



City College of San Francisco

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SAN FRANCISCO COMMUNITY COLLEGE DISTRICT CITIZENS' BOND OVERSIGHT COMMITTEE PROP A 2001 / PROP A 2005 / PROP A 2020

MINUTES

WEDNESDAY, May 13, 2022

Via Zoom Video Conference

- 1. Call to Order:** A.J. Thomas (Chair), called the meeting to order of the Citizens' Bond Oversight Committee (CBOC) at 1:04 P.M. on May 13, 2022. In response to the COVID-19 state of emergency, the meeting was held via video conference.
- 2. Roll Call:** A quorum was established via roll call.
Members present: A.J. Thomas (Chair), Peter Gallegos, Orlando Galvez, Christine Hanson, Shannon Lampkins-Jones, Linda Fadeke Richardson, Steven Tang, Han Zou, Dennis Kelly (Vice Chair) (1:26 P.M.)
Members not present: Thomas Havey, Rafael Musni
- 3. Approval of the Agenda for May 13, 2022:** There was a motion to adopt the agenda (Richardson/Zou). Public comment on this item was made by the following:
 1. Harry Bernstein – Questioned the time allotment for the Annual Report Presentation (Item 9)
 2. Wynd Kaufman - Questioned the time allotment for the Annual Report Presentation (Item 9)It was noted that the time allotment was a typo, that it was supposed to be 30 minutes.

There was a motion to amend the agenda on the time allotment for Item 9 from 10 minutes to 30 minutes (Richardson/Hanson). The amended agenda was approved via roll call vote.

Ayes: Thomas, Gallegos, Galvez, Lampkins-Jones, Hanson, Richardson, Tang, Zou (8)

Nays: 0

Abstentions: 0

- 4. Resolution Permitting Online Meeting (AB 361):** There was a motion to adopt the Resolution continuing the Committee's authority to hold virtual meeting pursuant to AB 361 (Hanson/Richardson).

Public comment on this item was made by the following:

1. Harry Bernstein – Encouraged the committee to plan ahead with hybrid meetings for better public access once in-person starts again.

The resolution was approved via roll call vote.

Ayes: Thomas, Gallegos, Galvez, Hanson, Lampkins-Jones, Richardson, Tang, Zou (8)

Nays: 0

Abstentions: 0

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5. **Approval of the Meeting Minutes for February 23, 2022:** There was a motion to approve the minutes as presented (Richardson/Hanson).

Public comment on this item was made by the following:

1. Harry Bernstein – Questioned lack of detail for public comment sections in prior minutes.

Member Hanson agreed that for public comments, the minutes should state what the person has said.

Chair Thomas said he would reach out to staff to ensure we have a more robust accounting of public comment for future meetings.

Ms. Kennedy noted Brown Act does not require a certain level of detail. That is left up to the direction of the committee. If the committee would like to see more detail, the minutes can reflect that.

Chair Thomas opened the floor to the committee to dialog on the level of detail for public comments in the meeting minutes.

Member Richardson said she would like Chair Thomas to meet with staff.

Member Hanson said she would like to see some reference to the content of what the public is speaking to in the minutes.

Member Tang said he would like to see the committee minutes be in line with the standard of other public meetings such as the Board of Trustees.

Chair Thomas would like this committee's minutes to be in line with what the District is doing, as well. So, moving forward, the committee will align the minutes to reflect the District standard practice. He will come back to the next meeting with a summary on that.

There was a motion to adopt the minutes as presented (Tang/Hanson). The minutes were approved via roll call vote.

Ayes: Thomas, Gallegos, Galvez, Hanson, Kelly, Lampkins-Jones, Richardson, Tang, Zou (9)

Nays: 0

Abstentions: 0

6. **Updates from the Chair:** Chair Thomas thanked the committee for attending today.
- a. Communications Received via Website Portal – Mr. Scogin read a comment submitted on the website. Written comment submitted by Ms. Leslie Simon:
“My concern with the recent draft report from the bond oversight committee is that it shows the Gough Street Relocation, and the police and Dean’s move are being paid for by the bond when they weren’t on the project list. It even names those expenses as projects. Also, the report completely leaves out the audit finding of \$136,000 of bond spending going for illegitimate administrator salaries. Is City College misusing bond money? Will the Performing Arts & Education Center, which has appeared on the last three bonds, be canceled again because of overspending on other projects?”

Chair Thomas thanked the working group for their effort on the Draft Annual Report. He also pointed out Agenda Item 13, Next Meeting’s Agenda Topics, and asked members to consider what they might like to see under that heading for agenda topics.

7. **Public Comment on Non-Agenda items:** Chair Thomas opened the Public Comment period and each speaker was allocated one minute to speak.

Public comment on this item was made by the following:

1. Harry Bernstein – Suggested the committee meet more often since they often run out of time and

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suggested looking at current expenses at least quarterly, not just after the audit comes out.

8. 2001/2005 & 2020 Financial & Performance Audits Fiscal Year 2020-2021 Status Update:

Vice Chancellor John al-Amin gave a status update on the Fiscal Year 2020-2021 audits. The audits have been completed. He will be taking them to both the budget and audit committees as well as to the facilities subcommittee for their review prior to going to the Board. There are no significant findings in the audits except one recurring item which was brought up about the prior use of bond funds towards administrative or other salaries that weren't related to the bond. The College has resolved those issues so that it is in compliance; the College repaid those funds that were used. Processes were implemented this year to ensure that any salaries that are charged against any of the bond funds are commensurate with bond related duties and activities and is reflected in the audit reports as such. One other comment that came up is consistency of bond expenditures with the language of the bond measures. There was nothing notated in this year's reports that indicates that anything has been done that is inconsistent with the language of those two measures; he committed to having them rechecked and confirmed with bond counsel, if needed, to confirm compliance and pull the language and report at the next meeting. The committee will receive a copy of the audit when it is provided to the Board.

Chair Thomas thanked Vice Chancellor al-Amin for his summary. He asked for clarification about the previous finding and whether there was one on the 2020-2021 audit. Vice Chancellor al-Amin clarified that the finding referenced in the 2020-2021 audit was an update to indicate the prior year audit finding had been resolved. There were no findings for the FY2020-2021.

Chair Thomas noted that the audit report is coming out later than usual and asked what caused the delay.

Vice Chancellor al-Amin stated that the backlog due to Covid has delayed everything and that they are trying to get back to the regular schedule where audits are completed in December/January and presented in January/February.

Member Zou asked, in reference to the salary issue, if Vice Chancellor al-Amin could elaborate what steps have been taken to rectify the issue and what those are that will prevent this from happening in future fiscal years.

Vice Chancellor al-Amin stated that the issue was that a position control wasn't in place previously; position control means essentially anyone who was allocated to a specific fund source has duties and responsibilities associated with it. With a position control in place now, there are checks and balances to make sure that it doesn't happen again.

Member Richardson requested that the expenditures that were paid outside of the approved parameters for the bond measure be itemized, the amounts to specific year and into what account was it repaid.

Vice Chancellor al-Amin stated that he believed there was a misunderstanding. There have been no projects that have spent funds inappropriately that are not within the audit. His comment was that there was a public comment that there were projects reflected in our report, which are were not included in the language of the bonds and my response to the committee was that we have no audit finding to support that any of the bond funds from 2001 2005 or 2020 have been spent on projects that are not within the language of the bond measure. There's no issue on that point, but we will go back and validate that, in fact, these projects are consistent with the bond language. The question is about the salaries from the 2019-2020 audit which was approximately \$142K and this was reflected in last year's audit. Upon receiving the audit, the district made a like payment back into the bond in order for the bond funds to remain whole.

Member Richardson stated that based on what Vice Chancellor al-Amin mentioned for the \$142K, he had correctly identified that the information would be appropriately reflected on that 2020 report, so there was no

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issue.

Vice Chancellor al-Amin agreed and went on to state that the only reason why it's reflected in the 2020-2021 report is because the auditor reports point out any prior year findings to verify whether they are carry-over findings, or if they have been resolved, and so in this year's report for 2020-2021 the item has been noted as resolved.

Member Hanson stated that, previously, the auditors indicated they needed a specific request to test a specific expense against the bond. In light of public comment about Gough Street, she requested to see those specific expenses run through the test for compliance with the project list with the auditors.

Dr. John al-Amin in response to Christine Hanson's question regarding Gough Street's bond allowability:

"We can take a look and see what was on that project list and see if Gough Street was included; and see exactly if in fact, it is along the lines of what was included; but, as I pointed out previously, most bond language does not provide specific projects. It needs to be incorporated in the district project list after the bond is approved. And if the project list indicates Gough Street, which I wasn't here but I'm going to presume that it was included, then the auditors can go back and look and see if, in fact, everything that was listed on that project list, which includes Gough, if those expenditures were in line. Again, the project itself doesn't necessarily outline projected expenditures for the project. It doesn't say necessarily... the project list doesn't state, specifically the work to be done and that's normally not included in any ballot language. But, we will go back, and we'll have them test and look at the project and see if, in fact, if there's any irregularities that were proposed in the expenditures for Gough Street."

Vice Chair Kelly requested a written report be provided regarding everything Vice Chancellor al-Amin said about the \$142,104; what accounts, where and when it was returned and what account numbers.

Vice Chancellor al-Amin stated that the audit report provides some of the specifics, but they can look and see what detail can be provided; whatever detail is allowable will be provided that to the Committee.

Vice Chair Kelly thanked Vice Chancellor al-Amin and stated that it's not a matter of whether it's appropriate; it is appropriate to this committee and it's a matter of having a report in writing that can be part of the committee's business going forward. He then asked when a finding is referred to in the audit, if it is listed specifically as a finding.

Vice Chancellor al-Amin replied that, yes, it was listed as a finding.

Vice Chair Kelly thanked Vice Chancellor al-Amin again and stated that the committee looked forward to seeing that also.

Chair Thomas thanked the Vice Chancellor for coming in and answering these questions and the follow up that is likely to come out of the member requests.

Member Galvez asked how the Committee will be given access to the information Vice Chancellor al-Amin is going to provide from the member requests.

Vice Chancellor al-Amin stated that the 2019-2020 Audit Report is a public document and is available online. Since the error was noted in the 2019-2020 Audit report and has been corrected, he did not feel it would be appropriate to provide more personal information of the administrators who probably did not know that their salaries were being charged to the bond.

Chair Thomas stated that he didn't believe anyone had requested individual names, just written documentation

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of the paying out of the salaries and the replacement of those funds.

Vice Chancellor al-Amin stated that he could provide a summary sheet of where the funding came from that was repaid, the funding that was basically identified as being erroneous.

Chair Thomas stated that if there is any sort of written summary that Vice Chancellor al-Amin could put ahead of it just sort of explaining what will probably look like a spreadsheet that'd be helpful, just a simple one pager.

Member Richardson stated that she did not believe the Committee was looking for individual names as that would violate people's privacy.

Vice Chair Kelly stated that was not interested in individual names until the Committee were told they couldn't have them.

Chair Thomas asked that Vice Chancellor al-Amin include with his summary letter and basic accounting information, an explanation of why he doesn't feel it would be appropriate to share individual names and salaries. Then the Committee would have that response letter to evaluate and make a decision. He asked Vice Chair Kelly if that would be satisfactory.

Vice Chair Kelly agreed that would be satisfactory and noted one of the members asked if we could at least know which departments were involved in the payment.

Vice Chancellor al-Amin stated it was the Chancellor and the Deputy Chancellor's office, and they are no longer here.

Chair Thomas asked Vice Chancellor al-Amin if he would provide the basic accounting with the explanatory letter for the Committee to review at the next meeting. If the Committee members are looking for something more robust, a follow up discussion can occur at that time.

Member Hanson stated that she remembered a past discussion between Vice Chancellor Sond and Mr. Casnocha, saying the Vice Chancellor relied on Mr. Casnocha to tell him whether an expense was inappropriate or not and asked if anyone talked to the bond lawyer about this.

Vice Chancellor al-Amin stated that the auditors look at permissible and allowable uses. It was agreed that these were not permissible based upon the duties that were performed by these individuals and that the College would need to pay those funds back to the bond which the College did. There was no need to reach out to bond counsel because the auditors were in agreement.

Member Hanson stated that she was wondering where the bond lawyer's comment, that conversation about his approving and being consulted on expenses, fits into this conversation.

Vice Chancellor al-Amin stated that he was not aware of any conversation with Mr. Casnocha about having to review or approve any bond expenditures. That purview and responsibility falls upon the Interim Associate Vice Chancellor, his staff and himself.

Member Hanson said she could send the link to that conversation, it was recorded for the bond.

Public comment on this item was made by the following:

1. Harry Bernstein – Commented on the 2019-2020 bond expenses related to salaries and, addressed Ms. Simon's concern about the project list, that ballot language is so broad that almost anything qualifies.

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9. Review & Approval of the Draft Fiscal Year 2019-2020 Annual Report:

Chair Thomas thanked Vice Chair Kelly, Member Tang and the chair of this working group, Member Zou. Member Zou thanked the team for their work on getting the first draft of the report ready, noting there were already edits and additions to include. He explained the process the working group took in the development of the draft report. He then reviewed the draft report with the committee through page 19. Mr. Scogin then took over to highlight the financial section. He noted the data for the expenditures page came directly from the 2020 audit. He reviewed the expenditures page, noting the Prop A 2001 \$76K showing overspent was corrected in 2021. He also reviewed the Project List, noting it mirrored the past omnibus report. Member Zou resumed the review of the rest of the report. Chair Thomas thanked them and opened the floor for member comments.

Member Richardson stated that the report was easy to read and was a thorough and clean report. She would like to have hard copies sent to the members once finalized.

Member Hanson thanked the working group. She would like to see the compliance opinion come as a stand-alone page. Addressing the Projects page, she found it confusing. She would like it to be broken up and changed, like was done on the last 3-year report.

Member Gallegos stated that the report was beautiful. He pointed out a missing dash in the red banner on page 23, between the 19 and the 20, so it doesn't look like 1920.

Chair Thomas thanked everyone for their comments. He agreed there should be at least a relevant excerpt from the auditor's letter regarding the finding.

Mr. Scogin requested clarification from Member Hanson regarding the Project List and what she wanted to see.

Member Hanson said she would need to look at the omnibus report to clarify.

Ms. Kennedy clarified that this Project List has two tiers, but the omnibus report had three tiers, though not all projects had three tiers.

Member Hanson agree and stated that the audit gives you a good idea of what people who have been following this over the years have been looking at year to year. She felt having it all in one list without that clarification would be a little confusing.

Mr. Scogin acknowledged the direction and said they would look to the omnibus report for guidance.

Ms. Kennedy stated that she believed there was a way to keep the same clean look and incorporate the additional data. On the opinion, she asked Chair Thomas to provide the team clear direction as to where the committee sees that breakout being. She heard the committee say they would like the opinion broken out as well as excerpts from the performance letter.

Chair Thomas indicated they could incorporate reference to the opinion as part of the chairs letter, but we should also have it included as part of another part of the report. He asked Member Zou his opinion on where in the report this should go.

Member Zou recommended that it go somewhere in the Background Section of the report (pg. 3).

Chair Thomas stated that he would include a breakout excerpt of the relevant portions of the audit report, notes specifically dealing with the findings and the resolution, how it was addressed.

Member Hanson requested a table with expenses to date by project be included.

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Ms. Kennedy clarified that Member Hanson was looking for a table of expenses to date through the fiscal year being reported on all projects, not just those that had spending in FY2019-2020.

Member Hanson stated that she would try and send out a sample of what was saying. She thought Ms. Kennedy understood her request.

Member Richardson stated that she would not want anything changed, for example, the bond list; she would prefer if any new information is added, it should be on a separate page, and try not to combine data in the current tables as presented.

Vice Chair Kelly agreed with Member Richardson, there is no need to add the additional Project List.

Chair Thomas stated that he would coordinate with Member Zou and staff to add the components discussed to the report. He asked if the members feel comfortable to have a vote on the report at the August meeting, as there had been previous discussion about having the auditors come and speak to us.

Public comment on this item was made by the following:

1. Harry Bernstein – Asked the committee to look at the 2019-2020 expenses variance between the auditor’s report and the annual report. Also commented on the completed projects - Joint Use Facility (Multi-Use Building).

There was a motion to table the annual report until the next meeting (Richardson/Zou).

Member Hanson requested her email with attachments to be included in the minutes.

Member Kelly stated he did not believe it was appropriate to include it in the minutes.

Chair Thomas stated that he did not see how it could be included in the minutes due to Brown Act notice requirements, but he would be happy to agendize it for the next meeting.

Member Hanson stated that she had a compromise. She sent the email to individuals of the working group; it might be helpful for them.

Member Richardson reiterated that the committee was bound by Brown Act and everything discussed should be discussed in public.

Chair Thomas reminded the members not to send emails about committee business. They could call him if they would like things added to the agenda.

The motion to table this item via roll call vote.

Ayes: Thomas, Gallegos, Galvez, Hanson, Kelly, Lampkins-Jones, Richardson, Tang, Zou (9)

Nays: 0

Abstentions: 0

10. Prop A 2001/2005 & 2020 Current Project Update

11. Prop A-2001/2005 & 2020 Project Summary Report FY21-22, Quarter 3:

Chair Thomas pointed out there was very little time left for our final two presentations. He suggested they address them at the next meeting.

Ms. Kennedy offered another option. The presentations are quarterly updates, they can be accepted in writing without presentation and any questions can be addressed.

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Member Richardson indicated the reports should be accepted and any discussion can be had at the next meeting.

Member Hanson agreed that it would be good to read the reports and be prepared for updates at the next meeting.

There was a motion to receive and file Items 10 and 11 without presentation. (Richardson/Lampkins-Jones). The motion was approved via roll call vote.

Ayes: Thomas, Kelly, Gallegos, Galvez, Hanson, Lampkins-Jones, Richardson, Tang, Zou (9)

Nays: 0

Abstentions: 0

- 12. Future Meeting Schedule:** Chair Thomas informed the committee that they will receive a Doodle calendar invitation to identify a date for the next meeting, likely August, in keeping with the quarterly cycle.

13. Next Meeting Agenda Topics:

Chair Thomas reviewed the suggested topics for the next meeting. He added Review and Approval of the Amended Draft Fiscal Year 2019-2020 Annual Report with an invitation to the auditors to speak to the findings; Quarterly Reports, Election of Chair & Vice Chair and Review of the Term Chart.

Mr. Scogin noted that staff was directed to bring back documentation related to the salaries that were spent inappropriately during fiscal year 2019-2020 and bring back documentation showing how and when that was repaid.

Chair Thomas agreed it was part of the annual report, but also a separate discussion with Vice Chancellor al-Amin.

Mr. Scogin noted that the auditors would be in attendance for the presentation of the 2020-2021 audit report, and asked if they would be addressing the finding on the 2019-2020 report as well.

Chair Thomas said they would be speaking to both.

Member Hanson asked about the status of the Non-Bid Purchase Order report.

It was noted that the working group was to discuss whether the Non-Bid Purchase order report would be necessary for the completion of the annual report. The working group indicated it was not necessary for the annual report and did not warrant the extra workload from staff.

- 14. Adjournment:** There was a motion to adjourn (Richardson/Tang).

Public comment on this item was made by the following:

1. Harry Bernstein – Asked the committee to enable the chat for the public in future meetings.

The motion to adjourn was passed unanimously. Meeting adjourned at 3:10 P.M.

Ayes: Thomas, Gallegos, Galvez, Hanson, Kelly, Lampkins-Jones, Richardson, Tang, Zou (9)

Nays: 0

Abstentions: 0

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