardless of the form of action, damage, claim, liability, cost, expense, or loss, whether in contract, statute, tort (including, without limitation, negligence), or otherwise. Neither party waives any protections, privileges, or defenses it may have under law, including but not limited to, the First Amendment of the Constitution of the United States of America.

<u>Termination of Agreement.</u> This Agreement may be terminated by either party at any time upon written notice to the other party. Except where expressly limited to the term of this Agreement, these Terms and Conditions shall survive the termination of this Agreement.

<u>No Third–Party Beneficiaries</u>. Nothing in this Agreement, or the rating when issued, is intended or should be construed as creating any rights on behalf of any third parties, including, without limitation, any recipient of the rating. No person is intended as a third party beneficiary of this Agreement or of the rating when issued.

Binding Effect. This Agreement shall be binding on, and inure to the benefit of, the parties hereto and their successors and assigns.

<u>Severability</u>. In the event that any term or provision of this Agreement shall be held to be invalid, void, or unenforceable, then the remainder of this Agreement shall not be affected, impaired, or invalidated, and each such term and provision shall be valid and enforceable to the fullest extent permitted by law.

<u>Amendments</u>. This Agreement may not be amended or superseded except by a writing that specifically refers to this Agreement and is executed manually or electronically by authorized representatives of both parties.

<u>Governing law</u>. You irrevocably agree that this Agreement and the rating letter, for purposes of any claim against Rating Services that may be asserted by you, your affiliates or any person asserting claims on your behalf, shall be governed by the internal laws of the State of New York. You irrevocably agree that, for purposes of any claim against Rating Services that may be asserted by you, your affiliates or any person asserting claims on your behalf in any dispute arising out of or relating to this Agreement, the state courts of New York located in the County of New York or the U.S. federal court for the Southern District of New York shall be the exclusive forums for such disputes and the parties hereby consent to the personal jurisdiction of such courts. For purposes of any claim against you that Rating Services may assert in any dispute arising out of or relating to the Agreement, neither party waives its right to contest the applicable governing law or the appropriate forum, including in connection with any assertion of sovereign immunity.

# STANDARD &POOR'S

# **Global Credit Portal** RatingsDirect<sup>®</sup>

February 22, 2011

# Summary:

# Monterey Peninsula Community College District, California; General Obligation

Primary Credit Analyst: Chris Morgan, San Francisco (1) 415-371-5032; chris\_morgan@standardandpoors.com

Secondary Contact: Michael P Taylor, New York (1) 212-438-1458; michael\_taylor@standardandpoors.com

# **Table Of Contents**

Rationale

Outlook

Related Criteria And Research

#### **Summary:**

# Monterey Peninsula Community College District, California; General Obligation

Credit Profile			
Monterey Peninsula Comnty Coll Dist Election	of 2002 GO bnds ser A dtd 06/18/2003 due 08/01/2004-	2023 2027	
Unenhanced Rating	AA-(SPUR)/Stable	Affirmed	
Monterey Peninsula Comnty Coll Dist GO			
Unenhanced Rating	AA-(SPUR)/Stable	Affirmed	
Many issues are enhanced by bond insurance.			

## Rationale

Standard & Poor's Ratings Services affirmed its 'AA-' long-term rating on Monterey Peninsula Community College District, Calif.'s election of 2002 series B and series C taxable and tax-exempt GO bonds, and affirmed its 'AA-' underlying rating (SPUR) on the district's parity GO debt. The outlook on all ratings is stable.

The ratings reflect our view of the district's:

- Established, generally wealthy economic base;
- Strong financial position and board-mandated policies to support healthy general fund reserves;
- · Good management policies; and
- Moderate overall debt burden on a per capita basis.

Partially offsetting the above strengths is our view of the district's slow principal amortization.

Unlimited ad valorem taxes levied on taxable property within the district secure the GO bonds. The county's board of supervisors has the power and obligation to levy these taxes at the district's request for the bonds' repayment. The county is required to deposit such taxes, when collected, into the bonds' debt service fund.

The district serves coastal northern Monterey County and encompasses all of the Monterey Peninsula (which includes Monterey, Pacific Grove, and Carmel) as well as the agricultural Carmel Valley in the interior and the more sparsely populated Big Sur Coast to the south. The district serves a population of about 130,000, roughly one-third of the county's population.

Total fiscal 2010 enrollment was 8,053 full-time equivalent (FTE) students, following a period of fluctuations. This has been in contrast with what we have observed to be strong growth among many community college districts elsewhere in the state as a weak job market pushes up demand. Management attributes recent declines to changing demographics in the area, particularly the falling number of high-school-aged students, and it projects a slight FTE decline for fiscal 2011. However, management reports that significant residential development on the former Fort Ord military installation and a weak employment market could cause enrollment to grow in the coming years. The district has reduced its course offerings in tandem with a reduction in the state's cap on the number of courses that it will fund, and management says that the district plans to increase the proportion of credit courses it offers because

they are funded at a higher level than non-credit courses.

Similar to what we have observed in many other areas of the state, the district's total assessed valuation (AV) underwent what we consider to be strong growth through fiscal 2009, then stalled in fiscal 2010 and declined by what we consider a moderate 4.1% for fiscal 2011 to \$25.8 billion. Although the pace of new construction has slowed recently, management reports that it expects an additional 6,000 homes at the former Fort Ord military installation during the next 20 years.

Financial performance has been strong in our view, with ending general fund balances for the past five fiscal years exceeding the district's 10%-of-expenditures-minimum policy (most recently measuring at 11.4% of expenditures, or \$4.3 million, at the end of fiscal 2010). For fiscal 2011 the district has budgeted for balanced operations. Although the district has been affected by state cuts to operating support for community college education, we understand that it has balanced its operations largely by reducing its course offerings. The district also received \$250,000 in grants under the American Recovery and Reinvestment Act in fiscal 2010, and reduced its expenditure growth by \$250,000 in fiscal 2011 through furlough days and attrition-based staffing reductions. The district can use a self-insurance fund that has a balance of \$8.5 million for liquidity needs within a given fiscal year, and management does not expect the district to issue tax and revenue anticipation notes in the coming year.

We consider the district's management practices to be "good" under our Financial Management Assessment (FMA) methodology. An FMA of "good" indicates our view that practices exist in most areas, though not all might be formalized or regularly monitored by governance officials.

The district's overall net debt burden, including all overlapping debt, is what we consider low at 1.4% of market value and moderate at roughly \$2,807 per capita. The amortization schedule for all of the district's debt is somewhat slow, with just 32% of principal being retired over the next 10 years. Management reports it does not plan to issue additional debt in the near to medium term, because it is halfway through implementing the capital improvements funded by the final \$105 million of a \$145 million GO authorization approved in 2002.

The bulk of the district's employees participate in the State Teachers Retirement System or the California Public Employees Retirement System, and the district is required to pay an actuarially determined rate for each system, which translated into \$1.2 million and \$833,374, respectively, in fiscal 2010. The district spent about \$811,962 on other postretirement employee benefits in fiscal 2010, compared with its most recent calculated annual required contribution of \$1.1 million. Its unfunded actuarially accrued liability is \$11.1 million.

### Outlook

The stable outlook reflects our view that the district will continue adjusting its operations to adhere to its reserve policy. The rating reflects our view of the potential for further cuts to the state's per FTE student funding formula, but should reserve levels fall below what we consider good levels and we believe that the district is having difficulty responding, we could lower the rating. We do not expect to raise the rating during our outlook horizon, because of our view of the district's limited revenue flexibility.

Gagandeep Ghai of Mumbai, India-based CRISIL Global Analytic Center, a Standard & Poor's affiliate, contributed to this report.

## Related Criteria And Research

- USPF Criteria: GO Debt, Oct. 12, 2006
- USPF Criteria: Key General Obligation Ratio Credit Ranges Analysis Vs. Reality, April 2, 2008

Complete ratings information is available to subscribers of RatingsDirect on the Global Credit Portal at www.globalcreditportal.com. All ratings affected by this rating action can be found on Standard & Poor's public Web site at www.standardandpoors.com. Use the Ratings search box located in the left column.

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# MPC Active Bond/Facility Projects Update February 9, 2011

<u>MPC Education Center (at Marina) Permanent Buildings</u> – Roofing and wall framing has been completed. Windows and exterior siding are being installed. Utilities (gas and electric) are being installed. Parking lot asphalting and other site work continues. Work will be completed by late spring/early summer of 2011. Classes will commence the fall semester of 2011.

**Infrastructure** – Site work (lighting, parking lots, sidewalks) will be ongoing for the next few years. In January, signs at 12 locations were installed to aid new students and visitors finding their destinations. Parking lot B will be bid in the coming months with construction starting in the summer and completed by the commencement of classes.

<u>New Student Services Building</u> – First floor furniture was delivered February 7, 2011. Second floor furniture will be delivered February 14, 2011. After the "punch list" is completed and the data lines / communications are tested in February, areas will be available to move in on a phased basis. There have been some architectural design issues that are being addressed with the Architect (HGA).

<u>Swing Space</u> – The "Swing Space Village" is located adjacent to and south of the Theatre. The work has been completed. The Swing Space user groups are being notified of the swing space plan in detail in order to accommodate the program needs with minimal disruption.

**Facilities Committee** – The Committee meets periodically to review construction issues, budgets and schedules.

**Business / Computer Science Building** – The project is essentially done and the contractor is finishing the "punch list." The project has been completed ahead of schedule. Furniture will be delivered in February and move-in will be able to start in March. A Notice of Completion will be filed after Board approval February 22, 2011.

<u>Humanities / Old Student Services / Business Humanities</u> – The project will receive State matching funds. The Architect (HGHB) has submitted drawings to DSA for approval. The State Chancellor's Office requires submittals and approvals during the design phase and requires authorization to go to bid and to award the bid (anticipated in spring 2011).

<u>**Theatre**</u> – The Architect (HGA) has submitted the drawings to DSA for approval. It is anticipated the project will bid in the spring of 2011, and work will commence in June 2011 with completion anticipated in December 2012.

<u>Life Science / Physical Science Buildings</u> – The Architect (HGHB) has completed the drawings and submitted to DSA for approval. Dependent upon DSA approval time, construction is anticipated to begin in the summer of 2011. Swing Space needs are being accommodated in the new Swing Space Village and at the General Classrooms.

<u>**Gym First Floor**</u> – The Architect (HGHB) has received DSA approval for the drawings and will go to bid in late spring. The Gym first floor work has to be completed before work on the pool and tennis courts can be done. The Swing Space needs are being accommodated.

<u>Outside Lockers adjacent to the Art Buildings</u> – The Architect (HGHB) has completed the drawings and submitted to DSA for approval. The work will be done as weather permits and as not to impact class schedules and is scheduled to be completed summer 2011.

<u>Social Sciences Building</u> – During the break, work was completed in two classrooms and offices that were renovated to make them more accommodating to educational requirements.

**<u>Pool/ Tennis Courts</u>** – Work will begin after the gym first floor is complete.

<u>Music Buildings</u> – The Architect (HGA) has prepared schematic drawings with different design options, and the Facilities Committee is reviewing the options and the budgets for the different alternatives.

<u>Student Center</u> – The Architect (HGHB) has prepared schematic drawings for available space options. Planning meetings have involved student representatives.

Description	Early	Early Finish	Percent	2010 2011 2012 2013 2014 2015 2016 2017 201
New Student Services				
Student Services Construction	JUL272009 A	MAR032011	95	Student Services Construction
Education Center Ed Center Construction	FEB242010 A	APR252011	02	Ed Center Construction
Business Computer Science				
Business Computer Science	JUN072010 A	JAN142011 A	100	Business Computer Science
Old Student Services/Humanities/Bus Humanities	S			
Old Student Services Construction	JUL072011	JUL052012	0	Old Student Services Construction
Humanities Construction	JAN292013	DEC032013	0	Humanities Construction
Demo Business Humanities	JAN032014	MAY292014	0	Demo Business Humanities
Theater				
Theater Construction	SEP082011	DEC202012	0	Theater Construction
Music				
Music Construction	FEB172015	NOV302015	0	Music Construction
Life and Physical Science				
Life Science Construction	SEP012011	JUN062012	0	Life Science Construction
Physical Science Construction	AUG102012	AUG062013	0	Physical Science Construction
Gym Shower and Lockers				
Gym Construction	AUG112011	MAY302012	0	Gym Construction
Pool and Tennis Courts				
Tennis Courts Construction	AUG102012	JAN212013	0	Tennis Courts Construction
Pool Construction	AUG102012	FEB112013	0	Pool Construction
Student Center				
Student Center Construction	MAR292012	MAR182013	0	Student Center Construction
Art Studio/Ceramics/dimensional/Inter. Center				
Art Studio Constuction	AUG272013	DEC312013	0	Art Studio Constuction
Art Ceramics Construction	MAR202014	DEC262014	0	Art Ceramics Construction
Art Dimensional Construction	FEB032015	AUG242015	0	Art Dimensional Construction
Demo of International Center (IC)	MAR 102016	JUN012016	0	C Demo of International Ce
Construction Art Lockers	MAR032011	JUN232011	0	Construction Art Lockers
Start date JUN082010 Elisish date ILIN042046				Earlybar
			Montere	Monterey Peninsula College
Run date FEB072011 Page number 1A		2	APC Mas	MPC Master Project Schedule
© Primavera Systems, Inc.				♦ Finish milestone point

# Agenda Item # 13-B