



SOUTHWESTERN COLLEGE

Melinda Nish, Ed.D.
Superintendent/President

Governing Board

Norma L. Hernandez
Tim Nader
Humberto Peraza, Jr.
Jean Roesch, Ed.D.
Terri Valladolid

**SOUTHWESTERN COMMUNITY COLLEGE DISTRICT
PROPOSITION R CITIZENS' BOND OVERSIGHT COMMITTEE**

Monday, May 21, 2012

Members: Joe David Casillas, Thomas Davis, Claudia Duran, Matt Kriz, Nicholas Segura, Jr., Ditas Yamane

Resource Staff: C.M. Brahmbhatt, (Consultant, SWC), John Brown (Director of Facilities, Operations and Planning), Melinda Nish, Ed.D. (Superintendent/President), Robert Temple (Consultant, SWC),

Date: Monday, May 21, 2012
Time: 6:00 p.m.
Place: Southwestern College
900 Otay Lakes Road
Chula Vista, CA 91910
Room L246

Persons wishing to address the Committee should complete a Request for Public Comment card (available at the reception table) and indicate on the card if they wish to speak under Public Comment, or when a specific agenda item is considered. Cards should be submitted to the secretary prior to the start of the meeting. An oral presentation to the Committee does *not* constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may *briefly* respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."

D R A F T A G E N D A

ITEM

1. CALL TO ORDER – ROLL CALL
2. PUBLIC COMMENT
3. REVIEW OF CBOC BY-LAWS (2 ENCLOSURES)
4. CBOC MEMBERS / REVIEW OF TERM, RECRUITMENT, CHAIR, VICE-CHAIR (2 ENCLOSURES)
5. TIMELINE OF PROP R 2011-2012 REPORT
6. TIMELINE OF PROP R FOR 2012-2013
7. FUTURE MEETING SCHEDULE
8. OTHER ITEMS
9. COMMITTEE COMMENTS / REQUESTS
10. ADJOURNMENT

Enclosure #1

Agenda Item #3

CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS

Section 1. Committee Established. The Southwestern Community College District (the "District") is conducting an election on November 4, 2008 (the "Election"), and seeking authorization from the District's voters to issue up to \$389,000,000 aggregate principal amount of the District's general obligation bonds (the "Authorization"). The Election is being conducted under Proposition 39, chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is obligated to establish the Committee in order to satisfy the accountability requirements of Prop 39. The Governing Board of the Southwestern Community College District (the "Board") hereby establishes the Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws as well as set forth in Resolution of the Board ("Election Resolution"). The Committee does not have independent legal capacity from the District.

Section 2. Purposes. The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall also be charged with responsibilities as set forth in the Election Resolution, which is incorporated herein in its entirety. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under the Authorization. Expenditure of other facility monies generated from other sources shall fall outside the scope of the Committee's review. However, to the extent that facilities are financed with a combination of monies from the Authorization and other non-bond funds, such projects and expenditures shall be subject to Committee oversight and review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform the following duties:

3.1 **Inform the Public.** The Committee shall inform the public and the Board concerning the District's expenditure of bond proceeds.

3.2 **Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in the Authorization; and (b) no bond proceeds were used for any teacher or administrative salaries or other operating expenses.

3.3 **Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and

(b) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board and/or Superintendent/President. While the Board or the Superintendent/President, as the Board shall determine, shall have the following powers reserved to it, the Committee shall have the right to provide input to both the Board and Superintendent/President on the following activities:

- (i) Approval of construction contracts,
- (ii) Approval of construction change orders,
- (iii) Expenditure of construction funds,
- (iv) Approval of construction plans and schedules,
- (v) Approval of all deferred maintenance plans, and
- (vi) Approval of the sale of bonds.

3.5 Voter Approved Projects Only. (i) Subject to the provision (ii) below, in recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

(a) Projects exclusively financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.

(b) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.

(c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.

(d) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(e) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

(f) With respect to the activities described in paragraph (b), (c), (d) and (e) above, the Committee shall have the right to provide advice and input to the Board and Superintendent/President.

Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3.0, the Committee shall engage in the following authorized activities:

(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.

(b) Inspect college facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Superintendent/President.

(c) Review copies of deferred maintenance proposal or plans developed by the District.

(d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

(e) Comment on proposed projects approved by the Authorization and offer advice to the District on aspects of such projects.

Section 5. Membership.

5.1 Number.

The Committee shall consist of a minimum of seven (7) members appointed by the Governing Board from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) student enrolled and active in a community college support group, such as student government.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member active in a support organization for Southwestern College, such as a foundation or advisory council.
- Two (2) members of the community at-large. One at-large position will be given preference to an individual active in a veterans association or advocacy.

In addition, a majority of the members of the Committee shall possess expertise in one or more of the following areas:

- (i) large scale construction operations;

- (ii) municipal/public finance matters;
- (iii) multiple years expertise with agency/entity budgeting (which may include public agency or public entity budgeting);
- (iv) construction related project management; and
- (v) real estate acquisition or sales.

5.2 Qualification Standards.

(a) To be a qualified person, he or she must be at least 18 years of age and, wherever possible, reside within the boundaries of the District.

(b) The committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing on the date of the first meeting of the Committee. No member may serve more than two (2) consecutive terms. At the Committee's first meeting, members will draw lots or otherwise select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term.

5.5 Appointment. Members of the Committee shall be appointed by the Board at a regularly scheduled, properly noticed public meeting through the following process: (a) appropriate local groups will be solicited for applications; (b) the Superintendent/President or his or her designee will review the applications; (c) the Superintendent/President or his or her designee will submit the qualifications of each applicant to the Board and make appointment recommendations to the Board, and (d) the Board shall appoint members following public disclosure of each applicant's qualifications and soliciting public comment on all of the nominees.

5.6 Removal; Vacancy. The Board may remove any Committee member for cause, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with any District ethics policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process set forth in Section 5.5 above shall fill any vacancies on the Committee. Vacancies shall be filled within 90 days from the initial date of each such vacancy.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District, and (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee is required to meet at least once a year but may meet more often as the Committee shall determine, but no more frequently than monthly.

6.2 Location. All meetings shall be held within the boundaries of the Southwestern Community College District.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

Section 7. District Support.

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(a) preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;

(b) provision of a meeting room, including any necessary audio/visual equipment;

(c) preparation and copies of any documentary meeting materials, such as agendas and reports; and

(d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

7.2 District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

7.3 No bond proceeds shall be used to provide District support to the Committee.

Section 8. Reports. In addition to the Annual Report required in Section 3.2, the Committee shall report to the Board from time to time in order to advise the Board on the activities of the Committee. The Annual Report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Superintendent/President shall appoint the initial Chair to serve for an initial one (1) year term. The Committee shall elect an initial Vice-Chair. Thereafter, the Committee shall elect a Chair and a Vice-Chair who shall act as chair only when the Chair is absent

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a two-thirds vote of the Board.

Section 11. Termination. The Committee shall automatically terminate and disband 180 days following the date when all bond proceeds which could be raised under the Authorization have been spent.

Enclosure #2

Agenda Item #3

EDUCATION CODE

SECTION 15278-15282

15278. (a) If a bond measure authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution is approved, the governing board of the school district or community college shall establish and appoint members to an independent citizens' oversight committee, pursuant to Section 15282, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.

(b) The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. The citizens' oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

(1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses.

(c) In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:

(1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(3) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.

(5) Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:

(A) Mechanisms designed to reduce the costs of professional fees.

(B) Mechanisms designed to reduce the costs of site preparation.

(C) Recommendations regarding the joint use of core facilities.

(D) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.

(E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

15280. (a) The governing board of the district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the citizens' oversight committee.

(b) All committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board. The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet website maintained by the governing board.

15282. (a) The citizens' oversight committee shall consist of at least seven members to serve for a term of two years without compensation and for no more than two consecutive terms. While consisting of a minimum of at least seven members, the citizens' oversight committee shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the district.

(2) One member shall be active in a senior citizens' organization.

(3) One member shall be active in a bona fide taxpayers' organization.

(4) For a school district, one member shall be the parent or guardian of a child enrolled in the district. For a community college district, one member shall be a student who is both currently enrolled in the district and active in a community college group, such as student government. The community college student member may, at the discretion of the board, serve up to six months after his or her graduation.

(5) For a school district, one member shall be both a parent or guardian of a child enrolled in the district and active in a parent-teacher organization, such as the Parent Teacher Association or schoolsite council. For a community college district, one member shall be active in the support and organization of a community college or the community colleges of the district, such as a member of an advisory council or foundation.

(b) No employee or official of the district shall be appointed to the citizens' oversight committee. No vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. Members of the citizens' oversight committee shall, pursuant to Sections 35233 and 72533, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code.

Enclosure #1

Agenda Item #4

Proposition R Oversight Committee Membership

CONSTITUENCIES:

- **Business Representative = BR**
(Active in a business organization representing local business)
- **Senior Citizen Group Representative = SCG**
(Active member in a senior citizens' organization)
- **Taxpayer Organization Member = TOM**
(Active in a bona fide taxpayers' association)
- **Student = ST**
(In District and Active in Student Government)
- **Advisory or Foundation** (Active in Organization Supportive of the College, such as Advisory Council or Foundation= **AF**)
- **At-Large Community Member** (Resident of the Southwestern Community College District) = **CM**

Dave Adams (**BR**)
3062 Anderson St.
Bonita, CA 91902
bldr@cox.net
Home: (619) 479-3171
Work: (619) 990-1007
Fax: (619) 434-5374
2 year term beginning:
July 28, 2010

Joe David Casillas (**SCG**)
1060 Calma Drive
Chula Vista, CA 91910
joecrealty@sbcglobal.net
Home: (619) 421-5645
Work: (619) 708-1270
Fax: (619) 421-1841
2 year term beginning:
July 13, 2011

Matt Kriz (**TOM**)
4120 Country Trails Lane
Bonita, CA 91902
KrizKru@yahoo.com
Matt.Kriz@DC36.org
Home: (619) 656-1732
Work: (619) 397-8935
2 year term beginning:
July 13, 2011

Nicholas J. Segura, Jr. (**CM**)
24 Walnut Drive
Chula Vista, CA 91911
nicholassegura@gmail.com
Home: (619) 427-4897
Work: (619) 395-3931
2 year term beginning:
July 13, 2011

Claudia Duran (**ST**)
3055 Wittman Way
San Ysidro, CA 92173
duran.claudia@ymail.com
Home: (619) 934-8494
ASO: (619) 482-6443
Fax: (619) 482-6493
2 year term beginning:
November 22, 2010

Thomas Davis (**AF**)
1657 Gotham Street
Chula Vista, CA 91910
kirraka@aol.com
Home: (619) 421-6577
Cell: (619) 227-1691
2 year term beginning:
July 13, 2011

Ditas Yamane (**CM**)
1808 East 16th Street
National City, CA 91950
ditasyamane@cox.net
Cell: (619) 921-5125
Work: (619) 474-2500
Fax: (619) 474-6888
2 year term beginning:
July 28, 2010

Enclosure #2

Agenda Item #4

**SOUTHWESTERN COMMUNITY COLLEGE DISTRICT
APPLICATION FOR CITIZENS' OVERSIGHT COMMITTEE**

(Please Print or Type)

Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

FAX #: _____ E-Mail: _____

Why do you want to serve on the Proposition R Citizens' Oversight Committee?

Do you have any special area of expertise or experience in the following areas that you think would be helpful to the committee: (i) large scale construction operations, (ii) municipal/public finance matters, (iii) multiple years expertise with agency/entity budgeting (which may include public agency or public entity budgeting), (iv) construction related project management, or (v) real estate acquisition or sales?

If you have served on other school district, college, or city or community committees please list and briefly describe your role:

I would be able to represent the following constituencies in the District: *(check all that apply)*

- Business Representative** - Active in a business organization representing local business
Organization: _____
- Senior Citizen Group Representative** - Active member in a senior citizens' organization.
Organization: _____

Taxpayer Organization Member - Active in a bona fide taxpayers' association.
Organization: _____

Student in District and Active in Student Government.

Active in Organization Supportive of the College, such as Advisory Council or Foundation

Organization: _____

At-Large Community Member – Resident of the Southwestern Community College District.

Please note any additional information you feel should be considered as part of your application:

1. Are you an employee of the College?*
2. Are you a vendor, contractor, or consultant to the school district?*
3. Do you have conflicts that would preclude your attending quarterly meetings?
4. Do you know of any reason, such as a potential conflict of interest, which would adversely affect your ability to serve on the Citizens' Oversight Committee?*
5. Are you willing to comply with the ethics code included in the Bylaws?
6. Have you ever served on any Southwestern College committee, task force, etc? If so, what committee(s), and when? _____

YES	NO

7. Do you believe it is desirable to the extent allowed by law, to encourage the hiring of local labor for Prop R Projects? Please explain your views, if any.

8. Please share any ideas you have for promoting local hiring.

(*Employees, vendors, contractors, and consultants of the Southwestern Community College District are prohibited by law from being members of the Citizens' Oversight Committee. Employment which could result in becoming a contractor or subcontractor to the district would also be a potential conflict.)

Signature of Applicant

All answers and statements in this document are true and complete to the best of my knowledge.

Signature _____ Date _____

Completed applications must be received in the office of:
Vice President for Business & Financial Affairs
Southwestern Community College District
900 Otay Lakes Road
Chula Vista, CA 91910
or faxed to (619) 482-6592
no later than at 4:30 pm, June 8, 2012

If you have any question please call the Southwestern Community College District at
(619) 482-6311

It is the policy of the Southwestern Community College District not to unlawfully discriminate on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, color, religion, marital status, age or mental or physical disability in the educational programs or activities which it operates.

SAMPLE