



Proposition R



At Work!

Southwestern Community College District

Proposition R Citizens' Bond Oversight Committee September 19, 2012

MINUTES

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m. and members and resource staff introduced themselves.

Members Present: Joe David Casillas, Thomas Davis, Adela Garcia, Israel Garza, Edward Gutierrez, Matt Kriz

Members Absent: Nicholas Segura, Jr.

Staff Present: Steve Crow, Melinda Nish, Bob Temple, Lillian Leopold

Guest: David Casnocha of Stradling Yocca Carlson & Rauth

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES OF JUNE 21, 2012 (ENCLOSURE)

Motion: Kriz; Second: Davis. Unanimous approval. Abstentions by new members.

4. BOND COUNSEL – REVIEW OF BYLAWS AND RESPONSIBILITIES

David Casnocha of Stradling Yocca Carlson & Rauth, provided a history of College bonds. Mr. Casnocha is bond counsel to 61 of the 72 California College bonds issued. An overview of Prop 39 was also given.

Mr. Casnocha will send the amended Bylaws to Steve for submission to the Governing Board for approval.

Duty to inform public and board – expenditures of bond proceeds. Should be satisfied by the annual report. Through the Chair – the committee supplies information to the community,

The annual report must contain this statement “in the committee’s view bond proceeds were expended for purposes approved in the constitution (acquisition, construction, renovation of school facilities and for purposes of the authorization) and no funds were used for inappropriate teacher or administrator salaries or other operating expenses of the District. The annual report should contain a letter from the Chair of CBOC containing this statement.

The Annual Report of the committee is submitted to the Governing Board after the committee has reviewed the Prop R audit. Most oversight committees do not submit their annual report until the audit has been submitted to them. It was suggested that the committee invite auditors to attend a meeting and make a presentation to the committee providing details of how they conduct an audit of Prop 39 (R).

CBOC website maintained by the District should contain a minimum of: the full ballot text, ballot language for Prop R, Facilities Master Plan, minutes of meetings, copies of expenditure reports, committee members list. Committee members should control the contents of their website.

Steve can email bond counsel to confirm the appropriateness of certain projects if questions arise.

Potential legal risks for committee members was discussed. Oversight committee should be named as ‘additional insured’ under the District’s general liability insurance policy. Or hold harmless.

5. ELECTION OF OFFICERS

Steve opened the floor to nominations for Chair and Vice Chair.

Tom Davis nominated Matt Kriz for the position of Chair.

Joe Casillas seconded the motion.

The vote was unanimous in favor of nominating Matt Kriz for the position of Chair of the CBOC.

Joe Casillas nominated Nicholas Segura for the position of Vice Chair.

Israel Garza seconded the motion.

The vote was unanimous in favor of nominating Nicholas Segura for the position of Vice Chair of the CBOC.

6. UPDATE ON PROP R EXPENDITURES

Nirav Desai presented a PowerPoint update of Prop R expenditures and progress of projects.

Balfour Beaty will be Contract Manager at Risk.

7. DRAFT FORMAT FOR CBOC ANNUAL REPORT

Lillian Leopold presented a sample of what the future annual report could look like. Multi-fold document including: message from the chair, information from auditors, inside lists committee meetings – include highlights; illustrate some expenditures, pictorial representation of the year’s

projects; backside – overall info about SWC / overall info about Prop R / list GB members, committee members.

Audits are expected to be completed by early November. A draft of the annual report will be reviewed by the committee to obtain feedback.

8. OTHER ITEMS

None.

9. COMMITTEE COMMENTS / REQUESTS

Chair Kriz requests that Steve work with legal counsel to be sure the committee is listed as Additional Insured on the District's general liabilities insurance policy.

Mr. Casnocha's recommended changes to the bylaws will be sent to the committee by Steve Crow (via email) prior to being sent to the Governing Board for approval.

Comments of appreciation were made regarding Mr. Casnocha attending the meeting for the review of the bylaws and responsibilities.

If there are any updates regarding expenditures being reimbursed to Prop R (due to legal issues) that information will be shared with the committee. The committee was reminded that the pending legal issues were due to procurement of some contracts – not the expenditures of bond proceeds themselves.

10. ADJOURNMENT

The meeting was adjourned at 7:38.