

**MARIN COMMUNITY COLLEGE DISTRICT
MEASURE B 2016**

**MEETING MINUTES
CITIZENS' BOND OVERSIGHT COMMITTEE MEETING
MARCH 16, 2022**

LOCATION: ZOOM CALL

CITIZENS' BOND OVERSIGHT COMMITTEE, MEMBERS PRESENT

Margaret De Somma	Chair and Representative, At-Large
Jeff Gunderson	Vice Chair and Representative, At-Large
Richard Jensen	Representative, Senior Citizens' Organization
Bruce Schauble	Representative, Senior Citizens' Organization
Jason Lau	Representative, Support Organization
Jim Grossi	Representative, Business Organization

CITIZENS' BOND OVERSIGHT COMMITTEE, VACANT SEATS

Representative, Taxpayers Association
Representative, Student Organization

MARIN COMMUNITY COLLEGE DISTRICT, STAFF PRESENT

Isidro Farias	Director of Capital Projects
Katy Bauer	Executive Assistant

CONSULTANTS

Jeff Scogin	A Kennedy Group, Financial Manager
Mike Chegini	A Kennedy Group, Communications Manager
Beth Rhodes	Gilbane Building Company, Manager, Communications and Outreach

I. CALL TO ORDER

The Citizens' Bond Oversight Committee (CBOC) meeting was called to order by Margaret De Somma at approximately 4:30 P.M.

II. ZOOM ETIQUETTE

Mike Chegini reviewed the protocols for the virtual format: the meeting would be recorded, Committee Members and District staff are panelists and would be able to mute and unmute themselves, and that roll call would be required for each action item.

III. ROLL CALL

Katy Bauer took roll call. Margaret De Somma, Bruce Schauble, Richard Jensen, Jim Grossi and Jason Lau were present, establishing a quorum. Jeff Gunderson, joined at approximately 4:36 P.M.

IV. APPROVAL OF AGENDA

Margaret De Somma made a motion to approve the agenda with no changes. Jason Lau seconded the motion. The motion was carried by the Committee Members present (5 approvals, 1 absent).

V. RESOLUTION PERMITTING ONLINE MEETING (AB 361)

The Committee reviewed and discussed a resolution, adapted from the College of Marin Board of Trustee's Resolution 2021-25, to justify online meetings during the pandemic while a state of emergency still exists. There was discussion among the Committee and it was clarified that if the state of emergency is ended by the Governor, then the meetings will no longer be virtual; it was also suggested that the June meeting may be in person. Margaret De Somma made a motion to approve the resolution. Bruce Schauble seconded the motion. The motion was carried by the Committee Members present (6 approvals).

VI. APPROVAL OF MEETING MINUTES FROM JANUARY 19, 2022

Margaret De Somma made a motion to approve the January 19, 2022 meeting minutes with no changes. Jeff Gunderson seconded the motion. The motion was carried by the Committee Members present (6 approvals).

VII. PUBLIC COMMENT ON NON-AGENDA ITEMS

No comments were received from the public.

VIII. COMMUNICATIONS FROM STAFF

No communications were received from staff.

IX. PROGRAM/PROJECT UPDATE REPORT

Isidro Farias provided an update on the Measure B program. Currently the only project in design is the Learning Resources Center (LRC). The LRC schedule was shown, and Isidro Farias noted that the project has now moved into the DSA phase I submittal, expected at the beginning of April. The team has been working on value engineering to build in contingency plans due to potential changes in the economy. The Welcome Center at 830 College Avenue was completed, staff have moved in, and the facility is operational. The Miwok Aquatic and Fitness Center was completed, and the facility is now open and occupied.

X. FINANCIAL AND COMPLIANCE ITEMS

- a. Jeff Scogin gave an overview of the Measure B 2016 Program Financial Reports for the period from inception through December 31, 2021. An overview of the Whole Program Report was presented, including the total program allocation of \$265 million original authorization, plus the taxable and non-taxable allocated interest earned, and unallocated interest earned, and non-bond (Other) funding which includes Rotary, donations, and Certificates of Participation. There were no new revisions to review in the form of a Bond List Revision. An overview of the Cost Status spending charts was provided, and it was noted that the District spent \$5.5 million in this quarter, up from \$4 million in the previous quarter. The Project Summary Report was presented, which only includes bond funding. The two projects that had a high amount of spend in the current quarter were the LRC with about \$703 thousand of spending, and the Miwok facility at just over \$4 million, which was related to close-out activities. Margaret De Somma made a motion to accept the Measure B 2016 Program Financial Reports for the period ending December 31, 2021. Richard Jensen seconded the motion. The motion was carried by the Committee Members present (6 approvals).
- b. No questions were sent to Bond Counsel in the last quarter.

XI. REVIEW OF COMMITTEE'S BYLAWS

David Casnocha, a municipal bond attorney at Stradling Yocca Carlson and Rauth, provided a review of the Committee bylaws. A copy of the Bylaws and the Resolution were attached to the agenda and were reviewed. Mr. Casnocha prefaced the review by reminding the Committee that Measure B is obligated to establish and empower a Citizens' Bond Oversight Committee. The oversight Committee is an independent citizens' Committee, which means members must be free of conflicts of interest and can't be employees, vendors, or consultants of the District, and must perform their functions free from interference from the Board of Trustees which appointed the Committee. The Committee is subject to the Brown Act, as declared through the bylaws. Oversight Committees can only discuss items on the agenda, and the Brown Act rules only apply to Committee business, when there is a publicly noticed meeting, with a quorum. The Committee's statutory duties are reviewing of expenditure reports, and the ballot statement which provides definition(s) of acceptable project types. Proposition 39 prohibits the expenditure of bond funds for teacher or administrator salaries. However, in 2004, the California Attorney General issued a legal opinion that clarified bond funds may be used to pay the salaries, or portions thereof, for district employees specifically working on bond projects. Some District employees are eligible to meet the "but for the bond" test, and it is up to the Committee to review those expenditures for Proposition 39 compliance, which is the Committee's most essential function. Informing the public is another statutory duty. Communications to the public come from the Chair, and the Chair must convey information that reflects the majority view of the Committee. A website is a way to share information with the public, and Mr. Casnocha suggested that the Committee review their own website, as well as a neighboring District's website for comparison. The Committee must deliver and make available an annual report, which must include a statement regarding if the funds were spent in compliance with the legal requirements as stipulated in the California constitution.

In response to a question from the Committee, Mr. Casnocha said that the Committee terminates after 100% of the available bond monies have been spent, the final financial and performance audits have been submitted to the Committee and the Board, and the Committee has submitted the final annual report for the fiscal year during which the final funds were spent. Money left over could be transferred by the District to a capital repairs fund, or a debt service fund to repay the outstanding bonds.

In response to a question from the Committee, Mr. Casnocha said the Committee has a right to ask for further details on District staff salaries. The Committee may also request District records that are part of the public record. However, the Committee's purview does not include detailed review of plans, contracts, and items listed in section 3.4 of the bylaws. The Committee may ask questions about areas that the Committee is not strictly responsible for executing to completion, as a way to be informed and to offer advice to District staff. Mr. Casnocha referenced section 7.1d of the bylaws which states that the District shall maintain all Committee records on a website, and he encouraged the Committee to review the District's website to determine whether they feel the information is sufficiently available to the public. The Committee requested further detail about District Staff Program Management. The Committee asked if they would be held responsible if after the fact the District was found to have misspent bond funds. Mr. Casnocha recommended that the Committee ask the District if the Committee is covered under the District's liability insurance as additional insured.

XII. REVIEW OF COMMITTEE MEMBERSHIP

Margaret De Somma shared that she followed up with the Coalition for Sensible Taxpayers of Marin and that they may submit an application. There was discussion among the Committee about recruiting additional members for the taxpayer association and community-at-large positions, as the two community-at-large members will term out in 2023.

XIII. NEXT MEETING DATES

The Committee reviewed the next meeting dates and agreed that no changes to the schedule were needed. The next meeting will be an in-person meeting at the Kentfield campus, pending guidance and protocols related to the pandemic and in-person meetings.

XIV. FUTURE AGENDA ITEMS

The Committee requested additional details on the planning process and timeline for the LRC. The Committee asked for additional details on District Staff Program Management. The Committee requested to add insurance coverage to the next agenda.

XV. ADJOURNMENT

The meeting was adjourned at approximately 5:57 P.M.