



Citizens' Bond Oversight Committee Minutes for Tuesday, March 8, 2022

3:30 p.m.
Via Zoom Video Conference Call

Meeting Participants

Committee Member(s) Present

Andrew Harker, Ed.D. (Chair and Member-At-Large, West Valley); Diane M. Rubin (Vice Chair and College Support Organization Representative); Becky Broughton (Business Representative); Margie Eklund (Senior Citizen Group Representative); Ernesto Rios (Member-At-Large, East Valley) and Richard D. "Rick" Seeley (Taxpayers' Association Representative)

Committee Member(s) Not Present

Ariana Muniz (Student Representative)

District Official(s) Present

Aurora Wilson (Trustee); John Ramont (Vice President, Administrative Services); John O. White (Executive Director, Bond Program & Facilities Planning), Scott Adkins (Director, Education Centers, West Valley), Jessica Enders (Interim Executive Director of Institutional Advancement) and Jocelyn Vargas (College of the Desert Interim Director, Education Centers, East Valley Campus)

District Official(s) Not Present

None.

Bond Management Representative(s) Present

Mac McGinnis (Program Manager, MAAS Companies)

Recorder

Mark Howard (Executive Administrative Assistant, Bond Program & Facilities Planning)

Guests

Rick Alonzo, Partner, Eide Bailly, LLP

Meeting Minutes

1. Call to Order/Roll Call

- Chair Andrew Harker called the committee meeting to order at 3:32 p.m. The committee had a quorum.

1.1 Public Comments

- Pursuant to the Governor's Executive Order N-25-20, Chair Andrew Harker stated that the COC Committee may participate via teleconference. He further stated that in accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed and will be accepted by email to mhoward@collegeofthedesert.edu during the meeting, prior to the close of public comment on an item, and read into the record during public comment. There is a time limit of three (3) minutes per person and a maximum of fifteen (15) minutes for the entire meeting.
- John White read the following previously submitted seven written public comments to the committee:
 1. Chris Lucker: I hoped I would be able to comment on several issues of the items reflected on the March 8, 2022 C.O.C. Meeting Agenda; however, unfortunately I am not. It is unfortunate that the staff chose not to make available to the public a number of essential documents which are the subject of today's agenda. For example, under action items the agenda draft is not included. I am unable to make public comment regarding the agenda draft because no agenda draft has been provided as part of the March 8, 2022 agenda. Under action items the December 14, 2021 minutes draft is not provided as part of the March 8, 2022 agenda; therefore, I am not able to provide comments on the accuracy of these minutes. Under information discussion items the annual bond audit reports which is to be presented by Eide Bailly partner Rick Alonzo has not been provided to the public as part of the March 8, 2022 agenda; therefore, I am not able to comment on this item. Under informational discussion items the draft of 2020-2021 C.O.C. Annual Bond Report was not provided to the public as part of the March 8, 2022 agenda; therefore, I am not able to comment on the draft of the 2020-2021 C.O.C. Annual Bond Report. Under informational discussion items "How the Education Master Plan and 2030 Vision Facilities Master Plan interrelate to the C.O.C." has not been provided to the public as part of the March 8, 2022 agenda documents; therefore, I am unable to comment on this agenda item. Because the public

has not been provided any of the agenda documents I suggest that these items may not be acted upon or discussed today by the C.O.C. These items should not be addressed by the C.O.C. because the public has not been given access to the necessary information to these agenda items. I don't know whether it is more shocking or more disgraceful that staff has made these serious errors in the public notice of the March 8, 2022 agenda. I'm hopeful that staff was neither motivated or instructed to keep the public in the dark on these items. I suggest at a future C.O.C. meeting include a discussion item examining why staff made these errors or, in fact, were instructed to exclude these essential documents from the public's agenda packet. A positive and productive outcome of that discussion will construct safeguards to ensure these failures regarding public notices do not happen again.

2. James Williamson: Dear members of the Bond Oversight Committee, first thing I would like to thank this committee for all their work. Community Colleges are critical to the students and residents of the Coachella Valley. The college provides a lifeline to a future that our students and residents deserve. The committee plays a critical role in ensuring the College of the Desert delivers on the promises made to the Coachella Valley community when bond funds were raised to finance the construction and expansion college campus facilities. Again, the work that this committee does is very much appreciated. Item five, a total of almost one billion dollars was raised in two bond measures in 2004 and 2016. Despite having these funds authorized and available two important campus projects in the west valley have been stalled. Despite the fact that significant amounts of money have been spent in initial planning for both the automotive academy in Cathedral City and the west valley campus in Palm Springs construction has not started. I would like to ask this committee to demand the college engage an independent third-party firm to conduct a forensic audit. The residents who have been paying taxes on bond funds for years deserve a clear understanding of how their funds have been spent. An audit would explain and help the public understand

what funds have been spent on. An audit would help us to understand when funds were approved and by whom. An audit would detail which individuals and companies have received money. This committee can play an important role in beginning to rebuild trust between the public and college leadership by demanding that a forensic audit of all amounts spent to date is performed.

3. Robert Connelly: I am commenting on item #1.2 in today's agenda. With respect to this meeting I would like to note and bring to your attention that no minutes were provided when the agenda was published to the public for review in advance. Staff is responsible for providing this information to the public in advance of the meeting. As these minutes were not provided there is no way for the public to know what was recorded in the minutes about the discussions that happened at the last meeting are accurate. These minutes form the official record of the meeting and are relied on, at future times, as the primary source to verify and determine decisions that were made. At the meetings of the Trustees of the college similar errors have been made and they have been blithely dismissed as administrative errors. It is unacceptable for this information not to have been provided in advance and it is important that this not become a pattern. I know all the members of this committee understand the importance for everyone, including you. During your discussions today I hope members of this committee will let the public know if you received the minutes prior to this meeting or did you just receive them at 3:00 pm? Thank you for your consideration.
4. Jerry Keller: I am commenting on Item #3.5 in today's agenda. A total of almost \$1 Billion was raised through two bond measures in 2004 and 2016. Despite having these funds authorized and available, two important campus projects in the west valley have been stalled. Despite the fact that significant amounts of money have been spent on initial planning for both the automotive academy in Cathedral City and the west valley campus in Palm Springs, construction has not started. I would like to ask that this committee demand that the college engage

an independent third-party firm to conduct a forensic audit. The residents who have been paying taxes on bond funds for years deserve a clear understanding of how their funds have been spent. An audit would explain and help the public understand on what the funds have been spent. An audit would help us to understand when funds were approved and by whom. An audit would detail which individuals and companies have received money. This committee can play an important role in beginning to rebuild trust between the public and college leadership by demanding that a forensic audit of all amounts spent to date is performed. Thank you to the members of this committee for volunteering their time, especially in light of the unfortunate circumstances put before you. I am sure this is not what you expected to be dealing with at this time.

5. Ginny Foat: My name is Ginny Foat and I am a resident of Palm Springs. I provided testimony to you at your last meeting regarding my concerns about the lack of progress in moving forward with the planned Palm Springs and Cathedral City COD campuses. I am aware that you do not have jurisdiction over the planning or timing of either campus. What you do have responsibility for is the oversight of the Bond Funds. It is my understanding that a total of about one billion dollars has been raised through the 2004 and 2016 bond measures. In reviewing past minutes, I have not seen any reasonable explanations for the more than 50 million dollars spent already on both campuses which have resulted in two empty lots, rejected plans, proposed new studies of old studies, etc. On your agenda I see two questions that are nothing but perfunctory in nature. You seem to be just relying on unproven assurances rather than proven facts. We have tried to get answers from the COD Board of Trustees and President Garcia to no avail. Public meetings have been cancelled, public testimony has been ridiculed by Trustees yet no hard facts have been provided about decisions that have been made in closed session (which, by the way, is against the Brown Act) about the future of the two West Valley Campuses and the plans for Mecca. In the mean time it takes students that must ride the buses from Desert Hot Springs,

Cathedral City and Palm Springs over an hour and sometimes two to get to class. The lack of availability of student slots also results in most students needing to take 3 to 4 years to graduate. All of these problems and more is why the taxpayers agreed to the Bond Measures which we were told would be used assure access for the students of the West Valley. We deserve a clear accounting of how our Bond monies have been used. The only way you and the taxpayers you represent will ever understand and more importantly be able to rely on the data provided you is to ask for an audit of the Bond expenditures. A forensic audit is the only way to truly make sure that all of the expenditures have been recorded properly and that all authorizations had proper approvals. A rubber stamping of answers to the two questions on your agenda does not give you or the public that information. We are relying on you to be stewards of our money since we cannot get clear answers from the Board of Trustees or President Garcia who seems to have the busiest calendar and no time for public questions. Thank you for taking my testimony.

6. Claire Grant: My name is Claire Grant and I am a resident and taxpayer of Cathedral City. I want to thank you for the work that you are trying to do as members of the Bond Oversight Committee. You represent us as taxpayers in assuring that the monies collected through the Bond measure is spent appropriately. To do so you need to rely on the information given to you by the staff. I hope that you are getting more information than we as the public are receiving. I am involved in many organizations and am quite familiar with the Brown Act and other accepted rules of transparency. Unfortunately, I as a member of the public cannot comment on any of the items on your agenda as all I see is agenda items. There are no minutes to check to see if all the public comment from the previous meeting was accurately reflected. I can't comment on any of the reports, draft reports or attachment as they also are not included for public review. Your staff has a responsibility to make sure you as our representatives are keeping the public informed. The lack of information for public consumption is an

outrageous lack of communication which unfortunately reflects on the due diligence of the members of the Bond Oversight Committee. I would request that you insist that your staff take on the practices of other public entities and abide by the Brown Act in publishing minutes, reports and other items pertinent to decisions being made by the Bond Oversight Committee so that your meetings do not take on the aura of secrecy that is unfortunately practiced by the COD Board of Trustees. Thank you for your attention to this matter.

7. Jeffrey Bernstein: I am unavailable to participate via the Zoom meeting today. I request my comments below be read by a member of the staff. Regarding item number's 3.3, 3.4, 3.5, 3.6 and 3.7, the Annual Bond Audit Report, project updates, draft of the Annual Bond Report, and other items that are all being presented by staff for discussion with the Committee at this meeting were not provided in advance of this meeting when the agenda was published. Staff are responsible for ensuring that this information is available in advance of this meeting. As required by law, the public has the right to have this information in order that they are informed and, therefore, able to fully participate in the meeting. Staff of the college continues to act in a way to keep the public from participating. The members of this committee have worked to allow public participation – thank you for that. However, for the first time, today, staff is limiting the total of public comments to 15 minutes on any agenda item. This is something which I have never seen any government body do. I am not sure that it is legal to prohibit public input to only 15 minutes on all these important issues. Irrespective of the legality, it clearly isn't the right thing in terms of transparency. This is the public's money, and we should have the opportunity to ask questions and get answers to issues that concern us. In the past, there was no limit on how many people can speak and for how long. However, now that the public is paying more attention to the workings and the decisions that are being made by the Board of Trustees and staff leadership of the College of the Desert, staff is keeping information from us and limiting the amount of time that the

public has to speak and ask questions at meetings. That is simply not acceptable.

- Chair Andrew Harker acknowledge Bruce Hoban who requested to address the committee. Bruce Hoban introduced himself to the Committee as a resident of Palm Springs and stated the following:
 - I am speaking in regards to the authority granted this committee, especially under today's agenda item number 3.4 Project Updates. At last quarter's meeting, committee members correctly called out the Project Updates report provided to you that did not match public comments made by the COD President and some Trustee members. Since there were no minutes made available before today's meeting, I will provide you some quotes made by this committee's members at your last December meeting: "Lack of transparency is appalling and this was never an issue before." This is very disheartening", "significant decisions must come to this committee", "Our committee must have credibility and the information must be available on the committee's website." One committee person said they "took their role very seriously." It is clear to me you all take your role seriously. I believe you and your frustration at what you are encountering. The Project Updates are the most critical pieces of information you want to be accountable for. This was in Measure CC postcards sent to thousands and thousands of voters. The postcard was approved by COD and said an "independent Citizens Oversight Committee will ensure strict accountability." Yet, by your own concerns this is not happening. I would like to suggest this committee be provided with more, not less, information prior to your meetings. More important, I and many others in Coachella Valley are concerned about the frequency of your meetings. Although the committee is legally bound to meet annually, quarterly meetings have been ongoing since 2004. Given the current circumstances and your own personal concerns, I would ask this body to consider meeting every other month or even monthly. While they are many restrictions on what this committee may not interfere with that are handled by the President and the Board of

Trustee's, one clear authority you retain is the ability to independently inspect any property site owned by COD. Please consider a site inspection for the Cathedral City auto mechanics property. Ask for a visit to the site with credentialed experts who can tell you what the problems are. In closing, thank you for your time and efforts. Visit Cathedral City. Increase your meetings per year. Anything this committee can do to unveil the darkness on some of these issues will be appreciated by me and the taxpayers. Thank you very much.

- Chair Andrew Harker acknowledge Andrew Jared who requested to address the committee. Andrew Jared introduced himself to the Committee and stated the following:
 - Speaking on behalf of the city of Palm Springs I concur with the comments that have been made regarding essentially improprieties under the Brown Act regarding the provisions, or lack of provisions, of documents being provided ahead of this meeting. It's very concerning that documents I'm assuming board members have received and the public has not received. In addition, I believe your provisions for the way that it is stated on the agenda regarding public comments are not in compliance with government code 54953.e.1.b. Doing teleconference in this fashion under the emergency provisions you must provide a time for people to provide comment during the meeting and while you have done that, at least in my case and the prior speakers case, the way it is stated on the agenda does not give rise to telling the public that comments will be taken. The rules have changed since the first of the year, actually since September 16, 2021 the rules have changed and so it is not the way it is stated on your agenda. That concludes my public comment.
- Chair Andrew Harker authorized John White to read the eighth previously submitted written public comments to the committee:
 8. Terry Applegate: I noticed that there are no link attachments included on the Citizens' Bond Oversight agenda and the meeting is tomorrow afternoon. The public needs to be given the opportunity to view the written materials associated with the

agenda items. If you look at the Citizens’ Bond Oversight committee agenda you will see that it says subject to the Brown Act yet agenda item 1.1 entire public comment does not follow the Brown Act. Members of the public are entitled to comment on each agenda item and it appears that you only allow written comments by email and limit public participation for a maximum of fifteen minutes during agenda item 1.1. Here are my problems with this meeting format which does not follow the Brown Act. One, there are no agenda items attached so the public is not able to view reports in advance. Two, the public is not allowed to comment on these reports. Three, there is no notice for people with disabilities who need accommodations and how to request those in advance. Per your request I have attached a PDF regarding the Brown Act and I would also be glad to speak to your office regarding accommodations for people with disabilities.

- A discussion ensued regarding an additional piece of correspondence that Terry Applegate sent to be read to the committee but had not been received by the District, whereby the committee requested Mark Howard research whether the missing correspondence could be attached to the meeting minutes.

2. Action Items

2.1 Approval of March 8, 2022 Agenda

- A motion was made by Margie Eklund to approve the March 8, 2022 Meeting Agenda. Diane Rubin seconded the motion. No discussion ensued. All in favor. No opposed. Motion was passed.

2.1 Conclusion

- March 8, 2022 Meeting Agenda was approved as presented.

2.1 Follow-up Items

2.1 Task of

2.1 Due by

None	None	None
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2.2 Approval of December 14, 2021 Minutes

- This action item was tabled for a future meeting.

2.2 Conclusion

- December 14, 2021 Meeting Minutes was tabled.

2.2 Follow-up Items	2.2 Task of	2.2 Due by
None	None	None

3. Information/Discussion Items

3.1 Introduction of New Citizens' Bond Oversight Committee Members

- Chair Andrew Harker introduced Ernesto Rios, Member-at-Large, East Valley to the committee. Ernesto Rios greeted the committee and stated he was looking forward to working with the members.
- Chair Andrew Harker introduced Richard D. "Rick" Seeley, Taxpayers' Association member to the committee. Rick Seeley thanked the committee for the opportunity to participate in this process.
- Chair Andrew Harker noted that the third new member, Ariana Muniz, Student Representative member, is not present due to illness.

3.1 Conclusion

- The committee welcomed the three new members.

3.1 Follow-up Items	3.1 Task of	3.1 Due by
None	None	None

3.2 Introduction of Aurora Wilson Representing the Board of Trustees

- Chair Andrew Harker introduced Aurora Wilson to the committee. On behalf of the Board Aurora Wilson thanked the committee for their hard work.

3.2 Conclusion

- The committee welcomed Aurora Wilson as the latest Board representative to the C.O.C.

3.2 Follow-up Items	3.2 Task of	3.2 Due by
None	None	None

3.3 2020-2021 Annual Bond Audit Report, Presented by Eide Bailly Partner, Rick Alonzo

- Chair Andrew Harker introduced Rick Alonzo, Partner with Eide Bailly to the committee. Rick Alonzo greeted the committee and presented the 2020-2021 financial and performance audit report and explained that there were no adverse findings. A lengthy discussion ensued regarding clarification on some of the specifics of the report.

3.3 Conclusion

- The committee was presented the 2020-2021 Annual Bond Audit Report by Eide Bailly partner Rick Alonzo.

3.3 Follow-up Items	3.3 Task of	3.3 Due by
None	None	None

3.4 Projects Updates

- Mac McGinnis presented the Bond Project Updates PowerPoint presentation consisting of the following:
 - Aerial photos highlighting the project locations of the (1) Athletics Stadium and Fields, (2) Indio Campus Expansion, (3) Palm Springs Development Project, (4) Roadrunner Motors, (5) Science Buildings Renovation and (6) Indo Child Development Center.
 - Athletics Stadium and Fields Project:
 - ✓ This project is in the design and development phase working with SGH Architects. The project will replace the existing stadium with a new one and refurbish the football and soccer fields.
 - Indio Center Expansion:
 - ✓ Construction is scheduled to begin in spring of 2022, with completion sometime in the fall of 2023.
 - ✓ Also included in this project is a renovation of 10,000 square feet of the existing building, with completion estimated in summer 2024.
 - Palm Springs Development Project:
 - ✓ This project is scheduled to move forward. Presently a feasibility study is in process to review current needs and conditions.
 - The Roadrunner Motors Project:

- ✓ This project is under review for location sites and will proceed in the weeks to come.
- Science Building Renovation Project:
 - ✓ The existing science building on the Palm Desert campus is a total gut and renovation of the current super-structure. State funding represents half of the total costs for this project. In the design development phase with Gensler Architects this 15,000 square foot building is expected to be completed in fall 2024.
- Indio Child Development Center:
 - ✓ The new Indio Child Development Center project has begun with the demolition of the existing building at the site, which should be finished in the next month.
 - ✓ The new building includes pre-school classrooms, toddler rooms, indoor and outdoor play spaces, meeting rooms and a new parking lot.
 - ✓ This project is expected to be completed in the summer 2023.
- Active Projects and Completed Projects Budget Summaries:
 - ✓ An overview of the project budgets was presented to the committee.
- A discussion ensued regarding the due diligence efforts for the Roadrunner Motors project.

3.4 Conclusion

- Committee members were briefed on future projects and bond measures funding.

3.4 Follow-up Items	3.4 Task of	3.4 Due by
None	None	None

3.5 Draft of 2020-2021 C.O.C. Annual Bond Report

- John White advised the committee that the 2020-2021 C.O.C. Annual Bond Report is in the final phase of editing, after which it will be finalized and then published.

3.5 Conclusion

- The committee were provided with the current status of the 2020-2021 Annual Bond Report.

3.5 Follow-up Items	3.5 Task of	3.5 Due by
None	None	None

3.6 How the Education Master Plan and 2030 Vision Facilities Master Plan interrelate to the C.O.C.

- John White informed the committee that the Education Master Plan and 2030 Vision Facilities Master Plan are fundamental and in context to the overall strategic planning, which is an ongoing annual process.
- A brief discussion ensued regarding the master plans not being updated since 2019 whereby the District notified the committee that the master plans were currently being updated.

3.7 Conclusion

- The committee was briefed on the Education Master Plan and the 2030 Vision Facilities Master Plan interrelation to the C.O.C.

3.6 Follow-up Item	3.6 Task of	3.6 Due by
None	None	None

3.7 Updated C.O.C. Web Pages

- With assistance of the Zoom share screen feature Mark Howard walked the committee through the enhancements to the C.O.C. web pages, which now includes a new bond audit report page. The new C.O.C. bond audit report page can be found using the following link:
[Bond Audit Reports \(collegeofthedesert.edu\)](http://collegeofthedesert.edu/Bond%20Audit%20Reports)

3.8 Conclusion

- The committee was shown the enhancements to the C.O.C. web pages.

3.7 Follow-up Item	3.7 Task of	3.7 Due by
None	None	None

4. Future Agenda Topics

- Orrick, Herrington and Sutcliffe Bond Attorney Presentation (Information item) – June 14, 2022

- Final version of 2020-2021 C.O.C. Annual Bond Report (Information item) – June 14, 2022
- Committee Member Reappointment and Appointment Process (Discussion Item) – June 14, 2022
 - A brief discussion ensued regarding adding a “Good of the Order” section to the meeting agenda and minutes. A motion was made by Margie Eklund to incorporate “Good of the Order” as the last agenda item before the Questions for the District. Becky Broughton seconded the motion. No discussion ensued. All in favor. No opposed. Motion was passed.

5. Questions for the District

- Chair Andrew Harker posed the following two questions to the District Officials, concerning Bond proceeds and expenditures:
 1. “Are you aware of any Bond proceeds that were expended for purposes other than those set forth in Measure B or Measure CC?”
On behalf of the District John Ramont responded, “No.”
 2. “Are you aware of any Bond proceeds that were expended for any teacher or administrative salaries of the College or for the operating expense?”
On behalf of the District John Ramont responded, “No.”

6. Adjournment

The Committee adjourned at 4:42 p.m.

Next Meeting

Tuesday, June 14, 2022 at 3:30 p.m. via Zoom Video Conference Meeting