



# City College of San Francisco

50 PHELAN AVENUE • SAN FRANCISCO, CA 94112 • (415) 239-3000

## CITIZENS' BOND OVERSIGHT COMMITTEE

### MINUTES

FRIDAY, MAY 12, 2017

OCEAN CAMPUS  
MULTI-USE BUILDING, ROOM 140  
50 PHELAN AVENUE, SAN FRANCISCO

**Members Present:** Mr. Faruq Ahmad, Ms. Christine Hanson, Mr. Rafael Musni, Mr. Todd A. Suhevits, Mr. Bradley Hook

**Members Absent:** Mr. Kenneth Laslavic, Ms. Karen Waltz, Mr. Daniel Weaver

**Staff:** Linda da Silva, Marian Lam

1. **Call to order and Roll Call:** Mr. Rafael Musni, Chair called the meeting to order at 10:14 AM.
  - a. CBOC Chair Rafael Musni welcomed new student member Bradley Hook.
2. **General Presentation and Q&A with Anton Jungherr**
  - a. CBOC Chair Rafael Musni informed the Committee that Anton Jungherr had declined to attend today's session. He stated that he would like to continue with the Q and A based on what he and CBOC member Christine Hanson had discussed with Anton Jungherr about a year ago.
  - b. CBOC member Faruq Ahmad provided context on Anton Jungherr. He explained that Anton Jungherr is the founder of CaLBOC, an organization that discusses best practices for bond oversight committees in California. He maintains a comprehensive website and is available for consultation as a resource for BOCs. CBOC members Ahmad, Hanson, Musni and Suhevits attended the CaLBOC conference last year in Sacramento.
  - c. David Pilpel provided a public comment noting a provision of the Brown Act and read from Government Code Section 54956 regarding meetings. He commented that there may be an issue with the noticing of this meeting and cautioned to not proceed further until a determination was made that the meeting was lawfully noticed. He furthered that since Mr. Jungherr was not in attendance to not proceed with agenda item 2. He stated that even if the meeting is legal, he believes the Committee would be limited to discussion of items 3, 4, and 5.
  - d. CBOC member Bradley Hook commented that the meeting was posted online well above 24 hours in advance for the special meeting so it lawfully can happen. Linda da Silva noted that this is not a special meeting but a regular meeting of this Committee, scheduled at the April 21<sup>st</sup> meeting, and lawfully noticed 72 hours prior to the meeting.

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SUSAN E. LAMB, INTERIM CHANCELLOR

- e. CBOC member Christine Hanson suggested to review the Brown Act to see if the meeting could be in violation. She commented that if there was a reason that this meeting by its type, needs to be noticed by delivering personally the agenda, she and members Faruq Ahmad and Daniel Weaver did not receive notice. Christine Hanson commented that regardless of what is stated in the bylaws, the Committee is beholden to the Brown Act over the bylaws.
- f. CBOC Chair Rafael Musni recalled that the intention was to schedule a regular meeting to address the issues regarding how often the Committee can meet, meeting in subcommittees, the conflict with the current bylaws and to invite Anton Jungherr to educate the Committee as best practices for other CBOC bodies. He suggested to continue with the discussion.
- g. CBOC member Faruq Ahmad recalled from the CalBOC conference that the Committee has a right to make its own bylaws and that the adopted bylaws does not need to be adopted by the Committee if not chosen to do so.
- h. Harry Bernstein provided a public comment addressing the question of reconciling the process of adopting bylaws and the ability to modify or add to bylaws.
- i. CBOC Chair Rafael Musni commented that at the last meeting, the Committee resolved to send communication to the Board of Trustees. CBOC member Christine Hanson sent the text that the Committee agreed on to Linda Shaw to distribute to the Board of Trustees. CBOC member Todd Suchevidts reminded the Committee that the first item was the Mission Statement and the second item discussed was the ability to form subcommittees.
- j. David Pilpel provided a public comment that the Committee agreed to communicate to the Board to re-include in the bylaws a statement of the Committee's purposes. There was no agreement on the language of permitting subcommittees so that was deferred to further discussion with Bond Counsel and others. He also pointed to the issue of the limitation on the number of meetings per year that also did not get resolved.
- k. CBOC Chair Rafael Musni would like to look at best practices for CBOC guidelines and discuss voting to ask the Board of Trustees to have more than one meeting per year and the ability to have subcommittees. CBOC member Faruq Ahmad commented that the vote can be to advise instead of request the Board of the Committee's intention to have more meetings.
- l. CBOC member Bradley Hook asked to identify the subcommittees and purpose. CBOC member Christine Hanson responded that the most important purpose of having subcommittees would be to do work on the annual report so that we are not trying to create a report during the public meetings. CBOC member Faruq Ahmad added that one of the functions of a subcommittee or a task force is to meet informally and be able to have a working session to produce a work product. Last year, there was an Annual Report subcommittee/task force with working meetings on the format and the information for the report, work that is very difficult in a public session.
- m. Linda da Silva requested a copy of the letter that the Committee transmitted to the Board of Trustees. She informed the Committee that she reached out to the District's Bond Counsel David Casnocha and he was unable to attend today's meeting. He expressed availability to come to a future meeting to answer member questions regarding the bylaws. She offered to get those questions answered from him to bring to the next meeting or invite him to the next meeting. She can work with David Casnocha to recommend to the Board of Trustees amended bylaws.
- n. CBOC member Christine Hanson commented that the Committee is within its power to agree to send a letter directly to the Board of Trustees to request removal of Item 5.8(c)

from the bylaws which says the committee shall not establish subcommittees for any reason.

- o. CBOC member Faruq Ahmad inquired if it would be more efficient to have Bond Counsel respond to specific questions in writing and use his written response as the basis for the next meeting. Linda da Silva noted that she could collect Bond Counsel's information and bring a written response to the next meeting for discussion.
- p. David Pilpel raised the concern about legal risks of proceeding with agenda item number two as there is no general presentation and Mr. Jungherr is not in attendance for Q and A limiting to discussion within that scope. He advised that Linda da Silva could summarize the concerns that have already been presented at the last meeting to communicate to Bond Counsel for a response as basis for further discussion to proceed on item two. CBOC member Bradley Hook commented that agenda item two says general presentation not limiting to anything and Q & A with Anton Jungherr.
- q. CBOC member Bradley Hook expressed concern regarding fear of transparency as the subcommittees would be having conversations outside of the public's eye and advised to consider language that subcommittee meetings could consist of presentations.
- r. CBOC Chair Rafael Musni pointed out that other bond oversight committees have independent Bond Counsel to answer such questions independent of the school but paid for by the school.
- s. CBOC member Christine Hanson expressed concern to quote Anton Jungherr on an agenda that he's not present for as the agenda item is written as a general presentation and Q and A with Anton Jungherr. She stated concern about continuing the meeting.

### **3. Public Comment**

- a. CBOC member Bradley Hook inquired if he can make a public comment. CBOC Chair Rafael Musni suggested he write down the comment and have someone in the public raise it for him.
- b. Harry Bernstein raised Bradley Hook's question: "Can we, meaning the committee, talk about subcommittees or have the Board finally resolve whether you can have subcommittees or not?".
- c. Harry Bernstein inquired if the Committee will have a chance to weigh in on possible misuses of the bond money as there are various expenses and allocation requests to come before and not objected by the Board of Trustees for which the source of funding is the bond money including tBP's expenditures, the firm working on the Facilities Master Plan. His concern is that there was \$50M for the Performing Arts Center of which is remaining about \$47M.
- d. David Pilpel suggested at the next regular meeting in July or special meeting between now and then to confirm Mr. Jungherr and Mr. Casnocha's availability and structure the agenda for three main items: 1) Financial issues with District Finance; 2) Facilities Planning issues with Linda da Silva; 3) Committee issues related to the bylaws and how to resolve them including subcommittees, Annual Report and general reporting on use of Bond Funds.

### **4. Confirmation of Next Meetings**

- a. July 20, 2017 – Ocean Campus, location to be determined, 9:30-11:30 AM
- b. October 12, 2017 – Ocean Campus, location to be determined, 9:30-11:30 AM
- c. CBOC member Bradley Hook requested a June meeting to cover material not covered today.
- d. Harry Bernstein provided a public comment to reconsider Fridays over Thursdays meetings as he teaches on Thursdays.

- e. David Pilpel provided a public comment to make clear that the June meeting would be a special meeting. He recalled that CBOC member Weaver indicated a preference for meetings on Fridays rather than on Thursdays.
- f. Linda da Silva will conduct a poll for possible meeting dates on June 21, 22, or 23.

**5. Adjournment** - Meeting adjourned at 11:03 AM.