



SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
Bond Oversight Committee
March 16, 2023, Meeting Minutes
District Office, Board Room
3401 CSM Drive, San Mateo, CA 94402

Members Present

Rosanne Foust
Anne Campbell
Maxine Turner
Shelley Kessler
Mark Waissar

Chair
Vice Chair

Members Absent

Michael Duncheon

Member Vacancies

Support Organization
Student Representative

District Staff Present

Michael Claire	Chancellor
Dr. Melissa Moreno	President of Skyline College
Bernata Slater	Chief Financial Officer
Peter Fitzsimmons	District Budget Officer
Richard Storti	Executive Vice Chancellor, Administrative Services
Marie Mejia	Interim Director of Capital Projects
Michele Rudovsky	Chief Facilities & Operations Officer
Naomi Ichikawa	Sr. Accounting Technician, Facilities Planning Dept.

Other Panelists Present

Chris Lynch	Jones Hall
Jeff Scogin	A Kennedy Group
Candy Ellis	A Kennedy Group

Call to Order

Ms. Foust called the meeting to order at 2:24 p.m.

Roll Call / Attendance

A quorum was established.

Members present: Ms. Campbell, Ms. Turner, Ms. Foust, Mr. Waissar, Ms. Kessler

Members not present: Mr. Duncheon

Approval of Agenda

A motion was made by Ms. Kessler and seconded by Ms. Campbell to approve the agenda. The agenda was unanimously approved.

Ayes: Ms. Campbell, Ms. Terner, Ms. Foust, Ms. Kessler, Mr. Weissar

Approval of the February 8, 2023, Meeting Minutes

Ms. Terner requested that she be listed as excused from the February 8, 2022 meeting rather than being marked as absent as she sent an email notifying the committee in advance that she would not be available to attend the meeting at the scheduled date and time. She also noted two corrections to the minutes that should be made to remove her as a having voted on agenda items. A motion was made by Ms. Kessler and seconded by Ms. Campbell to accept the minutes as presented with the requested modifications. The meeting minutes were unanimously approved.

Ayes: Ms. Campbell, Ms. Terner, Ms. Foust, Ms. Kessler, Mr. Weissar

Public Comment

There were no public comments.

Communications Received by the Committee

Ms. Foust provided printed copies of two separate email correspondences that the committee received; one from Ms. Terner and the other from Mr. Weissar.

Staff Reports

Mr. Claire announced that this would be his last CBOC meeting due to his retirement. He announced Dr. Melissa Moreno as the Interim Chancellor, effective April 1, 2023. She is currently the President of Skyline College.

Mr. Claire addressed the civil lawsuit that has been filed by the District as well as the on-going criminal investigation. He stated that he did not have any additional information related to these matters that has not already been reported on in the media. Mr. Claire did want the committee to know that the District had cooperated fully with the District Attorney and the Board of Trustees and District leadership were complemented by the District Attorney for their extraordinary cooperation. He was unable to comment on the civil suit as it is in active litigation and the details are to only be discussed in closed session by the Board of Trustees. The decision to file the civil suit was Board directed. The attorney that is representing the District is working on a contingency basis so there will be no cost to the District or the taxpayers. Mr. Claire reminded the committee that the improprieties are still considered "alleged" as they still need to be tried in a court of law. As a proactive measure, the District has authorized the hiring of an internal auditor that will report to the Board of Trustees.

Committee Policies Review and Training

Ms. Foust introduced Chris Lynch of Jones Hall and provided a summary of what he would be covering. Mr. Weissar asked for clarification on who Jones Hall is and who pays them. Mr. Lynch responded that Jones Hall is bond counsel to the District, they are paid on contingency, and the presentation is part of the technical support services provided. He reviewed his presentation with the committee. Ms. Foust asked Mr. Lynch to expand on the point of post-expenditure review responsibility. He reiterated that the committee's job is to review actual expenditures, ask questions and report to the public. Ms. Terner expressed her opinion that the San Mateo County voters were not provided adequate, specific project list information. Ms. Foust pointed out that defining the projects that will be funded by the bond per the ballot language is the purview of the Board of

Trustees, not the committee's. Ms. Campbell noted the legal language referenced on the presentation referring to specificity of types of projects the money can be spent on, not specific projects, and as such the committee is fulfilling its role. Ms. Turner would like to see what projects were built under which categories in the ballot language. Ms. Campbell asked Ms. Turner if she had gone to the Board of Trustees and presented her concerns. Ms. Turner stated she had. Ms. Foust reminded the committee of the project updates and financial reports that are included in every CBOC meeting packet which address the project list and associated expenses. Mr. Lynch concluded his presentation with an update on Brown Act compliance.

A discussion regarding the on-going lawsuits and the role of the committee followed. Mr. Waissar expressed his outrage over the improprieties alleged in the lawsuit and his surprise that there was not more collective outrage. Ms. Foust pointed out that it was his assumption that there was not outrage but the role of the committee needed to be followed. Mr. Waissar stated that it was hard to talk about technicalities of breaking the law with Brown Act violations when there is corruption, theft, and real graft here. Ms. Foust replied that she has to believe in the Board of Trustees, who were elected by the voters, to do their job; they filed a civil suit and are having closed session meetings. Mr. Waissar responded that, having read the documents, he has zero confidence in the effectiveness of the Board. Ms. Turner found it interesting that Jones Hall referenced CABOC (California Association of Bond Oversight Committees) in the presentation since she had brought them up several times to the committee as an organization that truly represents the taxpayers. Ms. Turner also stated that she trusts the Board, but the committee's job is not to be a rubber stamp. Ms. Campbell addressed some of Mr. Waissar's comments. She pointed out that the current Board is not the Board that was sitting in the time of the alleged criminal activity. She expressed sadness, as she knows the people involved, but that would not affect her role on the committee. Chancellor Claire agreed with Ms. Campbell. He pointed out that there is Board policy regarding the committee's activities and unless those policies change, though it may be frustrating, they must be followed. Mr. Waissar applauded the good people on the committee, and on the Bond Program team. His outrage is toward the criminal and the alleged criminal in the lawsuits. Ms. Foust asked Mr. Lynch if he had anything to add. He pointed out that the committee has effective tools to do the job well.

Ms. Turner asked Mr. Lynch for clarification on conflicts of interest for serving on the committee. He responded that committee members can not have any financial interests or inconsistent or conflicting duties with the role of the committee. District employees, vendors, contractor or consultants to the District are prohibited from serving on the committee. Ms. Kessler pointed out construction unions do not have control or the power to impact the decisions being made by the general contractors on the projects.

Update on Capital Improvement Program (CIP3)

Ms. Mejia reviewed the presentation with the committee. Ms. Foust commented that she attended the Skyline College President's Breakfast and it was refreshing to see the music and arts, and the general excitement of students to be on campus. Mr. Waissar thanked Ms. Mejia for her detailed report.

Program Financial Reports

Mr. Scogin reviewed the FY2022-2023 Q2 financial. Ms. Turner requested that project management costs be identified as separate line item. Mr. Scogin reminded the committee that a report showing project management costs was previously produced and at that time, the committee was asked if they would like it as part of the regular suite of reports going forward and it was declined. Ms. Foust

requested that the report be brought back as an agenda item at the next meeting so the committee can once again decide if they would like to see it regularly. She also requested that Ms. Mejia be prepared to discuss repairs and extending the life expectancy of certain buildings. It was requested that Ms. Turner be given the previously prepared information that addressed repair projects versus capital improvement projects.

A motion was made by Mr. Waissar and seconded by Ms. Kessler to accept the FY2022-2023 Q2 financial reports. The reports were unanimously approved.

Ayes: Ms. Campbell, Ms. Turner, Ms. Foust, Ms. Kessler, Mr. Waissar

Given that Ms. Foust needed to leave for another meeting, the committee agreed to jump forward in the agenda to Agenda Item 11 to set the next meeting date.

Proposed Next Meeting Date

Mr. Waissar informed the committee that this would be his last meeting. Ms. Foust asked him to consider staying on. It was confirmed that the next meeting date of June 15, 2023 had already been agreed upon. Ms. Kessler stated that she would not be available to attend the June meeting as scheduled. Ms. Turner suggested adding an agenda item to discuss reducing frequency of committee meetings to two per year and that a tour be an annual part of the committee's activities. The committee agreed that a tour on Canada College campus would be provided at the June 15, 2023 meeting.

Committee Membership Review

Ms. Foust pointed out the current committee vacancies and stated that a new member was scheduled to be presented to the Board of Trustees for appointment at the March 22, 2023 Board meeting.

Ms. Foust handed the meeting off to Vice Chair Campbell and left the meeting. Mr. Scogin resumed his presentation of the Program Financial Reports.

Program Financial Reports (resumed)

Mr. Scogin reviewed Bond List Revision #13. He pointed out the last page of the report which lists the types of projects based on the ballot language. Mr. Scogin reminded the committee that the project list contains a matrix that ties each project back to the ballot language and that report can be brought back to the committee for additional review. Ms. Turner requested that the report be reorganized such that the projects are listed under the ballot language types of projects. Ms. Kessler voiced her interest in timelines for safety and ADA projects. Ms. Mejia pointed out only \$3M of the almost \$29M is bond funded and there is a 10-year ADA Implementation plan in place. Chancellor Claire reiterated that consultants were brought in to develop the plan. Ms. Rudovsky added that they are prioritizing projects and they are planning to bring a briefing to the committee in September. It was pointed out that the ADA Implementation Plan is on the District's website for anyone to review and the link to the plan was previously provided to the committee.

Future Agenda Items

Ms. Campbell asked if anyone wanted to add any items to the future agenda. No additional items were added that had not already been mentioned during the meeting.

Adjournment

Ms. Campbell adjourned the meeting at 4:10 PM.