



Citizens' Bond Oversight Committee

Draft Meeting Minutes

May 9, 2023 from 3:30 – 5:00 p.m.

Palm Desert Campus, Cravens Student Services Center

Citizens' Bond Oversight Committee Members (7)

Quorum: 4 (Quorum met)

1. Opening Items

Rubin called the meeting to order at 3:30 p.m.

In attendance were Becky Broughton, Business Representative; Kelly Merchant, Student Representative; Michael Monachino, Vice Chair, Member-at-Large, West Valley Representative; Diane M. Rubin, CPA, Chair, Support Organization Representative; Ernesto Rios Member-at-Large, East Valley Representative (arrived 3:43 p.m.) Excused were James Dietrich, Senior Citizen Group Representative; and Rick Seeley, Taxpayers Association Representative.

Rubin acknowledged District representatives in attendance: Joel Kinnamon, Trustee; Rod Garcia, Vice President for Administrative

Services, Jessica Enders; Scott Adkins; John White and Mac McGinnis (MAAS).

2. Agenda Review (Rubin)

There was confirmation of the Agenda for May 9, 2023 without additions, corrections, or deletions. Motion by Broughton. Second by Monachino. Approved unanimously.

3. Public Comment

No requests.

4. Action Items

Approval of March 7, 2023 Meeting Minutes with Motion by Monachino and Second by Broughton. Approved unanimously.

5. Follow-Up to CBOC inquiries

2021-22 Bond Audit Questions – Interfund Activities

John White reported on research conducted by Diana Guijarro, interim Director for Fiscal Services who provided information for the committee with an explanation of ledger transactions that were the basis for questions during the recent presentation on bond audits made to the CBOC. It was reported that one expense item was moved to the correct year when the expense occurred. The second item of interest was a recording of a New

Markets Tax Credit fund transfer to the Indio Child Development Center project.

There was mention by Michael Monachino of the value added by looking ahead to which future District capital projects could also benefit from NMTC participation and take it into account for capital development. John White confirmed that the District is looking specifically at NMTC opportunities for its future projects. Michael Monachino asked for occasional updates on NMTC projects and benefits in the future. Diane Rubin would like to include mention of NMTC participation in the CBOC annual report. Chair Rubin confirmed that she was comfortable with the explanation of 2022 audit report information provided by College of the Desert fiscal unit involving fund and interfund activity stated that there are no systemic issues.

5.1 Deferred Maintenance Program

John White reported on the 2021-22 and 2022-23 scheduled maintenance programs from information provided to him by interim Director for Maintenance and Operations, Mark Blawski. The most notable projects listed for 2021-22 included improvement included the central utilities plant, roof replacement for the Administration Building, Liberal Arts Building roof improvements, Golf Center A/C packaged units and roof improvements, campus-wide fire alarm panel upgrades, energy management controller upgrades and restroom upgrades (\$3.4 million, 15 projects, ranging from

\$40,000 least expensive to \$419,000 most expensive) with important lien and expenditure dates. The goal is to have all the 2021-22 scheduled maintenance program encumbered by June 2023 and spent by June 2025. There was a brief discussion of state supportable programs and activities and the restrictions that come with the funding source and the priority of the State to support instructional space related projects. Funding for scheduled maintenance can be very erratic as explained by Vice President Rod Garcia. Each funding source has its own set of restrictions.

The 2022-23 scheduled maintenance program (7 projects, \$7.2 million) list includes LED retrofit lighting for academic and student services buildings, central plant cooling tower renovation completion, access (electronic door hardware) control replacement across campus, HVAC controller upgrades campuswide, Liberal Arts roof restoration and Math Building roof restoration. The goal is to have all the 2022-23 scheduled maintenance program encumber by June 2024 and spent by June 2026. The District is not expecting State resources for the scheduled maintenance program in 2023-24 due to the lack of funding availability.

5.2 Bid and Award Practices

Mac McGinnis from MAAS made a presentation on bid and award practices. The topic was capital project outreach, advertisement, selection and award process. Two current projects of significant size presented as

examples, the Indo Expansion project and the Indio Child Development Center project. Public contracts code and requirements were summarized. There was a short discussion about prevailing wages, contractor compliance and potential benefits of using project stabilization agreements to strengthen transparency and compliance. Mac McGinnis stated that strict instructions given to public agencies by State Department of Industrial Relations and how they view their role regarding complaints and compliance. The district uses defined criteria to determine eligibility of qualified contractors. The California State Department of Industrial Relations conducts investigations. Mac McGinnis offered to check with counsel regarding what the District can do if a contractor on a project has not paid prevailing wages. McGinnis explained insurance coverage to complete projects and also provided an overview of contractor – district weekly planning and resolution meetings that include major participants (owner, architect, contractor, owner representative. A major concern is limiting unnecessary change orders and claims avoidance for frivolous claims. MAAS issues a bidders list opportunity at least once a year. At the end of a project the budget is closed out and reported.

McGinnis provided an overview of contractor/subcontractor outreach used to increase the number of interested qualified bidders. Pre-bid job walks with potential contractors are mandatory.

6. Information/Discussion

6.1 Capital Projects Update (McGinnis - MAAS)

McGinnis provided a capital projects update. Working at four different sites presently. Athletics stadium and fields project is under review by DSA. The campus community can expect a small renovation of the TASC building to provide temporary space of displaced Athletics until the new facility is constructed.

PSDP is \$405.7 million project to be updated in the next report along with new information on completion dates. Expect to complete schematic design by end of June 2023.

Roadrunner Motors project is in design that should be completed the fourth quarter of 2026.

The Science Building Renovation project is a complete rehabilitation of the building to modernize class laboratories primarily and is partially State-funded.

Indio Campus Expansion, a new steel contractor is on board. Surety company is responsible for working with the District on that component of construction. Indio location has been a high demand area for instruction facilities. Indio Child Development Center is scheduled for completion during the third quarter of 2023.

A summary of budget status for completed and active projects is provided in the capital projects update report.

A request was made to get more information on ADA transition improvements (plan) at a future meeting. It is understood that when new facilities are constructed, they are built to code and major renovation projects are reviewed for accessibility. Mac McGinnis reported that most of the Palm Desert campus is now compliant. Will bring forward how the ADA Plan is integrated with the bond program. There was mention of information always forwarded by risk management if something comes to their attention regarding construction project implementation.

Ernie Rios raised a question of funding process and plans for potential projects, such as needs that were known and identified for Mecca/Thermal. Mac McGinnis clarified that all of Measure B and Measure CC funds are now earmarked for specific projects that extend out to about 2025-26. It was clarified that the Board of Trustees prioritizes and approves projects individually at the time that resources are going to be committed for planning, design and construction. Once bond funds are exhausted then no other improvements can be made from bonds because they are spent. Ernie Rios mentioned county interest in public infrastructure needs and the potential for a special financing district and it would be interesting to learn if COD could benefit from this new initiative. Other challenges include the water table in the Mecca-Thermal area.

6.2 Committee Member Appointments/Reappointments (Rubin/White)

Expiration of Terms

- One-year term (student representative)
 - Merchant (1-year term that expires June 2023)
- Two-year term (maximum of 3 consecutive terms)
 - Broughton (3rd term expires Sept. 2024)
 - Rios (1st term expires March 2024)
 - Seeley (1st term expires March 2024)
 - Dietrich (1st term expires Sept. 2024)
 - Monachino (1st term expires Sept. 2024)
 - Rubin (2nd term expires Sept. 2024)

Bylaws (Section 5): <https://www.collegeofthedesert.edu/web-items/documents/pdf-files/facilities-master-plan/citizens-bond-oversight-committee/cboc-bylaws-2023.pdf>

6.3 Member Reports and Comments (Rubin)

Rubin shared that she will be presenting the 2022 Bond Annual Report to the Board of Trustees on May 19, 2023 at its next regular meeting. There is a desire to share with the Trustees that the work, activities and reports of the CBOC are always available on the District's CBOC webpages.

7. Future Agenda Topics (Rubin)

ADA integration.

8. Questions for the District (Rubin)

- 8.1 Are you aware of any Bond proceeds that were expended for purposes other than those set forth in Measure B or Measure CC?

No.

8.2 Are you aware of any Bond proceeds that were expended for any teacher or administrative salaries of the college or for operating expenses?

No.

9. Adjournment (Rubin)

4:56 p.m.

Future Meetings (in-person)

Tuesday, September 12, 2023 from 3:30 – 5:00 p.m.

Tuesday, December 5, 2023 from 3:30 – 5:00 p.m.