



Minutes
April 19, 2010
SMMUSD

Prop 39 Bond Oversight Committee
Location: Lincoln Middle School
1501 California Ave., Santa Monica, CA

Joint Meeting of Measure BB Advisory Committee and the Measure BB Citizen's Oversight Committee

Attendance: Committee Members: Jeffrey Jarow (*Chair*), Neil Carrey (*Vice Chair*), Laurie Charchut, Jerry Nickelsburg, Steven Rodman, Robert Tompkins; Ralph Mechur (*Board Liaison*), Jan Maez (*Staff*), None (*Public*). *Absent*: Ralph Erickson, Oscar de la Torre (*Board Liaison*).

I. Call to Order:

Mr. Carrey, Vice Chair of the Measure BB Citizen's Oversight Committee, and Mr. Hamilton, Co-chair Measure BB Advisory Committee, called the joint meeting to order at 4:05 p.m.

II. Review of Workshop Materials:

Ms. Maez presented a draft copy of the workshop presentation to both committees. Committee members from both Measure BB Advisory and the Measure BB Citizen's Oversight committees commented on the content and format of the presentation. The purpose of the meeting was to prepare for a Board workshop scheduled to be held on April 27, 2010. The comments and suggestions will be used and/or incorporated into the final version of the presentation. Staff complimented both committees for their productive comments and invited all present to attend the workshop with the Board.

III. Adjournment:

Meeting adjourned at 6:00 p.m.

Meeting of the Measure BB Citizen's Oversight Committee

Attendance: Committee Members: Jeffrey Jarow (*Chair*), Neil Carrey (*Vice Chair*), Laurie Charchut, Jerry Nickelsburg, Steven Rodman, Robert Tompkins; Jan Maez (*Staff*), (*Public*) None. *Absent*: Ralph Erickson, Oscar de la Torre (*Board Liaison*). Ralph Mechur (*Board Liaison*).

I. Call to Order:

Mr. Jarow called the meeting to order at 6:05 p.m.

II. Approval of Minutes: October 21, 2009

Upon motion made by Mr. Nickelsburg and seconded by Mr. Tompkins the minutes of the October 21, 2009 meeting were approved as presented

III. Public Comments:

No comments were made from the public.

IV. Update from Chief Financial Officer: (*Janece L. Maez, Chief Financial Officer*)

Ms. Maez expressed her appreciation of the committee participation in the previous joint meeting. She said that having a clear and concise presentation for the Board workshop would be very helpful and that committee member input was important to the process. Mr. Tompkins distributed some written comments that he asked would be considered as staff moved forward in the preparation of workshop materials. He wanted to ensure that the oversight committee was referred to with the proper title, that reference to the committee be as the Measure BB Citizen's Bond Oversight Committee. He had additional suggestion for the slide on the committee within the presentation. He suggested that it be clear that the committee is tasked with giving an opinion if Measure BB Bond proceeds have been spent properly according to las. He also suggested the reference be made to the annual report of the committee published in October 2009.

V. New Business:

Ms. Maez reported that she had shared a draft report of the June 30, 2009 audit with the committee's Financial Reporting Subcommittee and that they had met regarding comments on the report in February. She indicated that the comments and questions had been forwarded to the District's auditors and that they would be incorporating suggestions into the report.

There was a discussion of the roles and responsibilities of the Measure BB Citizen's Bond Oversight Committee. There was general consensus that the Committee was concerned that they comply with the legal purposes for which they established.

There was also concern expressed that fiscal year 2007-08 was still unfinished. Mr. Carrey stated that he felt the Board had given staff direction to respond to the concerns raised in the 2007-08 annual report. Ms. Maez indicated that she did not have the same impression and that she felt fiscal year 2007-08 was completed with the posting of the committee's annual report on the web site. She also reported that the web site was up to date related to required information.

Mr. Nickelsburg expressed the opinion that last years committee report did not close the book on 2007-08 as the report said that the committee could not ascertain whether or not the expenditure of funds from Measure BB bond sales were consistent with the requirements of Measure BB, and that the committee's legal responsibility was to express such an opinion for 2008. He further went on to say that the filing of the 2008 report by the committee did not relieve the

district of providing sufficient data on 2007-08 to include an opinion on these expenditures in the 2009 report.

Committee members expressed concern that the end of fiscal year 2009-10 was quickly approaching and they had not been given information sufficient to finalize the annual report for June 30, 2009 (fiscal year 2008-09). It was noted the terms of five of the seven committee members expire June 30, 2010. It was suggested by Mr. Tompkins the District could commit to a date when the committee would receive the audit reports, perhaps sometime in mid-May, to allow time for the committee to issue the annual report. Ms. Maez selected the date of May 12. Ms Maez indicated that she would work with the auditors and see that the audit reports were completed by that time. Another committee meeting would be scheduled for Monday May 17th, at which time the committee could review the report and begin preparing their annual report.

The committee discussed the posting requirements as proscribed by state education code section 15280 (b) for the citizen's bond oversight committee that "all documents received and reports issued shall be a matter of public record and be made available on an Internet website maintained by the governing board." It was noted by Mr. Tompkins the Annual Report was issued the end of October and it was not until April it was made available on the District web site, and that other documents need to be posted as well.

The committee discussed state education code section 15280 (a) "The governing board of the district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the its purpose and sufficient resources to publicize the conclusions of the citizens' oversight committee." The committee discussed what 'publicity' means under the section. Is this section satisfied by posting the Annual Report on the District web site, or does it entail more of an outreach to the community? The District expressed it met the letter of the state education code if not the spirit by posting the Annual Report.

VI. Old Business:

- a. Receive and File – None
- b. As Needed - None

VII. VIII. Next meeting:

The next meeting will be scheduled at the district offices on May 17, 2010.

VIII. IX. Adjournment:

Meeting adjourned at 7:30 p.m.