



March 10, 2010

RE: Members Needed for Mendocino College Citizens' Bond Oversight Committee

Dear Taxpayers and Members of Community Organizations:

I am requesting your assistance in distributing information and soliciting potential members for the Citizens' Bond Oversight Committee overseeing the \$67.5 million general obligation bond measure (Measure W) passed by voters of the Mendocino-Lake Community College District on November 7, 2006.

Required by Proposition 39, the Citizens' Bond Oversight Committee provides general oversight duties, including ensuring that bond proceeds are expended only for the purposes set forth in Measure W, informing the public concerning the expenditure of the bond proceeds, and presenting an annual written report of the committee's findings to the Mendocino-Lake Community College District Board of Trustees.

Enclosed with this letter are the Committee Member Application Form, the Desirable Qualities for Committee Members, and the Committee Bylaws. The committee meets quarterly on the first Tuesday of the month at 5:00 PM.

You are encouraged to review the bylaws and desirable qualities and to consider who might be best suited to represent your organization. You may make multiple copies of these documents and distribute them to all your organization members or to individual community members who you feel may have an interest in being part of this committee. These documents will also be available on the Mendocino College web site (www.mendocino.edu/bond).

Member application forms are due in my office by 5:00 PM, March 31, 2010 and appointments to the committee will be made by the Board of Trustees at their meeting on April 14, 2010.

Thank you for your assistance,

Kathryn G. Lehner
Superintendent/President

**Mendocino-Lake Community College District
Citizens' Bond Oversight Committee for Measure W
Voter Approved November 7, 2006**

Member Application Form

California law requires certain persons to be represented on the Citizens' Oversight Committee (Committee). Please indicate all Committee designation(s) for which you are qualified:

- Business Representative** Company Name: _____
- Active Member of Senior Citizen Group** Group Name: _____
- Member of Taxpayer Organization** Group Name: _____
- MLCCD Student Organization/Student Club** Org. Name: _____
- Member of College Support Organization** Org. Name: _____
- At-Large Community Member**

If possible, please provide a contact person and phone number of the organization in which you are active. The College District may contact these organizations to verify your participation. Attach extra sheets, if necessary, to complete this application. Please note, this Oversight Committee is a voluntary, non-paying position.

General Information:

Name: _____
Home Address: _____
Home Telephone: _____ E-mail: _____

Employer Information:

Name of Employer: _____
Work Address: _____
Work Telephone: _____

Educational Background (Attach resume or additional pages, if needed):

College and/or University: _____
Degree/Major: _____
Vocational and/or Other Institution: _____
Certificate/Technical Training: _____

Additional Information:

1. Have you been a member of any Mendocino College committees? Yes No If yes, in what capacity?

2. Are you or have you or a member of your immediate family ever been employed by the College District?
 Yes No If yes, please explain: _____

3. List present or past membership in any community service (e.g. volunteer, civic or youth) organizations.

Qualifications:

1. Describe your training and experience in finance, facilities, and/or construction. (Attach additional pages or resume, if needed.) _____

Please Answer the Following Questions:

1. How long have you been a resident within the College District? _____ Years _____ Months

2. Do you have any family members who now attend (or have attended) Mendocino College either at the Ukiah campus or Lake or Willits Centers? ___ Yes ___ No Which campus or center:

3. 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? ___ Yes ___ No If yes, please explain: _____

4. Explain why you would like to be appointed to this Committee. (Attach additional pages, if needed.)

5. Are you either an existing, past, or potential future vendor, contractor, or consultant of the College District? ___ Yes ___ No If yes, please explain:

6. Are you available to attend Committee meetings on weeknights? ___ Yes ___ No If no, please explain:

Certificate of Applicant:

All answers and statements in this document are true and complete to the best of my knowledge and belief. I have reviewed and can function under the Bylaws for the Citizens' Bond Oversight Committee adopted by the Mendocino-Lake Community College District Board of Trustees.

Signature: _____ Date: _____

*Completed signed applications must be received by the Superintendent/President's Office, Mendocino-Lake Community College District, 1000 Hensley Creek Road, Ukiah CA 95482 or faxed to 707.468.3074, **no later than 5:00 PM on March 31, 2010.** Please be aware that completed applications are public records available for public review. Please call 707.468.3071 with any questions.*

**Mendocino-Lake Community College District
Citizens' Bond Oversight Committee for Measure W
Voter Approved November 7, 2006**

DESIRABLE QUALITIES FOR COMMITTEE MEMBERS

- Knowledge of Mendocino-Lake Community College District
- Knowledge of the community group designation the candidate represents
- Availability to invest time to attend scheduled meetings and read meeting materials
- Demonstrated interest in higher education issues
- Involvement in previous volunteer position(s)
- Knowledge of financial/budgeting matters
- Absence of conflict of interest issues

**CITIZENS' BOND OVERSIGHT COMMITTEE
BYLAWS**

Section 1. Committee Established. The Mendocino-Lake Community College District (the "District") was successful at the election conducted on November 7, 2006 (the "Election"), in obtaining authorization from the District's voters to issue up to \$67,500,000 aggregate principal amount of the District's general obligation bonds (the "Measure W"). The election was conducted under Proposition 39, being 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 now obligated to establish the Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Mendocino-Lake 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. 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 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 Measure W. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

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

3.1 Inform the Public. The Committee shall inform the public 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 Measure W; 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. Either the Board or the Superintendent/President, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

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

3.5 Voter-Approved Projects Only. 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 financed through the State of California, 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 approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) by the Board in its sole discretion and shall report to the Committee on any cost saving techniques considered or adopted by the Board.
- (e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.
- (f) 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.

Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3.0, the Committee may 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.

Section 5. Membership.

5.1 Number.

The Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees 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 Mendocino College, such as a foundation.
- Two (2) members of the community at-large.

5.2 Qualification Standards.

(a) To be a qualified person, he or she must be at least 18 years of age.

(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. Additionally, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.

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 suggestion of the Superintendent/President, at the Committee's first meeting, members may 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 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; and (c) the Superintendent/President or his or her designee will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process 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, (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual, and (c) the Committee may only receive copies of reports and documents which have been previously presented to the Board and which are a public record.

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.

6.2 Location. All meetings shall be held within the Mendocino-Lake 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, meeting minutes 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 may 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 two (2) 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 majority vote of the Board.

Section 11. Termination. The Committee shall automatically terminate and disband 180 days following the date when all Measure W bond proceeds have been spent.

**CITIZENS' BOND OVERSIGHT COMMITTEE
ETHICS POLICY STATEMENT**

This Ethics Policy Statement provides general guidelines for Committee members to following carrying out their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.

- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Mendocino-Lake Community College District;

- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.