

MARIN COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 2020-07

RESOLUTION OF THE BOARD OF TRUSTEES OF THE MARIN COMMUNITY COLLEGE DISTRICT APPROVING SECOND AMENDED AND RESTATED BYLAWS FOR THE MARIN COMMUNITY COLLEGE DISTRICT INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE

WHEREAS, the Board of Trustees of the Marin Community College District (the "District") previously adopted a resolution requesting Marin County, California (the "County") to call an election for general obligation bonds (the "2004 Bond Election") to be held on November 2, 2004; and

WHEREAS, notice of the 2004 Bond Election was duly given; and on November 2, 2004 the 2004 Bond Election was duly held and conducted for the purpose of voting on a measure for the issuance of bonds of the District in the amount of \$249,500,000 ("Measure C"); and

WHEREAS, based on the Canvass and Statement of Results for the County, more than fifty-five percent of the votes cast on Measure C were in favor of issuing the aforementioned bonds; and

WHEREAS, in conformity with the requirements of the Strict Accountability in Local School Construction Bonds Act of 2000, codified at Section 15264 *et seq.* of the Education Code of the State (the "Accountability Act"), the Board has previously created and empowered an Independent Citizens' Bond Oversight Committee (the "Measure C Committee") in connection with any issuance of bonds under Measure C; and

WHEREAS, the District previously adopted a resolution requesting the County to call an election for general obligation bonds (the "2016 Bond Election" and together with the 2004 Bond Election, the "Bond Elections") to be held on June 7, 2016; and

WHEREAS, notice of the 2016 Bond Election was duly given; and on June 7, 2016 the 2016 Bond Election was duly held and conducted for the purpose of voting on a measure for the issuance of bonds of the District in the amount of \$265,000,000 ("Measure B" and together with Measure C, the "Measures"); and

WHEREAS, based on the Canvass and Statement of Results for the County, more than fifty-five percent of the votes cast on Measure B were in favor of issuing the aforementioned bonds; and

WHEREAS, in conformity with the requirements of the Accountability Act, the Board previously created and empowered an Independent Citizens' Bond Oversight Committee (the "Measure B Committee") in connection with any issuance of bonds under Measure B and approved bylaws (the "Measure B Bylaws") governing such committee; and

WHEREAS, pursuant to a resolution adopted by the Board on April 17, 2018, the Board amended and restated the Measure B Bylaws to charge the Measure B Committee with responsibility for reviewing the remaining Measure C bond proceeds, in conformity with the Accountability Act,

(so amended and restated, the “Amended and Restated Bylaws”), and concurrently disband the original Measure C Committee; and

WHEREAS, the Measure B Committee has previously submitted its annual report reflecting the final accounting of expenditure of all Measure C monies;

WHEREAS, the Board now desires to charge the Measure B Committee solely with responsibility for reviewing the expenditure of Measure B bond proceeds, in conformity with the Accountability Act, to amend and restate the Amended and Restated Bylaws accordingly (so amended and restated, the “Second Amended and Restated Bylaws”),

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE MARIN COMMUNITY COLLEGE DISTRICT DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. **Authorization.** Measure B and Measure C were authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution in accordance with the requirements of the Accountability Act.

Section 2. **Empowerment of Committee.** The Measure B Committee is hereby empowered to carry out all the purposes set forth in the Accountability Act as to Measure B. The Board has received the final annual report reflecting the final accounting of expenditure of all Measure C monies.

Section 3. **Bylaws.** The Measure B Committee shall operate pursuant to Board-approved bylaws. The Measure B Committee shall have only those responsibilities granted to them in the Accountability Act and in such bylaws. The Second Amended and Restated Bylaws, as submitted herewith and attached hereto, are hereby approved.

Section 4. **Other Actions.** Officers of the Board and members of the Measure B Committee established hereunder are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

ADOPTED, SIGNED AND APPROVED this 12th day of May, 2020.

BOARD OF TRUSTEES OF THE MARIN
COMMUNITY COLLEGE DISTRICT

President

ATTEST:

Secretary