

CITIZENS' BOND OVERSIGHT COMMITTEE

MINUTES

SEPTEMBER 10, 2013 3:30 P.M. – 5:00 P.M.

CSSC, MULTI-PURPOSE ROOM

ATTENDEES	<u>Members:</u> Mr. Lawrence M. Cohen, Chair (Business Representative); Mr. Kenneth Eklund, (Senior Citizen Group Representative); Mr. Chris Escobedo, (Taxpayers' Association Representative); Mr. Geoffrey Kiehl, Vice Chair (Member At Large—East Valley); Ms. Brenda Valdez (Student Representative); Mr. Larry Spicer (College Support Organization); Mr. William H. Waldron (Member At Large West Valley)
	Mr. Steve Renew, College of the Desert's Director of Facilities Services; Mr. Mac McGinnis, Bond Program Manager from EIS Professionals; Jennifer Mergl, EIS Professionals; Michael O'Neill, College of the Desert's Board of Trustee
	Recorder: Jennifer Mergl/Linda Costagliola Minutes Approved: 1/14/14

Agenda topics

1. CALL MEETING TO ORDER

LARRY COHEN

DISCUSSION	L. Cohen called the meeting to order at 3:30 p.m.		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	
1. None			

2. UPDATED BYLAWS

LARRY COHEN

DISCUSSION	<p>Committee reviewed the updated Bylaws (prepared by a bond attorney and approved at the August 16, 2013 Board Meeting) and would like clarification from the attorney for the following sections:</p> <ul style="list-style-type: none"> 5.4 Term – Need clarification with the first sentence: "Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing as of the later of the date of appointment by the Board or the date at which the Amended and Restated Bylaws are approved by the Board of Trustees." Since the Board of Trustees approved the new Bylaws on August 16, 2013, does this mean that all of the members' two year terms start anew as of August 16, 2013? 7.3 District Support – Sentence changed to "No bond proceeds of Measure B may be made to provide District support of the Committee" from "No bond proceeds shall be used to provide District support of the Committee." Committee thought the original sentence is better. 		
CONCLUSIONS	S. Renew will contact the attorney.		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	
1. Contact attorney	Steve Renew	12/10/13	

3. RESOLUTION #091013-1 LIABILITY INSURANCE COVERAGE

LARRY COHEN

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CONCLUSIONS	S. Renew will contact the attorney.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. Contact attorney	Steve Renew	12/10/13

3. RESOLUTION #091013-1 LIABILITY INSURANCE COVERAGE

LARRY COHEN

DISCUSSION	<p>The committee reviewed the eight items listed in the Resolution #091013-1 Liability Insurance Coverage from Statewide Association of Community Colleges (the Authority) for members of a Citizens' Bond Oversight Committee that the committee must comply with. There were a couple of items that need clarification and they are:</p> <ul style="list-style-type: none"> • Need clarification for the term "Organization." • Item #7 – The Organization must secure crime coverage in an amount acceptable by the individual district. Need clarification for the term "secure crime coverage." 	
CONCLUSIONS	<p>Motion to approve Resolution #091013-1 for Liability Insurance Coverage for members of the Citizens' Bond Oversight Committee by L. Spicer, seconded by B. Valdez. All in Favor. No Opposed. Motion Passed.</p>	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. Contact insurance company	Steve Renew	12/10/13

4. ELECTION OF NEW OFFICERS

LARRY COHEN

DISCUSSION	<p>L. Cohen opened the floor for nominations for Chair. L. Spicer made a motion to nominate Geoffrey Kiehl as Chair, seconded by K. Eklund. All in Favor. No Opposed. Motion Passed.</p> <p>L. Cohen opened the floor nominations for Vice Chair. L. Spicer made a motion to nominate Kenneth Eklund as Vice Chair, seconded by B. Valdez. All in Favor. No Opposed. Motion Passed.</p>	
CONCLUSIONS	<p>Geoffrey Kiehl is the Chair and Ken Eklund is the Vice Chair for one year.</p>	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. None.		

5. APPROVAL OF MINUTES – JUNE 11 2013 MEETING

LARRY COHEN

DISCUSSION	<p>Meeting minutes from June 11, 2013 meeting were not available.</p>	
CONCLUSIONS	<p>This item was postponed to the next meeting.</p>	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. Add item to the agenda for December's meeting.	Linda Costagliola	12/10/13

6. COMMENTS FROM THE PUBLIC

LARRY COHEN

DISCUSSION	<p>Ms. Pat Keller addressed the committee about some concerns she has about parking and safety on campus. Her concern is that students have long walks to class from the parking lots and is concerned for their safety especially at night. She mentioned that at the last meeting she asked about a safe room on campus. She also asked about desertscaping on campus.</p>	
CONCLUSIONS	<p>The concerns and question were duly noted but these items fall under the purview of the Board of Trustees. This committee is responsible for reviewing the monies that have been spent and is it spent in accordance with the law for the Measure B Bond. This committee is more of a due diligence committee and the Board of Trustees have the responsibilities of the matters that have been brought up today. It was requested that Ms. Keller bring these matters to the next Board Meeting.</p>	

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. List this agenda item at the beginning of the agenda for future meetings.	Linda Costagliola	12/10/13

7. BOND PROJECTS UPDATE
& BOND PROJECT FINANCIAL
REPORT

MAC MCGINNIS & STEVE RENEW

DISCUSSION	<p>M. McGinnis and Steve Renew reviewed the following items from a PowerPoint presentation:</p> <p><u>Project Status Reports – Current Projects:</u></p> <p><u>Central Campus Redevelopment (Project in Design)</u> Architect: LPA Architects Construction Manager: ProWest Project Square Footage: 66,526 sq. ft. Construction Start: Summer 2014 Targeted Completion: Spring 2016 Total Project Budget: \$37,550,000 Project Update: <ul style="list-style-type: none"> • Architect/Engineer Design Development documents in review. Sustainable Features: <ul style="list-style-type: none"> • Will be minimum LEED Silver certified <p>Complete renovation of 4 buildings (Liberal Arts, Administration, Hilb and Building C) and the central campus fountain plaza (Courtyard). The renovations will prepare spaces to consolidate all administrative functions together and return the Hilb Learning Resource Center/Library to its central role as a research, study and tutoring facility.</p> <p><u>West Valley Campus - Palm Springs (Project in Design)</u> Architect: HGA Architects Construction Manager: Sundt Construction Project Square Footage: 50,000 sq. ft. (Phase I) Construction Start: Fall 2013 Targeted Completion: Fall 2014-2015 Total Project Budget: \$43,000,000 Project Update: <ul style="list-style-type: none"> • Schedule revised based on job progress. Sustainable Features: <ul style="list-style-type: none"> • Will be minimum LEED Gold certified • Public transportation • Solar Energy • Sustainable Site • 5 Zero Planning <p>Construction of a new LEED Gold free-standing 50,393 square feet 3 story Administration Building, 3,200 square feet single story DEEC Storage Building and 5,900 square feet single story Central Utility Plant, & 162 space on-site parking which includes a bus drop-off area. The project will provide educational opportunities to the student population of the western service area of Palm Springs.</p> <p>The College is currently addressing some airport land use commission issues, water agency issues and easement issues. Once these are addressed, the College will move forward. The plans for the first phase are approved by DSA. The issues with the airport land use commission are that there is a zone of influence when you land or take off from an airport; noise issues, emergency landing issues, etc. In certain areas from a distance away from within the airport you get a certain classification for the density of the area you can have. The City of Palm Springs, the airport, engineers and the County of Riverside are working with the College to resolve this issue. At this point, the College is not anticipating any additional costs.</p> <p><u>Stagecraft Shop (Project in Design)</u> Architect: PMSM Architects Construction Manager: None Project Square Footage: 3,346 sq. ft. Construction Start: Summer 2013 Targeted Completion: Fall 2013-2014 Total Project Budget: \$2,135,000 Project Update: <ul style="list-style-type: none"> • Bids received and Notices of Intent posted to Board Agenda. Bids are coming in within the budget. The add-alternate bids for the shading strategy for the students did not come in within the budget but the Board wants the shade for the students. The College is working on how to get that back </p></p></p>
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within the budget. The College did re-bid this project once before and received a significant cost reduction.

New facility that directly supports Theatre Arts functions held on campus. Spaces include a scenery workshop, full costume shop, makeup studio with cast changing facilities, and music/vocal practice rooms.

This is a pre-manufactured facility. The contract right now is for a contractor to do all the underground utilities in preparation for the pre-manufactured facility.

Indio Education Center (Project in Construction)

Architect: gkkworks

Construction Manager: gkkworks

Project Square Footage: 40,000 sq. ft.

Construction Start: Fall 2012

Targeted Completion: Late Spring 2014

Total Project Budget: \$23,000,000

Construction Budget: \$16,000,000

Expenditures to Date: \$9,405,813

Project Update:

- Installation of building plumbing and HVAC systems continues.
- Installation of electrical back boxes and conduits continues.
- Wall and soffit framing continues.
- Installation of exterior wall board and interior gyp board continues.
- Installation of stairs continues.
- Installation of door frames continues.
- Over-excavation of remaining parking lot commenced.
- Concrete curbs for HVAC equipment on the roof commenced.

Sustainable Features:

- Will be minimum LEED Silver certified
- Architectural environmental control
- Public transportation

New 3 story building in Indio with classrooms, administration, offices, and commercial retail space. It will provide permanent school space for the COD Indio classes that are currently being held in leased space, and will allow for additional science and laboratory classes that are so impacted at the Palm Desert campus.

Athletic Facilities (Project in Construction)

Architect: LPA Architects

Construction Manager: ProWest

Project Square Footage: 26,840 sq. ft.

Construction Start: Fall 2012-2013

Targeted Completion Phase 1: Summer 2014

Targeted Completion Phase 2: Summer 2015

Total Project Budget: \$23,115,238

Construction Budget: \$15,987,000

Expenditures to Date: \$9,582,402

Project Update:

- Gym foundations complete.
- Sandblasting of Fitness Center (FC) exterior elements complete; Architect to address resultant exposure of re-bar.
- Location of score board equipment to be determined.
- Revised gym floor striping diagram in review.
- FF&E purchase in process.
- Acrylic plaster application to Fitness Center in process.
- Installation of HVAC hanging units at the FC interiors commenced.

Sustainable Features:

- Will be minimum LEED Silver certified

New gymnasium, team rooms, restrooms, shower/locker rooms and maintenance facilities for the Physical Education and Athletics programs, as well as renovation of an initial structure to accommodate weight training, multipurpose rooms and faculty/staff offices for the Physical Education and Athletics programs for the campus. New tennis facilities and athletics quad.

The Fitness Center will be done before the Gym and this project is on schedule.

Visual Arts (Project in Construction)

Architect: Perkins & Will

Construction Manager: Gilbane

Project Square Footage: 13,710 sq. ft.

Construction Start: Spring 2013

Targeted Completion: Summer 2014
Total Project Budget: \$8,515,353
Construction Budget: \$6,075,000
Expenditures to Date: \$2,563,728

Project Update:

- One weather day incurred due to extremely hard rain on 8/25 and 8/26 resulting in some flooding of the site.
- Continued installation of structural steel VA building.
- Installed metal roof deck on VA building.
- Continued welding beams and column connections.
- Final under-slab plumbing connections complete.
- Concrete at VA building slab and curbs in MP Classroom complete.
- IT & AV equipment bid opening complete.
- Wall framing inside of MP Classroom building continues.

Sustainable Features:

- Will be minimum LEED Silver certified

New building with offices, a multi-purpose classroom, new lab space for 2D art, photography, ceramics & screen printing classes, a wood shop, and a large outdoor yard for kilns and 3D art. It will allow the Art programs to relocate into spaces designed specifically for these programs.

Applied Sciences (Project in Construction)

Architect: HGA Architects
Construction Manager: Gilbane
Project Square Footage: 21,741 sq. ft.
Construction Start: Summer 2013
Targeted Completion: Summer 2014
Total Project Budget: \$12,381,000
Construction Budget: \$8,400,000
Expenditures to Date: \$1,765,105
Project Update:

Phase 1

- Greenhouse glazing and ventilation system complete.
- Installation and testing of HVAC Equipment complete.
- Installation of planting tables in Greenhouse complete.
- Masonry planter wall on west side of Greenhouse complete.
- All concrete flatwork complete.
- Installation of door frame and double doors and hardware complete.

Phase 2

- Notice of Intent for Bid Package #20 issued.
- Change of location for electrical substation in process.

Sustainable Features:

- Will be minimum LEED Silver certified

This project encompasses both the Agricultural Sciences, which will be renovated along with a new Greenhouse and Lath House, and a new Applied Sciences building that will be home to the HVAC, Drafting, Construction Technology, Natural Resources, classrooms and Labs. The Dean and Facility offices will also be in this building.

Child Development Center (Project in Construction)

Architect: HMC Architects
Construction Manager: None
Project Square Footage: 10,314 sq. ft.
Construction Start: Summer 2013
Targeted Completion: Spring 2014
Total Project Budget: \$5,924,000
Construction Budget: \$3,934,000
Expenditures to Date: \$887,881
Project Update:

- Concrete slab on grade complete.
- Masonry wall at the west side at ultimate height.
- Sandblasting commenced.
- Masonry wall east to west toward existing CDC laid out.
- Grease interceptor installed.
- New on-site fire hydrant installed.
- Includes a shade structure.

Sustainable Features:

- Will be minimum LEED Silver certified

4 Week Look Ahead Schedule for 05/29/13 to 06/26/13

This information was provided so that everyone could see what is going to happen over the next four weeks on

the campus.

Financial Report

Project Allocations Budget

- Completed Projects:
 - Bond + Other Budget: \$114,554,660
 - Bond + Other Expenses: \$114,554,660
- Current Projects – Ongoing:
 - Bond + Other Budget: \$254,571,641
 - Bond + Other Expenses: \$123,127,443
 - Balance: \$131,444,198
- Future Projects:
 - Bond + Other Budget: \$32,200,000
- Contingency
 - Bond + Other Budget: \$1,735,101
- Bond Management & Other Fees:
 - Bond + Other Budget: \$24,649,879
 - Bond + Other Expenses: \$21,735,677
 - Bond Balance: \$2,914,201
- Total Summary of Projects Bond + Other Budget: \$427,711,281
- Total Summary of Projects Bond + Other Expenditures: \$259,417,780
- Total Summary of Projects Bond + Other Balance: \$168,293,500
- Funding Sources:
 - Bond Series "A" - \$65,000,000
 - Bond Series "B" - \$57,850,000
 - Bond Series "C" - \$223,648,444
 - State - \$3,144,000
 - RDA - \$38,587,823
 - Interest - \$30,000,000
 - Refunding - \$7,500,000
 - Foundation - \$400,000
 - Rebates - \$1,331,031
 - Surety - \$249,984
 - TOTAL Funding Sources: \$427,711,281
- Deferred Projects
 - Total Deferred Projects: \$47,013,440

A couple of reports were requested from some of the members and they are:

- A list with examples of what the procedures are on how the College maximizes bond proceeds by implementing cost saving measures.
- Actual dollar breakdown of completed projects verses budget.

Committee member noted that this committee has a lot of responsibilities but not a lot of tools. The committee reviews the Measure B Bond Capital Projects report quarterly, the bond attorney reviewed the committee's responsibilities at March's meeting and the auditors report on the financial and performance annual audits.

Upcoming Events: No events currently scheduled.

CONCLUSIONS

L. Cohen posed the following question to M. McGinnis and S. Renew; "Are you aware of any bond proceeds that were expended for purposes other than those set forth in Measure B?" M. McGinnis responded, "No." Steve responded, "No."

L. Cohen posed the following question to M. McGinnis and S. Renew; "Are you aware of any bond proceeds that were expended for any teacher or administrative salaries of the college or for other operating expenses?" M. McGinnis responded, "No." S. Renew responded, "No."

ACTION ITEMS

PERSON RESPONSIBLE

DEADLINE

1. None

8. SCHEDULE MEETINGS
FOR 2013-2014

LARRY COHEN

DISCUSSION	Future meeting dates are December 10, 2013, March 11, 2014, June 10, 2014 and September 9, 2014. B. Valdez may not be able to make December's meeting due to finals. She will check her schedule and confirm with Linda Costagliola. Other than that there were no objections to the future meeting dates.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. None.		

9. FUTURE AGENDA ITEMS

LARRY COHEN

DISCUSSION	<ul style="list-style-type: none"> • Financial and Performance Audit Results • 2012-2013 Annual Report • Tour of the Communication Building 	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. Add agenda items to the agenda for the next meeting.	Linda Costagliola	12/10/13
Meeting adjourned at 4:33 p.m. by a motion from K. Eklund, seconded by B. Valdez. All Approved. No Opposed. Motion Passed.		

DESERT COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 081613-2

RESOLUTION OF THE BOARD OF TRUSTEES OF THE DESERT COMMUNITY COLLEGE DISTRICT APPROVING AMENDED AND RESTATED BYLAWS THEREFOR

WHEREAS, the Board of Trustees of the Desert Community College District (the "District") previously adopted a resolution requesting Riverside County and Imperial County (the "Counties") to call an election for general obligation bonds (the "Bond Election") to be held on March 2, 2004; and

WHEREAS, notice of the Bond Election was duly given; and on March 2, 2004 the Bond Election was duly held and conducted for the purpose of voting a measure for the issuance of bonds of the District in the amount of \$345,500,000 ("Measure B"); and

WHEREAS, based on the Canvass and Statement of Results for the County, more than fifty-five percent of the votes cast on the Measure B were in favor of issuing the aforementioned bonds; and

WHEREAS, the Board of Trustees of the District has established independent citizens' bond oversight committee (the "Committee") in connection with issuance of bonds under Measure B; and

WHEREAS, the Board of Trustees has previously approved Bylaws governing such Committee but now desires to amend and restate such Bylaws, in whole, to make them applicable to Measure B.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE DESERT COMMUNITY COLLEGE DISTRICT DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. Authorization. Measure B was 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 in accordance with the requirements of the Strict Accountability In Local School Construction Bonds Act of 2000 (the "Act").

Section 2. Bylaws. The Committee shall operate pursuant to the Board approved Amended and Restated Bylaws. The Committee shall have only those responsibilities granted to them in the Act, in the resolutions calling for the election for Measure B and in the Amended and Restated Bylaws. The Amended and Restated Bylaws, as submitted herewith and attached hereto, are hereby approved. The previous Bylaws relating to Measure B are rescinded and of no further force and effect.

ADOPTED, SIGNED AND APPROVED this 14th day of August, 2013:

BOARD OF TRUSTEES OF THE DESERT
COMMUNITY COLLEGE DISTRICT


Chair

ATTEST:


Superintendent/President

STATE OF CALIFORNIA)
)
RIVERSIDE COUNTY)

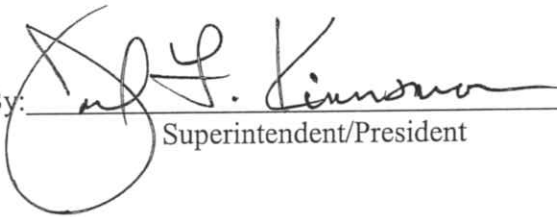
I, Joel L. Kinnamon, do hereby certify that the foregoing Resolution No. 081613-2 was duly adopted by the Board of Trustees of the Desert Community College District at a meeting thereof held on 16th day of August, 2013 and that it was so adopted by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTENTIONS: 0

By:  _____
Superintendent/President

**INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE
AMENDED AND RESTATED BYLAWS**

Section 1. Committee Established. The Desert Community College District (the "District") was successful at the election conducted on March 2, 2004 (the "Election"), in obtaining authorization from the District's voters to issue up to \$346,500,000 aggregate principal amount of the District's general obligation bonds ("Measure B"). 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 Desert Community College District (the "Board") hereby establishes the Independent 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 B. Regular and scheduled 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 the duties set forth in Section 3.1, 3.2 and 3.3 and shall refrain from those activities set forth in Sections 3.4 and 3.5:

3.1 **Inform the Public.** The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee.

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 Measure B; and (b) no bond proceeds were used for any inappropriate teacher or administrative salaries or other operating expenses, in accordance with Attorney General Opinion 04-110 issued on November 9, 2004.

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/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 construction contracts.
- (ii) Approval of construction change orders.
- (iii) Appropriation of construction funds.
- (iv) Handling of all legal matters.
- (v) Approval of construction plans and schedules.
- (vi) Approval of scheduled maintenance plans, and
- (vii) Approval of the sale of bonds.

3.5 Measure B 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, 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 shall be made by the Desert Community College District Board of Trustees and/or Superintendent/President in his/her 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.

(g) The appointment or reappointment of qualified applicants to serve on the Committee.

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 Prop. 39 (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 scheduled 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 the 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. Members of the Committee, are not subject to Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code §§ 81000 et seq.), and are not required to complete the Form 700. However, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Amended and Restated Bylaws.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing as of the later of the date of appointment by the Board or the date at which the Amended and Restated Bylaws are approved by the Board of Trustees. No member may serve more than three (3) consecutive terms. At the Committee's first meeting, members may draw lots to 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. Members whose term has expired may continue to serve on the Committee until a successor has been appointed. Members serving on the original Measure B Committee shall remain on the Committee and may serve for new terms as described herein.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District shall advertise for members in accordance with its customary practices, including through local newspapers and the District website; (b) appropriate local groups will be solicited for applications; (c) the Superintendent/President will review the applications; and (d) the Superintendent/President will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for 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. The District shall seek to fill vacancies within 90 days.

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 and its members shall have the right to request and receive only copies of reports and records relating to Measure B projects which have been prepared for the Board and which have become a public record.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee is required to meet at least once a year including an annual organizational meeting, but may not meet more frequently than quarterly.

6.2 Location. All meetings shall be held within the jurisdiction of the Desert 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.

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 all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

7.3 No bond proceeds of Measure B may be made to provide District support of the Committee.

Section 8. Reports. In addition to the Annual Report required in Section 3.3, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Board, upon the recommendation of the Superintendent/President shall appoint the initial Chair of the Committee to serve for one year as Chair. Thereafter, the Committee shall elect the Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. No person shall serve as Chair for more than three consecutive years.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the entire Board of Trustees of the District.

Section 11. Termination. The Committee shall automatically terminate and disband concurrently with the Committee's submission of its final Annual Report which reflects the final accounting of the expenditure of all the proceeds of Measure B.

CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow in 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 Desert 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.

INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE
AMENDED AND RESTATED BYLAWS

Section 1. Committee Established. The Desert Community College District (the "District") was successful at the election conducted on March 2, 2004 (the "Election"), in obtaining authorization from the District's voters to issue up to \$346,500,000 aggregate principal amount of the District's general obligation bonds (~~the~~ "Measure B"). 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 Desert Community College District (the "Board") hereby establishes the Independent 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 B. Regular and ~~deferred~~scheduled 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 the ~~following~~ duties: set forth in Section 3.1, 3.2 and 3.3 and shall refrain from those activities set forth in Sections 3.4 and 3.5:

3.1 Inform the Public. The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee.

3.2 Review Expenditures. The Committee ~~may~~shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in Measure B; and (b) no bond proceeds were used for any inappropriate teacher or administrative salaries or other operating expenses. in accordance with Attorney General Opinion 04-110 issued on November 9, 2004.

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

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

3.4 Duties of the Board/and-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 construction contracts.
- (ii) Approval of construction change orders.
- (iii) Expenditure Appropriation of construction funds.
- (iv) Handling of all legal matters.
- (v) Approval of construction plans and schedules.
- (vi) Approval of all-deferred-scheduled maintenance plans, and
- (vii) Approval of the sale of bonds.

3.5 Voter-Approved Measure B 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, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds, ~~each of which~~ 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 Desert Community College District's Board of Trustees and/or Board Superintendent/President in ~~its~~his/her 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.

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(g) The appointment or reappointment of qualified applicants to serve on the Committee, ~~subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Prop 39.~~

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 Prop. 39 (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 scheduled 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 the 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.

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(b) The Committee may not include any employee, ~~union representative~~, 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~~ Members of the Committee, are not subject to Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code ~~and the Political reform Act (Gov. Code §§ 81000 et seq.), and are not required to complete the Form 700.~~ ~~Additionally~~ However, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Amended and Restated Bylaws.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing ~~on the dates~~ of the later of the date of appointment by the Board or the date at which the Amended and Restated Bylaws are approved by the Board of Trustees, first meeting of the Committee. No member may serve ~~more than two (2)~~ three (3) consecutive terms. At the Committee's first meeting, members ~~will~~ may draw lots to 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. Members whose term has expired may continue to serve on the Committee until a successor has been appointed. Members serving on the original Measure B Committee shall remain on the Committee and may serve for new terms as described herein.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District shall advertise for members in accordance with its customary practices, including through local newspapers and the District website; (b) appropriate local groups ~~or persons~~ will be solicited for applications; ~~(bc)~~ the Superintendent/President ~~or his/her designee~~ will review the applications; ~~(ed)~~ the Superintendent/President ~~or his/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. The District shall seek to fill vacancies within 90 days.

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 and its members shall have the right to request and receive only copies of reports and records relating to Measure B projects which have been prepared for the Board and which have become a public record.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee is required to meet at least once a year including an annual organizational meeting, but may ~~not~~ meet more frequently ~~often as the Committee shall determine, but no more often~~ than quarterly.

6.2 Location. All meetings shall be held within the jurisdiction of the Desert Community College District.

Field Code Changed

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, ~~except adjournment.~~

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, ~~keeping minutes of Committee meetings;~~ 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 all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

7.3 No bond proceeds ~~of Measure B may be made shall be used~~ to provide District support of 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 Such~~ Report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The ~~Superintendent/President~~Board, upon the recommendation of the ~~Superintendent/President~~ shall appoint the initial Chair of the Committee to serve for one year as chair, an initial two (2) year term. ~~Thereafter,~~ The Committee shall elect the Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. ~~No person shall serve as Chair for more than three consecutive years. 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 entire Board of Trustees of the District.

Section 11. Termination. The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by the bond proceeds are completed.

Field Code Changed

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

This Ethics Policy Statement provides general guidelines for Committee members to follow in 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 the Brown Act~~) and all other applicable government entities, and the policies, procedures, rules and regulations of the Desert 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.

Statewide Association of Community Colleges

INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE RESOLUTION #091013-1

For District Sponsored Activities Conducted On or Off District Premises

Statewide Association of Community Colleges (the Authority) has adopted a policy requiring certain conditions be met for an Independent Citizens' Bond Oversight Committee (Committee) to be eligible for liability coverage through the Authority. This coverage has limits of \$1,000,000 per occurrence and becomes part of the covered party's coverage program. The Organization must comply with the following:

1. The Committee must have written Bylaws specifying their purpose as a district/pupil support committee.
2. Bylaws must reflect the nature and degree of the district's direction and supervision of the Committee and its activities.
3. Meetings must be timely "noticed" and minutes kept of all proceedings.
4. Minutes must be kept on file with the district.
5. Committee events must have specific approval from the individual district's governing Board.
6. Funds must be reported to and be under the control of the individual district's authorized Committee representative. Control shall be through:
 - a) District signatory on the fund account
 - b) District approval of payments/purchase orders
 - c) Funds subject to district audit
7. The Organization must secure crime coverage in an amount acceptable by the individual district.
8. The Organization will not discriminate against individuals or its members through the dissemination of funds.

Please check one of the following boxes:

- We accept and agree to abide by the above guidelines. (Please complete the information on page 2)
- We do not accept or agree to abide by the above guidelines and understand our activities are independent of the district and the district is providing no liability protection for the Organization or its members.

Independent Citizens' Bond Oversight Committee

Chair

9/10/13

Representative

Title

Date



Statewide Association of Community Colleges

If you have accepted the guidelines, please complete the below information:

_____ **District Representative Name** _____ **District Name**

_____ **District Representative Title** _____ **District Approval Date**

If applicable:

_____ **JPA Representative Name** _____ **JPA Name**

_____ **JPA Representative Title** _____ **JPA Approval Date**

Attach individual district and local JPA (if applicable) minutes noting approval of Organization.

Note: Coverage is not effective until bound by Keenan & Associates as Administrator for the Authority.