



A California Public Benefits Corporation

Corporation formed September 19, 2019

Corporation Number 4319346

Internal Revenue Service Approved Exempt Federal Income Tax

Donations tax deductible to the fullest extent allowed by law.

**8 Board Minutes, Saturday, June 12, 2021**

For effective oversight

## MINUTES BOARD OF DIRECTORS

**Saturday, June 12, 2021 at 10:00 AM via Zoom**

### **\$180.8 Billion Proposition 39 School Bonds approved by voters <sup>1</sup>**

CABOC website: [www.bondoversight.org](http://www.bondoversight.org)

**Purpose Statement:** “The specific purpose of this corporation is to provide training, assistance, and encouragement to California School Proposition 39 Citizens’ Bond Oversight Committee Members through development of training materials, delivery of online training, conferences, workshops, formation of regional groups of California Citizens’ Bond Oversight Committees and representing common interest at the statewide level.” (Articles of Incorporation, Section 4)

**To participate remotely using Zoom:** Log into Zoom from your laptop, PC, desktop, or tablet and enter the meeting ID 829 5742 2115, passcode 293000. If you are calling in only, you will also need the meeting phone: 1.669.900.6833, after which you will be prompted for the meeting ID.

Note: Professional advisors are invited to attend this meeting but are not required to attend.

Please silence your cell phone.

Date: Saturday, June 12, 2021

Time: 10:00 AM to 11:30 AM

Place: Zoom

Call to Order -President Amadeo Rodriguez at 10:06 AM

<sup>1</sup> For the period 2001 through 2020. Proposition 39 was approved by the votes in November 2000.





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Roll Call Directors – Anton Jungherr

Name	County	Present	Absent
Carolyn Castillo	Los Angeles	x	
Marcus Crawley	Alameda	x	
Chris Hanson	San Francisco	x	
Jason Hunter	Riverside	x	
Anton Jungherr	Contra Costa	x	
Nick Marinovich	San Diego	x	
Mac Moore	Contra Costa	x	
Thomas Rubin	Alameda	x	
Ourania Riddle	Solano		x <sup>2</sup>
Amadeo Rodriguez	Los Angeles	x	
Jack Weir	Contra Costa		x <sup>3</sup>

Sixteen current authorized positions, 11 filled, 5 vacant.

Introduction Other Participants – Denise Sheehan, CABOC independent contractor

### ACTION

#### Item 1: Ratify Election of Amadeo Rodriguez as CABOC President

*Recommended Motion: That Amadeo Rodriguez be elected CABOC President for a term starting May 25, 2021 through January 31, 2022 per Bylaws Article 7 Officers, Section 1 Officers of the Corporation. Approved by Executive Committee on May 25, 2021 to replace Nick Marinovich who resigned on May 3, 2021 for personal reasons. Approved.*

<sup>2</sup> Excused personal.

<sup>3</sup> Excused, out of town





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**Item 2: Objectives 2021 Third Quarter (July – September)**

*Recommended Motion: That the Objectives 2021 Third Quarter (July – September) as attached be approved. (12) <sup>4</sup> Approved*

**Item 3: Board Policy 1, Board Standing and Ad Hoc Committees**

Five standing committees were approved by the Board on November 12, 2019 and subsequently documented in Board policy number 1 approved on March 14, 2020

It is proposed that the current policy be replaced with a new policy to conform to our current committee structure and to define the responsibilities of each standing committee.

*Recommended Motion: That a new Board Policy Number 1, Board Standing and Ad Hoc Committees be approved as attached. (13) Approved*

**Item 4: Board Policy 6, Website Document Approval Process**

The existing Board policy needs to be revised to include all seven segments on the website home page and CABOC Digest electronic newsletter. It is proposed that a new policy be approved to replace the existing policy.

Thomas Rubin and Mac Moore have had an email exchange about the Fraud, Waste & Abuse segment. (16)

Mac Moore has recommended the following amendment to the Fraud, Waste & Abuse segment:

**Poor Practices ~~Fraud, Waste & Abuse~~**

Purpose: Publish evidence of poor bond management practices including fraud, waste, and abuse to support our legislative program. This segment was recently added to the website when a legislator staff member ask us was there evidence of the need for our proposed legislative program. This segment will provide evidence from 2000 (when Proposition 39

<sup>4</sup> Page reference to attached page.





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was approved) to the current period to support our efforts to implement the February 2017 Little Hoover Commission recommendations.

~~Definitions: In this segment "Fraud," "Waste," and "Abuse" are technical terms defined in Government Accounting Standards (also known as the Yellow Book), 2018 Revision, U.S. Government Accountability Office (an office of the U.S. Congress), Comptroller General of the United States<sup>5</sup>:~~

~~**Abuse:** Behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances, but excludes fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements.~~

~~**Fraud:** Involves obtaining something of value through willful misrepresentation. Whether an act is, in fact, fraud is determined through the judicial or other adjudicative system and is beyond auditors' professional responsibility.~~

~~**Waste:** The act of using or expending resources carelessly, extravagantly, or to no purpose. Waste can include activities that do not include abuse and does not necessarily involve a violation of law. [MM1]~~

The links on this segment reference investigations, audits, and other studies, concerning actions, conditions, and outcomes concerning the school construction bond-funded programs of California school districts and community college districts that are poor management practices, or could potentially be considered as, incidents of fraud, waste, and/or abuse. The links will be accompanied by a short summary of the linked document to provide context.

Mac Moore has also prepared comments to support his amendment. (23)

It was agreed that the Fraud, Waste & Abuse matter should be referred to an Ad Hoc Committee for further consideration.

<sup>5</sup> <https://www.gao.gov/assets/gao-18-568g.pdf>





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*Motion: That a new Board Policy 6, Website Document Review Process be approved as attached with the deletion of the Fraud, Waster & Abuse section, (lines 44-77). Further, that an Ad Hoc Committee (Jason Hunter, Amadeo Rodrigues, Mac Moore, Thomas Rubin, and Anton Jungherr) be appointed to redraft the Fraud, Waster & Abuse section of this policy for consideration by the Board at its next meeting. (24)*

**Item 5: Moss Adams, LLP Conference Sponsor**

*Recommendation Motion: That the Conference Committee is authorized to negotiate with Moss Adams, LLP a sponsorship agreement for the October 16, 2021 Annual Conference, subject to ratification by the Board of Directors. Approved*

**ACTION CONSENT**

All items to be voted on by one motion unless item is removed for a separate vote. Approved

**Item 6: Appointment of Thomas Rubin to Board of Directors and Assistant Treasurer**

*Recommended Motion: President Marinovich appointed Thomas Rubin (Alameda County), a Professional Advisor, to fill a vacant Northern California director position effective March 23, 2021 and ending December 31, 2021. This appointment was made in accordance with Bylaws Article 6, Section 7(e) and is subject to ratification of the Board of Directors at the June 12, 2021 Board meeting. Further Thomas Rubin was appointed Assistant Treasure effective March 23, 2021 through January 31, 2022, subject to ratification. The Assistant Treasurer is a member of the Executive Committee. Approved on March 23, 2021 Executive Committee. These actions are hereby ratified.*

**Item 7: Accept Financial Reports January to May 2021**

- Statement of Financial Position as of May 31, 2021 (27)
- Statement of Activities January-May 2021 (28)

*Recommended Motion: That the January to May 2021 financial statements described above be accepted.*





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**Item 8: Bylaws Amendment Article 9 Committees, Section 1 Executive Committee**

The Executive Committee is composed of the corporate officers and other directors nominated by the president and approved by the board of directors. The Assistant Treasurer position (Thomas Rubin) is not currently included in the Bylaws definition of the Executive Committee. This recommended motion makes this technical correction.

*Recommended Motion: That Bylaws Article 9 Committees, Section 1 Executive Committee be addended to add Assistant Treasurer, subject to ratification by the Board of Directors at the June 12, 2021 Board meeting. Previously approved by Executive Committee on April 27, 2021.*

**Item 9: Appointment of Committee Chairs**

*Recommended Motion: That the following committee chair appointments are hereby approved:*

- *Best Practices – Carolyn Castillo/Anton Jungherr*
- *Conference – Thomas Rubin*
- *Frequently Asked Questions – Marcus Crawley*
- *Legislation – Jason Hunter/Sallie DeWitt*
- *Member Database – Anton Jungherr*
- *Public Relations – Ourania Riddle*
- *Nomination-Elections – Anton Jungherr*

**Item 10: FAQ 16 District Lawyer**

*Recommended Motion: That the attached FAQ 16 District Lawyer be approved and uploaded to the website. (29)*

**Item 11: FAQ 24 Brown Act**

*Recommended Motion: That the attached thirteen (13) FAQs 24 Brown Act be approved and uploaded to the website. (31)*





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**Item 12: Brown Act**

*Recommended Motion: That the attached Brown Act description document be approved and uploaded to the Resources section of the website. (34)*

**Item 13: Board Policy 4 Professional Advisor**

It is proposed that the term "Professional Advisor" be changed to "Advisor" to avoid the possible impression that Professional Advisors are marketing their services for a fee. With the reduction of the frequency of Executive Committee meetings it is proposed that the appointment authority for Advisors be the CABOC President, subject to the ratification by the Board. The proposed amendment also deletes the name for the standing committees.

*Recommended Motion: That the title of Board Policy 4 be amended to replace Professional Advisor with Advisor and other amendments as attached. (38)*

**Item 14: Bylaws Amendment Article 4 Members, Section 2 (a) Classes of Membership, Voting Members**

Our current bylaws restrict voting membership to individuals who are serving or have served on a regular Proposition 39 Citizens' Bond Oversight Committee, CABOC Board member and CABOC Professional Advisor (to be amended to Advisor). Citizens who have a passion for our work who have served on citizens' oversight committees for other jurisdictions would make excellent voting members.

*Recommended Motion: That the Bylaws Article 4 Members, Section 2 Classes of Membership be amended as displayed below:*

Voting members. Voting membership is limited to individuals who are serving or have served on a regular Proposition 39 Citizens' Bond Oversight Committee, citizens' oversight committee of other jurisdiction, CABOC Board Members and CABOC ~~Professional~~ Advisors. Voting members are not required to pay dues at this time but are encouraged to make a voluntary contribution. Voting members in good standing have all the rights and privileges of membership including the right to vote on:





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**Item 15: Election of Mac Moore as Assistant Secretary**

*Recommended Motion: That President Nick Marinovich appointment of Mac Moore (Contra Costa County) as Assistant Secretary effective April 5, 2021 through January 31, 2022, approved by the Executive Committee on April 5, 2021, be approved.*

**DISCUSSION**

**Item 16: Board of Directors Meeting Schedule**

It was agreed to meet via Zoom at 10:00 AM on the second Saturday of every other month starting with August 2021 except that the August 2021 meeting will be held on Saturday August 21, 2021 at 10:00 AM.

**Item 17: Update USC Capstone Project on CABOC Business Plan (11:00 AM – 11:15 AM)**

Members of the USC Capstone Team (Melissa Arellano, Brendon Moeller, and Janae Perkins) <sup>6</sup> briefed the Board at on the scope and schedule for this project.

- Issue Statement
- Problem Statement
- Research Questions
- Research Design Matrix
- Methodological Analysis
- Evaluation Criteria
- Ethical Considerations and Human Subjects
- Work-Related Deliverables

After the meeting the Team's paper, *Bond Oversight Done Right: A Sustainable Strategic Plan for the California Association of Bond Oversight Committees (CABOC)* was distributed to Board and Advisors for feedback directly to the Team thru Brendon Moeller. This paper was also posted to the website under CABOC Governance

<sup>6</sup> Cassandra Perez is also a member of the Team but was not present for this presentation.

C:\0 Documents\00000 California Association of Bond Oversight Committees 7.2.19\0 Board Meetings\0 Board 2021\8 Minutes June 12, 2021 - 6.12.21 - aj.docx This document and all information herein are the property of the California Association of Bond Oversight Committees (CABOC). Any use or distribution without the express permission of CABOC is strictly prohibited. All intellectual property rights reserved.





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## INFORMATION

**Item 18: Corporation Officers (40)**

**Item 19: California Secretary of State Statement of Information (41)**

**Item 20: Current Projects 431)**

**Item 21: Active Citizens' Bond Oversight Committees as of November 3, 2021 (44)**

## ADJOURNMENT

Remarks from Directors and Advisors

It was agreed that *Citizens' Bond Oversight Committees (CBOC)* would be CABOC's standard terminology for the required Education Code Section 15280 (a) "independent citizens' oversight committee" and this term would be used on our website and publications.

We are currently seeking a sponsor for our legislative program. It was agreed that a list of the California Senate and Assembly Education Committee members would be distributed to Board and Advisors to determine if anyone had a personal relation with any of the Education Committee members. Amadeo Rodriguez stated he would contact Senator Susan Rubio and Assemblymember Blanca Rubin.

Nick Marinovich suggested we contact the California Attorney General to determine if he could provide CBOC members with opinions on Proposition 39 bond measure expenditures.

Jason Hunter discussed his concern on unfunded deferred maintenance liability being shifted from the general fund to the bond fund.

Chris Hanson expressed her concern about the San Francisco Community College District project list containing maintenance projects.

How could we have improved this meeting? None





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Items for future agenda? None

Next Board meeting Saturday, August 21, 2021 at 10:00 AM vis Zoom

Adjournment by President Amadeo Rodriguez 11:38 AM.

Date of Minutes: June 13, 2021

Anton Jungherr, Secretary

Distribution: Board, Advisors and USC Study Team

Attachments to the agenda packet are included in the official minutes posted on the website. Distribution copies of the minutes do not include the attachments as they were included in the agenda packet for this meeting.





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### DATES FUTURE MEETINGS

Bimonthly Board meeting are normally held on the second Saturday at 10:00 AM except for August 2021 when the meeting will be held on August 21, 2021.

Saturday, August 21, 2021 at 10:00 AM

Saturday, October 9, 2021 at 10:00 AM

Saturday, December 11, 2021 at 10:00 AM

Saturday, January 15, 2022 at 10:00 AM, **Annual Membership Meeting**

Saturday, February 12, 2022 at 10:00 AM

Saturday, April 9, 2022 at 10:00 AM

Saturday, June 11, 2022 at 10:00 AM

Saturday, August 13, 2020 at 10:00 AM

Saturday, October 8, 2022 at 10:00 AM

Saturday, December 10, 2022 at 10:00 AM



**Objectives 2021 Third Quarter (July - September)**

No.	Objective	Owner	Committee	Success
1	Legislative Program 2021	JH/SD	Legislation	Obtain a sponsor for legislative program by September 30, 2021
2	Legal Compliance and Best Practice Manual	CC/AJ	Best Practices	Start writing the manual
3	First Annual Virtual Statewide Conference	TR	Conference	Conduct successful Conference on October 16, 2021
4	USC Capstone Project – Business Plan	AJ/MM USC Team	Capstone Project	Business plan approved by September 30, 2021

Key	Owner Name
AJ	Anton Jungherr
CC	Carolyn Castillo
JH	Jason Hunter
MM	Mac Moore
SD	Sallie DeWitt
TR	Thomas Rubin
USC	University of Southern California Capstone Study Team



**1 Board Policy Standing and Ad Hoc Committees****Proposed Replacement Policy June 12, 2021 Board Meeting****Board Standing and Ad Hoc Committees****Bylaws Section 2. Standing and Ad Hoc Committees; Appointment and Removal of Chairs**

- (a) The board of directors shall establish such standing committees to work under the president's direction as it shall determine necessary to accomplish the goals of the corporation. The board of directors shall notify the membership by letter, email, or notice in the corporation's newsletter, if it establishes or dissolves a standing committee.
- (b) The president may establish, and dissolve ad hoc committees as determined necessary, with ratification by the board.
- (c) The president shall appoint a chair of each committee, upon ratification of the board. The chair of the committee shall appoint the vice chair and other members of the committee except as otherwise provided by the policy manual. When a new president is elected by the board, the president may appoint new chairs upon ratification of the board or reappoint incumbent committee chairs without ratification by the board.
- (d) The board, or the president upon ratification by the board, may remove a committee chair with or without cause.

**Bylaws Section 3. Committee Responsibilities**

- (a) Committees shall keep regular minutes of their proceedings and disseminate a copy to the board with the agenda packet for the next regular meeting and cause an approved copy to be filed with the corporation's records
- (b) No committee shall have power or authority to take any action on behalf of the corporation, unless specific power and authority is delegated to that committee by the policy manual, a resolution, or other action of the board of directors.
- (c) A committee can take no action except when a quorum is present.

**Standing Committees**

The following Standing Committees are established with the duties as prescribed.

**Best Practices**

- Prepare and publish on website "Best Practice" standards.
- Prepare and publish on website Legal Compliance and Best Practice Manual.



**1 Board Policy Standing and Ad Hoc Committees****Proposed Replacement Policy June 12, 2021 Board Meeting**

36

**37 Conference**

38

- Plan and conduct annual conference.

39

- Plan and conduct regional conferences and training workshops.

40

**41 Frequently Asked Questions (FAQ)**

42

- Prepare and publish on the website FAQs and their answer.

43

- Respond to website Help Desk requests.

44

**45 Legislation**

46

- Prepare an annual legislative program to implement the Little Hoover Commission February 2017 recommendations.

47

48

- Seek sponsors for legislative program.

49

- Promote the passage of legislative program.

50

**51 Members Database <sup>1</sup>**

52

- Solicit and maintain current via California Public Records Act requests and other means the name and email address of active Proposition 39 Citizens' Bond Oversight Committee (CBOC) members and enter Constant Contact electronic marketing system.

53

54

55

- Maintain current Excel database of districts (K-12 and Community College) with active Proposition 39 CBOC.

56

57

- Recruit voting CABOC members.

58

- Recruit Advisors.

59

- Manage Constant Contact electronic marketing system.

60

**61 Public Relations**

62

- Maintain a current list of media contacts.

63

- Prepare and distribute press releases.

64

- Prepare and distribute via Constant Contact an electronic newsletter.

65

- Manage the website.

66

- Conduct surveys/polls of stakeholders.

67

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<sup>1</sup> This is not the database of CABOC voting members, which is a separate list on Constant Contact. Current and former CBOC members can join CABOC as voting members to elect directors and govern the corporation.



**1 Board Policy Standing and Ad Hoc Committees**

**Proposed Replacement Policy June 12, 2021 Board Meeting**

68

69 **Nominations-Elections**

- 70       • Conduct annual election of Board Directors in accordance with Bylaws Article 5,  
71       Nomination and Election of Directors.

72

73

74

75 History: Original March 14, 2020, complete revision June 12, 2021



Subject: **Re: CABOC - New Board Policy 6 on Website Documents Approval Process**  
Date: 6/2/2021 8:13:41 PM Pacific Standard Time  
From: macmoore55@yahoo.com  
To: nickmarinovich52@gmail.com, ajungherr@aol.com, tarubin@earthlink.net

Ha, Tom, since you offered last word, I'll take it.

I think we are not as far apart as perhaps you might think.

I believe we should post your "what went wrong" examples that relate to Prop 39 bond programs. I agree with your definition of good oversight.

What I want us to do is to relabel this website section. By labeling it "Fraud, Waste, and Abuse" it could easily be interpreted that we are making allegations of Fraud, Waste, and Abuse against the school districts referenced in the postings. My concern is not that we would be sued. Rather, it's strategic. We're a fledgling organization seeking funding from private and public sources to fulfill our primary purpose of providing training and resources to CBOCs. My estimation is that the most likely source of funding will be private companies that have an interest in providing services in this area, such as auditing firms doing effectiveness and results audits like Moss Adams, perhaps firms that prepare facility master plans and the like. These firms may shy away if we are perceived as making serious allegations (for which we have little resource to substantiate) against their potential clients.

What I'll do is put together a redline mark-up of the policy for you folks to review and think about. If you don't like it and want to go with the original proposal, no problem, we can propose the two alternatives to the broader group for vote.

Take care,

Mac Moore  
Mobile: 916-712-7303

On Wednesday, June 2, 2021, 12:18:13 PM PDT, [tarubin@earthlink.net](mailto:tarubin@earthlink.net) <tarubin@earthlink.net> wrote:

TAR: Evidently, we have very different takes on the same situation.

From my decades as a financial professional, senior executive, auditor, and consultant in government, particularly in California and K-12, I believe that there is a very large amount of fraud, waste, and abuse going on. We can argue about "proven," but, as I have pointed out and explained in detail, if the standard is going to be a final judicial or administrative action, then Abuse will never meet your standard, nor will most waste, and all that will be left is the relatively small number of frauds that are actually taken to final judgment. Even most frauds that result in penalties would not qualify because so many of these are either settled by some type of consent decree ... or are disregarded or covered up and never made public.

I'm certainly not saying that every CBOC member should be given a junior GI badge and encouraged to go out and fight crime. What I AM saying is that the problems out there are both very large in number of occurrences, dollar value, extra months and years in getting things done, reduced improvements due to overruns, and poor quality and workability of assets that are constructed, or proposed for construction. CBOC members need to be aware of these so that they can be on the look-out for them.



I am a strong advocate of making CBOC Members aware of all of the terrible things that have gone wrong at various K-12's and CC's around California and the nation so they can be aware of them. So we are clear, the main job of oversight in preventing these things from happening is NOT playing auditor, cop, or investigator, but instead:

1. Doing what it can to ensure that the district has proper procedures and controls in place – BEFORE it begins any major construction programs.
2. Looking at the qualifications of the personnel in charge of school construction bond activities (which is difficult to have any direct involvement in, but, if there is a history of presentations by staff which don't make sense and staff cannot answer the CBOCs questions, and doesn't provide requested information, this is pretty good evidence of problems that can impact how well the program is managed).
3. Insistence on regular evaluations of procedures, both to see that proper ones are in place and are being complied with, and to see what happens when problems are noted (which is why we are focusing on both compliance and economy/efficiency/program results audits being done on a regular basis).

I'm sorry if I sound cynical, but after five decades in government, I have a collection of what-went-wrong stories that is many, MANY times larger than the collection of consequences and fixes – and particularly recoveries.

I think that we have reached the point where it is unlikely that the two of us will be able to reach consensus. If you want to have the last word on this exchange, go ahead, but I think that we'll have to go to the larger group to have this discussion and resolution.

Tom Rubin

**From:** Cameron Moore <macmoore55@yahoo.com>  
**Sent:** Wednesday, June 2, 2021 11:41 AM  
**To:** nickmarinovich52@gmail.com; 'Anton Jungherr' <ajungherr@aol.com>; [tarubin@earthlink.net](mailto:tarubin@earthlink.net)  
**Subject:** Re: CABOC - New Board Policy 6 on Website Documents Approval Process

Tom,

That's kind of what I thought: that maybe there aren't that many examples of proven Fraud, Waste, and Abuse using the strict yellow book technical definitions and audit standards.

My sense is that the issues facing our bond programs and the need for robust oversight are less about bad actors and more about Districts trying to do the right thing but not doing such a good job because they don't have the proper policies and procedures in place. Our organization can support CBOCs in their efforts to institute good management at the programs they oversee. Less about catching bad guys and more about supporting folks with good intentions to do the right thing.

That's why I proposed the alternative approach of re-labeling the section to something like "Bond Program Issues" or "Bond Program Challenges". This would allow us to cast a much larger net than the Fraud, Waste, and Abuse label which implies proven misdeeds or that we are performing thorough audits that are implied by indicating we are using auditing standards to make our judgements.



Mac Moore

Mobile: 916-712-7303

On Tuesday, June 1, 2021, 09:48:17 PM PDT, [tarubin@earthlink.net](mailto:tarubin@earthlink.net) <[tarubin@earthlink.net](mailto:tarubin@earthlink.net)> wrote:

TAR: Thank you for your comments.

Some responses below.

My big problem is that if we adopt your recommendations, there will be almost nothing in this section and what is there will be significantly delays. I think we want this to be hard-hitting and grab people's attention – and, to protect ourselves, we should be mainly providing links to published stories, articles, etc. and only do precise, word-for-word, quotes.

Tom Rubin

**From:** Cameron Moore <[macmoore55@yahoo.com](mailto:macmoore55@yahoo.com)>

**Sent:** Tuesday, June 1, 2021 2:09 PM

**To:** [tarubin@earthlink.net](mailto:tarubin@earthlink.net); [nickmarinovich52@gmail.com](mailto:nickmarinovich52@gmail.com); Anton Jungherr <[ajungherr@aol.com](mailto:ajungherr@aol.com)>

**Subject:** Re: CABOC - New Board Policy 6 on Website Documents Approval Process

Here are my thoughts on the policy.

### **Fraud, Waste, and Abuse Segment**

if we want to maintain the "Fraud, Waste, and Abuse" title to this section, I feel we should only post examples where there has been a judicial or administrative determination of Fraud, Waste, and Abuse.

TAR: Please refer to the definitions of "fraud," "waste," and "abuse," from the U.S. GAO, in the paper I prepared.

"Fraud" involves a determination of criminal and/or civil violation of laws or regulations made by a judicial or administrative body that has jurisdiction in the matter. "Waste" and "abuse" do *not*; in fact, the definition of "abuse" specifically excludes "fraud." The definition of "waste" "... does not necessarily involve a violation of law."



Therefore, if your requirement were to be our standard, this would mean that nothing that was “abuse” and only some items that were “waste” (in my experience, a small minority) could ever be posted. As a practical matter, while “abuse” and “fraud” are, by definition, mutually exclusive, any “waste” determination that was made by a judicial or administrative body would also be a fraud.

Also, as your proposed standard requires that the determination be made by a judicial or administrative body, that means that accusation, even of fraud, would not be posted.

This brings up another issue, namely that, if such a determination is made by a judicial or administrative body, there is just about always the opportunity for appeal – and, I can tell you from my own experience, such appeals can take years. By law, until the final appeal is completed, the question is still open.

So, would your proposed standard mean that we can post after the determination in the court of origin (or comparable administrative body), or would we have to wait until the final appeal is exhausted?

These limitations would really cut down on what we would be reporting.

Could you provide some additional detail why you believe your standard is applicable? I’m having difficulty understanding what your concern(s) might be.

The main thing that springs to mind is that you may be concerned of our legal liability if someone takes offense. This is a legal question that should be referred to an attorney, but I’ll stick my neck out a bit and say what I’ve picked up from watching the news.

While I can offer no absolute guarantee that this could never and would never happen (in this nation, anyone can sue just about anyone for just about anything – doesn’t mean that the action will go anywhere, but the right to file is almost absolute), what we have in mind is that this section be links to articles, papers, or other documents created by, and attributed to, others, mainly press/media. As long as we stick with that, we will have a great deal of effective protection for two reasons: (1) It is extremely difficult to win an action against a newspaper, TV station, or other press/media (which has been expanded to include many electronic media); this means that many aggrieved parties don’t even try, and (2) If an aggrieved party were to attempt such an action, it would appear to be difficult to bring any action against us without taking action against the actual author of the article/story/paper and the media where it was first presented – and, again, our exposure would appear to be rather minor – and that’s worst case.

Again, I’d really appreciate hearing more about your concerns that have led to your recommendations.

END TAR

While we have members/advisers who may be qualified to investigate allegations of potential fraud, waste, and abuse and make determinations, I don’t think such investigations and determinations are within our organizational mission or capabilities.

TAR: We are certainly in total agreement on that.



END TAR

Posting examples of judicial and administrative determinations - that is actual fraud, waste, and abuse - will carry much more weight than mere allegations in convincing others that our legislative program is important.

TAR: As explained above, if we followed your recommendations, we would only be posting examples of fraud – and then, only after a judicial or administrative finding (initial or final?).

My biggest problems with your proposal are: (1) it would reduce the body of matters we would be reporting by a huge extent, likely far more than an order of magnitude; (2) it would delay reporting anything for months to years, and (3) many items, up to and including major frauds, would never be reported at all.

For the last, let me give you a personal example: The biggest example of fraud, waste, or abuse (I'm not going to try to classify which of these it was because there is no need; the problems and the corrective actions are the same) I ever personally was involved with was with a major Federal grantee that I determined was misreporting data, in clear violation of the rules, which increased their allocations of Federal grant funds by at least \$3 million a year for over two decades; the total over-award was almost certainly over \$50 million, likely well over.

As required by Government Audit Standards, I brought this matter to the attention of the Federal authorities.

The final action that was taken – which took years to even get started – was an agreement that the grantee agency would stop overreporting its statistics to improperly get overpaid by the Federal government in the future. There was **NO** recovery of any of the funds that had been overbilled, **NO** penalties or loss of funds, and **NO** action taken against the agency or any of the employees who had been involved in the improper activities (in fairness, the original misreporting dated back well over 20 years, all the people that were involved in the original had long since left the agency, and the continued violation had just been continued, without question, for generations of subsequent employees and managers).

There was also no announcement made – the only reason that this ever came out was that it became known to a staffer to a Senate Committee who later formed a law firm and brought a legal action in an attempt to gain a political advantage just before an election.

In a separate matter, I determined that the Chief Counsel for another agency had decided to buy a highly unusual type of property damage/public liability insurance and had been placing the coverage, for many years, through an insurance brokerage where he had a financial interest. We turned this over to a proper law enforcement agency and I later learned that the attorney – a former associate justice of the state supreme court, no less – was well known to be the mayor's bag man.

The action taken? The attorney decided to retire and the insurance coverage was placed differently – at a savings of over half a million the first year. No legal or administrative action was ever taken, but one very sharp City Councilman (that was the legal term for the office, which really ticked off the females on the council) found out about it and asked me some very pointed questions when we made our final report (which, of course, mentioned what we had found) – which I answered fully and which did wind up in the local press/media.

So, what happens the vast majority of times there is fraud, waste, or abuse is that there is never any judicial or administrative action. For most counties in California, the DA will not even consider bringing a criminal action for under \$100,000 – as one ADA told me, "It is tough enough to win a case where you have eyewitnesses and, literally, a smoking



gun – to try to explain white collar crime to a dozen people who were too dumb to get off jury duty is just too risky, takes way too much time, costs too much, and has a high risk of failure – very few DAs would touch such a case."

I know from my own experience that, in Los Angeles, the DA's minimum was \$500,000 (that was several years ago) – and I know of a \$20+ million dollar fraud that was presented to the DA all wrapped in a gift box with a ribbon that the then-DA wouldn't touch for years, and no action was taken until the new DA came in and did take it on.

END TAR

Alternatively, we can change the section title from "Fraud, Waste, and Abuse" to some other more neutral title; this would allow greater latitude in posting documents/links.

TAR: Again, I'm confused why you would propose this.

We have a very precise definition of these terms from THE authoritative Federal agency, which we are including in our intro of this section. Why would we want to create a new title that we would have to define ourselves?

We want people to pay attention to this section, we want them to look at this as a list of events where other agencies have screwed up – and CBOC members should want to know about these so they won't wind up making the same types of mistakes.

END TAR

All postings should be accompanied by a short summary of what's posted to provide context.

TAR: Here, our best protection is to NOT to write this, not to change anything, but to just link to what someone else – press, media, auditor, researcher, etc. – has published.

If we are going to have anything besides a link, we should use the title of the piece and, perhaps, print a few sentences taken word-for-word from the source document.

END TAR

I note that the description of sources for this section does not include news sites.

TAR: The specific intention is that we DO use materials from press/media; however, we also intend to use other public documents, such as audit reports and – court orders and decisions. Again, the intention is that we focus on doing research and finding interesting reports on situations that could occur at other K-12 or CC districts and should be of interest to CBOC members who don't want to go there.

END TAR

Not sure if this was intentional. I think it's ok to post links to articles, provided they are from a reputable sources such as major news organizations.

TAR: That is exactly our intention, although we propose also drawing on other authoritative sources, such as audit reports, legislative committee staff reports, published university research, etc.

END TAR

## **In the News Segment**

We should add that posted articles should only be from reputable sources such as major news organizations. We might also add language to say that articles of potential interest to CBOCs could be posted, not just articles about CBOCs.

TAR: You appear to be talking about a second section, separate from the Fraud, Waste, and Abuse section (the FWA section would likely have few, if any, pieces that are primarily on CBOCs and, I would expect, only a few mentions of a CBOC). I'm fine with this if that is what you are proposing to the Executive Committee.



END TAR

All other items in this policy look ok to me.

Mac Moore

Mobile: 916-712-7303

On Friday, May 28, 2021, 08:41:25 PM PDT, Anton Jungherr <[ajungherr@aol.com](mailto:ajungherr@aol.com)> wrote:

Attached is an advanced draft of referenced Board Policy for your review.

This policy will be on the June 12, 2021 Board agenda, and will replace our existing policy.

## **Anton Jungherr**

California Association of Bond Oversight Committees

Co-Founder/Director/Secretary/Treasurer

[ajungherr@aol.com](mailto:ajungherr@aol.com)

510.697.7212 cell

[www.bondoversight.org](http://www.bondoversight.org)



Dear Fellow Board Members,

I am proposing an alternative to the proposed revision of the Website Document Approval Process Policy. A “mark-up” with my proposed revision is attached.

What are the changes?

- Primarily, re-labeling the website section currently labeled “Fraud, Waste, & Abuse” to “Poor Practices” and including links to evidence of poor bond management practices in addition to fraud, waste, and abuse. Second, to include short summary of the linked document to provide the reader a better understanding of what the linked document is about.

Why do I recommend the changes?

- By expanding the section to include links to evidence of poor bond management practices it allows us to include a broader set of evidence to support the need for strong bond oversight. Based on feedback from fellow board member Tom Rubin, there may be few examples where Fraud, Waste, and Abuse has been formally determined by a court, administrative body, or auditor. Most actions/investigations are settled in some other fashion and not made public.
- By labeling this section “Fraud, Waste, & Abuse” it could easily be interpreted that CABOC is leveling some pretty serious charges in circumstances where there has not been an official ruling by a court, administrative body, or auditor (see bullet 1). We don’t have the resources to do our own thorough investigation.

What is my concern?

- We are a fledgling organization trying to establish our credibility and sources of funding for our primary purpose of training and supporting CBOCs. One of our target sources of funding and training collaboration are professional firms such as auditors, consultants that prepare facilities master plans, law firms and the like. These firms may shy away if CABOC is perceived as making serious allegations (for which we have little resource to substantiate) against their school district clients or potential clients.

Thank you for considering my concerns.

Mac Moore



**6 Board Policy Website Documents Approval Process****Approved June 12, 2021 Board of Directors****Website Documents Approval Process****Overview**

The website home page has seven (7) public segments. The purpose of this policy is to describe for each segment the purpose, review process, service standard (Help Desk), definitions and sources (Fraud, Waste and Abuse) and approval authority for a document to be uploaded to the website [www.bondoversight.org](http://www.bondoversight.org). Also included is the CABOC Digest electronic newsletter.

This policy will assure that documents/articles/audits/reports posted to the CABOC website reflect the best practices, current information supported by evidence and CABOC professional and ethical standards.

**FAQs (Frequently Asked Questions)**

**Purpose:** Write and answer questions of interest and value to Citizens' Bond Oversight Committee (CBOC) members.

**Review Process:** Questions and answers drafted by FAQ Committee, ten (10) calendar days review period by Board and Advisors.

**Approval Authority:** Board

**Best Practices**

**Purpose:** Write Best Practices standards for the training of CBOCs.

**Review Process:** Drafted by assigned subject matter experts (minimum of two) for each topic, review by the Best Practices Committee, sixty (60) calendar days review period by Board and Advisors, publication of draft on website, request for comments via newsletter articles and emails to stakeholders.

**Approval Authority:** Board

**Resources**

**Purpose:** Display documents/articles of interest to CBOC members prepared by CBOCs, CABOC Board and Advisors, districts, and other recognized organizations and individuals.

**Review Process:** Anyone can make a recommend to the Board that a document/article be uploaded to the website. Copyrighted material must be reviewed to determined if it can be posted on the website and written permission obtained ,if needed. Obtain approval for documents/articles authored by an individual.

**Approval Authority:** Board



**6 Board Policy Website Documents Approval Process**  
**Approved June 12, 2021 Board of Directors**

34

35 **Help Desk**

36 Purpose: Questions/service requests can be submitted to CABOC through the Help Desk  
37 segment on the website. These requests go to the CABOC Secretary email address.

38 Review Process: Referred to FAQ Committee for preparation of answer after consulting  
39 published CABOC FAQs and Best Practices and subject matter experts as needed.

40 Service Standard: Acknowledgment of request within twenty-four (24) hours with an answer or  
41 status report within five (5) calendar days.

42 Approval Authority: FAQ Committee

43 **Fraud, Waste & Abuse (placeholder) <sup>1</sup>**44 **In the News & Updates**

45 Purpose: To display current news articles about and of interest to CBOCs throughout California  
46 and CABOC announcements about conferences, training workshops, annual membership  
47 meeting, etc. News articles will be from reputable news organizations.

48 Review Process: Board members and Advisors make recommendations to CABOC Public  
49 Relations Committee.

50 Approval Authority: Public Relations Committee

51 **External Sites**

52 Purpose: To have available in one location various external resources that could be helpful to  
53 CBOC members.

54 Review Process: Board members and Advisors make recommendations to CABOC Public  
55 Relations Committee.

56 Approval Authority: Public Relations Committee

57 **CABOC Digest Electronic Newsletter**

58 Purpose: Communication with current and prior California CBOC members and other  
59 stakeholders.

60 Review Process: Draft prepared by newsletter editor and circulated to Executive Committee for  
61 review.

62 Approval Authority: Executive Committee

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<sup>1</sup> This section was deleted at the June 12, 2021 Board meeting. An Ad Hoc Committee was appointed at the June 12, 2021 Board meeting to redraft this section.



**6 Board Policy Website Documents Approval Process**

**Approved June 12, 2021 Board of Directors**

63

64 History: Original approved June 13, 2020 amended September 12, 2020, January 9, 2021, and  
65 June 12, 2021.





# California Association of Bond Oversight Committees

## Statement of Financial Position

As of May 31, 2021

		TOTAL
<b>ASSETS</b>		
Current Assets		
Bank Accounts		
Bank of America		6,910
<b>Total Bank Accounts</b>		<b>\$6,910</b>
<b>Total Current Assets</b>		<b>\$6,910</b>
<b>TOTAL ASSETS</b>		<b>\$6,910</b>
<b>LIABILITIES AND EQUITY</b>		
Liabilities		
Current Liabilities		
Accounts Payable		
Accounts Payable		5,875
<b>Total Accounts Payable</b>		<b>\$5,875</b>
<b>Total Current Liabilities</b>		<b>\$5,875</b>
<b>Total Liabilities</b>		<b>\$5,875</b>
Equity		
Unrestricted Net Assets		1,470
Net Revenue		-435
<b>Total Equity</b>		<b>\$1,035</b>
<b>TOTAL LIABILITIES AND EQUITY</b>		<b>\$6,910</b>





# California Association of Bond Oversight Committees

## Statement of Activity

January - May, 2021

	TOTAL
Revenue	
Donations Individuals	9,968
Reinbursement Insurance (Directors & Officers)	440
<b>Total Revenue</b>	<b>\$10,408</b>
GROSS PROFIT	<b>\$10,408</b>
Expenditures	
Accounting Software QuickBooks Online	175
Credit Card Processing Anedot	80
Database Constant Contact	6,097
Insurance (Directors & Officers)	446
Meeting Software Zoom	146
Newsletters	703
Office Expenses	215
Website Hosting FX Domains	628
Website Maintenance	2,354
<b>Total Expenditures</b>	<b>\$10,843</b>
NET OPERATING REVENUE	<b>\$ (435)</b>
NET REVENUE	<b>\$ (435)</b>



Should a CBOC take legal advice from the school district's lawyer?

First, we recommend that every CBOC have its own legal counsel that is responsible to the CBOC and that the district's legal counsel, internal or external, cannot be the CBOC's legal counsel because that would be a conflict of interest. Also, for the same reason, the CBOC's legal counsel cannot do any work for the district.

There will be occasions when it is totally appropriate for the district's legal counsel to provide information about legal matters to the CBOC. For example, if the CBOC has legal questions about the district's human resources or procurement processes, it will likely be far more efficient for the district's legal counsel that works in these areas to provide the explanation to the CBOC. In such cases, it may be appropriate for the CBOC's legal counsel to review the district's legal counsel statements.

Occasionally, a CBOC may need technical advice. The district is required to provide technical advice to the CBOC when requested "**without expending bond funds.**" See Education Code Section 15280 (a). Legal advice is one type of technical advice. Typically, the district employs a lawyer to give the district advice about issues related to the bond programs.

The district's lawyer has an "attorney/client" relationship with the district in which the lawyer has a duty to give advice that is in the best interest of the district. The district's lawyer has no duty to the CBOC, even if the legal advice is good advice. The district's legal counsel also has a legal privilege responsibility to the district. This means that it is prohibited from sharing certain information, such as those for a claim or legal action, individual personnel action, and information regarding procurements that have not been completed, with any outside parties including the CBOC. Similarly, the CBOC's legal counsel has the same responsibilities to the CBOC. It is possible that the CBOC's legal counsel may be able to give general information about a situation that is in process that the district's legal counsel is prohibited from discussing with the CBOC.

The potential problem with the CBOC receiving legal advice from the district is that the advice is "in the best interest of the district." The CBOC should have advice that is in the best interest of the CBOC as the representative of the taxpayers, residents, and other stakeholders.



For example, the bylaws of a CBOC may include a provision “only the district may amend these bylaws.” An independent CBOC’s lawyer might explain that the board’s bylaws encroach on the independence of the CBOC.

An independent CBOC must draft its own bylaws.

Best practice is for the CBOC to have an independent legal counsel, paid by the District, and for CBOC legal counsel to be experienced in the types of matters that are likely to come before the CBOC. Fortunately, there are law firms that have attorneys that specialize in governmental and even K-12 and Community College organizations that can be well-qualified and experienced in the legal issues of such entities.



## Brown Act (Open Meetings)

The Ralph M. Brown Act (**Open Meetings**), California Government Code Sections 54950 *et seq*<sup>1</sup>, regulates many aspects of all government agency meetings including those of Citizens' Bond Oversight Committee (CBOC) meetings.

The Brown Act is essentially a body of rules designed to ensure open government and fairness. Because of the complexities and potential penalties, we recommend that qualified legal counsel educate CBOC members and staff on the Brown Act at the beginning of their terms of service and that the advice of legal counsel be obtained in advance of any matters that may be questionable.

The main provisions of the Act include:

1. All CBOC meetings, including those of standing committees, must be open to the public.
2. A meeting is defined as any congregation of a majority of the CBOC at the same time and place including Zoom or other electronic meetings. Meetings can also include an e-mail threads that include a quorum of the CBOC.
3. E-mails that are sent out by staff to inform CBOC members, such as transmitting a meeting agenda package, are not subject to the Brown Act. However, these should be used with caution because if any of the members "respond to all," they can become subject to the Brown Act requirements. It may, therefore, be a good idea to send such e-mails with most addresses as "bcc's" to avoid the potential problem of members being able to respond to all. CBOC members should not send out e-mails to what could become a quorum of members discussing such matters.
4. A quorum of CBOC members is generally a majority of the active membership. For example, if there are nine CBOC seats and all nine are filled, a quorum is five – but, if two of the seats are unfilled, a quorum is four.
5. A regular meeting must be noticed 72 hours in advance on the CBOC or district website. If the CBOC does not have a website, the meeting notice must be posted at a stipulated place accessible to members of the public. Weekend hours may be counted as part of the 72-hour period.
6. Special meetings require 24 hours' notice.

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<sup>1</sup>

[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5](https://leginfo.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5)



7. A “meeting,” as that term is defined under the Brown Act, can be deemed to occur whenever a majority of the members are in one location, including electronically – even at a social event where the members did not know that other members would be in attendance.
8. “Serial meetings” must not be allowed to occur. For example, if there is a five-member board, with a quorum being three members, Member A can meet privately with Member B, but if Member B then meets with Member C to discuss the same topics, an unallowable meeting may be deemed to have occurred. This can happen even if a non-member is the person who is the common link if the positions or concerns of members are relayed to other members.
9. Upon written request by the media, or any member of the public, the agenda and all documents shall be sent by the district to the person making the request at the time the agenda is posted.
10. All meetings must have an agenda and the agenda must include a description of each item on the agenda.
11. For regular meetings, the public must be provided an opportunity to address not only any item on the agenda, but any item within the subject matter of the CBOC.
12. For special meetings, the public must be provided an opportunity to address any item on the agenda.
13. Certain items, such as personnel matters and/or active legal actions, may be considered in executive session where the public is not allowed to participate. However, such items must be placed on the agenda and the results of any actions taken in executive session announced. The public has the same right to comment as any other items.
14. Minutes of meetings must be kept.
15. Members of the public are entitled to know how each member of the CBOC voted on action items.
16. Standing subcommittee meetings are also subject to the Brown Act rules shown above. Task forces that are established for limited specific purposes and terms are not subject to the Brown Act rules if a quorum of CBOC members is not in attendance.
17. Members of the public cannot be required to give names or sign a register as a condition of attendance or speaking. They may be required to go through security procedures such as metal detectors.



18. The media and public may record and broadcast meetings if they do not interfere with the conduct of the meeting and comply with all applicable regulations, such as not blocking fire escape access isles.



### 24.1 What is the Brown Act (Open Meetings)?

The Ralph M. Brown Act (Open Meetings), California Government Code Sections 54950 *et seq*<sup>2</sup>, regulates many aspects of all government agency meetings including those of Citizens' Bond Oversight Committee (CBOC) meetings.

The Brown Act is essentially a body of rules designed to ensure open government and fairness. Because of the complexities and potential penalties, we recommend that qualified legal counsel educate CBOC members and staff on the Brown Act at the beginning of their terms of service and that the advice of legal counsel be obtained in advance of any matters that may be questionable.

### 24.2 What are the main provisions of the Brown Act?

All CBOC meetings, including those of standing committees, must be open to the public.

A meeting is any congregation of a quorum of the CBOC members at the same time and place including Zoom or other electronic meetings.

Meetings can also include phone calls and/or an e-mail thread that includes a quorum of the CBOC.

A quorum of CBOC members is generally a majority of the active membership. For example, if there are nine CBOC seats and all nine are filled, a quorum is five – but, if two of the seats are unfilled, a quorum is four.

### 24.3 What is a Brown Act “serial meeting?”

A serial meeting occurs when two or more individual meetings involving CBOC members on the same topic combine to involve a quorum of CBOC members.

For example, if there is a five-member board, with a quorum being three members, Member A can meet privately with Member B and discuss a matter, but if Member B then meets with Member C to discuss the same topics, an unallowable serial meeting may be deemed to have occurred.

A serial meeting can also occur if a non-member is the common link if the positions or concerns of CBOC members are relayed to other CBOC members.

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<sup>2</sup> [https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5](https://leginfo.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5)



24.4 Are meetings, phone calls, and/or e-mails to or between CBOC members subject to the Brown Act?

A CBOC member can e-mail one or more other members on a topic if the number of CBOC members involved is kept under that of a quorum.

E-mails that are sent out by staff to inform CBOC members, such as transmitting a meeting agenda package, are not subject to the Brown Act. However, e-mails should be used with caution because if any of the members “respond to all,” it can become subject to the Brown Act requirements. It may therefore be a good idea to send such e-mails with most addresses as “bcc’s” to avoid the potential problems of members being able to respond to all. CBOC members should not send out e-mails to what could become a quorum of members discussing such matters.

24.5 What are the Brown Act advance notice requirements for meetings?

A regular meeting must be noticed 72 hours in advance on the CBOC or district website. If the CBOC does not have a website, the meeting notice must be posted at a stipulated place accessible to members of the public. Weekend hours may be counted as part of the 72-hour period. The notice shall include the time and place and alternative access (Zoom, call-in, etc.) and the agenda with the items to be considered at the meeting.

All meetings must have an agenda and the agenda must include a description of each item on the agenda.

Special meetings – generally, a non-regularly scheduled meeting on a single topic, require 24 hours’ notice.

24.6 How broad can a Brown Act “meeting” be construed?

A “meeting,” as that term is defined under the Brown Act, can be deemed to occur whenever a majority of the members are in one location, including electronically and even at a social event where the members did not know that other members would be in attendance. At such occurrences, members must be careful not to discuss CBOC business.



24.7 Does the Brown Act require that the agenda package be accessible by members of the public?

Upon written request by the media, or any member of the public, the agenda and all documents shall be sent by the district to the person making the request at the time the agenda is posted.

Many government boards, including CBOCs, post their entire agenda packages on their web sites, in a downloadable format, as part of their meeting notice process.

24.8 Under the Brown Act what rights does the public have to address the CBOC at meetings?

For regular meetings, the public must be provided an opportunity to address not only any item on the agenda, but any item within the subject matter of the CBOC.

Generally, on items on the agenda, members of the public are given the opportunity to comment after the presentation of the item is made to the CBOC by staff and before the CBOC members begin their discussion.

Members of the public may comment on any CBOC applicable topic they wish during a general public comment period. Some CBOCs have their general public comment period near the top of the list of agenda items, others at the end.

For special meetings, the public must be provided an opportunity to address any item on the agenda.

24.9 Does the Brown Act allow items that the CBOC can discuss in closed session?

Certain items, such as personnel matters and possible and/or active legal actions, may be considered in executive session where the public is not allowed.

However, such items must be placed on the agenda, the items to be considered in closed session announced in open meeting prior to the commencement of the closed session, and the results of any actions taken in executive session announced. The public has the same right to comment as on any other items prior to the commencement of the closed session.

24.10 What Are the Brown Act requirements for meeting minutes?

Minutes of meetings must be kept.



Members of the public are entitled to know how each member of the CBOC voted on action items.

Many CBOCs post their meeting minutes on their web site to be available to the public and other interested parties in perpetuity.

24.11 Are CBOC subcommittees and task force meetings subject to the Brown Act requirements?

Standing subcommittee – those that are intended to remain in existence without a predetermined end date or achievement of a specific objective – are also subject to the Brown Act rules shown above even if a quorum is not present.

Task forces that are established for limited specific purposes and terms are not subject to the Brown Act if a quorum of CBOC members is not in attendance.

24.12 Does the Brown Act require members of the public to identify themselves?

Members of the public cannot be required to give names or sign a register as a condition of attendance or speaking. They may be required to go through security procedures such as metal detectors.

24.13 Does the Brown Act allow CBOC meetings to be recorded?

The CBOC, the press/media, and the public may record and broadcast meetings if they do not interfere with the conduct of the meeting and comply with all applicable regulations such as not blocking fire escape access isles.

If the CBOC records its own meetings, it must make such records available to the public or press/media upon request. Some CBOCs make such recordings available for download on their web site.



### **Professional Advisors**

Professional Advisors are citizens who are passionate about Citizens' Bond Oversight Committees (CBOC) having independent training and the capacity to provide independent oversight of Proposition 39 school bond construction projects.

Professional-Advisors are subject matter experts who can assist and support the mission of CABOC.

Many Professional Advisors have served on or are now serving on Citizens' Bond Oversight Committees and/or have expertise in training, school governance, school construction or auditing.

Professional-Advisors are appointed by the CABOC ~~Executive Committee~~ **President subject to ratification by the Board**. Members' pictures and biographic information will be displayed on the CABOC website and various publications

There are no meeting requirements for Professional Advisors. ~~Members~~ **Advisors** will be requested to provide advice from time to time on various training courses, programs, website, newsletters, proposed legislation, and publications.

Professional Advisors are encouraged to participate in the work of one or more of the ~~five~~ Board Standing Committees:

- ~~Training Materials~~
- ~~Membership Recruitment~~
- ~~Legislation~~
- ~~Member Customer Services~~
- ~~Public Relations~~

Professional-Advisors may also serve as the CABOC liaison to assigned CBOCs. In this role they would:

- Monitor the activities of the CBOC through review of website and visits to meetings.
- Provide access to CABOC resources.
- Recruit CABOC members.
- Recruit Professional Advisors.
- Maintain CABOC email database of CBOC member

Communication will be via email and occasional conference calls. Members will be invited to participate in Executive Committee, Board, and annual membership meetings in person or via Zoom (online meeting software) based on their passion for the subject matter under discussion.

**CABOC**  
**4 Board Policy Advisor**  
**Board Meeting June 12, 2021**

Printed: 5/27/2021 3:51 PM

~~Professional~~-Advisors are CABOC voting members including the right to vote on election of directors and amendments to the bylaws and other governance matters.<sup>1</sup>

History: Approved by Board of Directors March 14, 2020, amended September 12, 2020.

Amended June 12, 2021 to change “Professional Advisor” to “Advisor” and other technical amendments.

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<sup>1</sup> Bylaws Article 4, Section 2 (a).





Corporation formed September 19, 2019  
Corporation Number 4319346  
Internal Revenue Service Approved Exempt Federal Income Tax  
Donations tax deductible to the fullest extent allowed by law.

For effective oversight.

<b>CORPORATE OFFICERS (8) (all terms expire January 31, 2022)</b>
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Chairperson – Jack Weir (Elected September 12, 2020)

President – Amadeo Rodriguez \* (Elected June 12, 2021) <sup>1</sup>

Vice President – Carolyn Castillo \* (Elected September 12, 2020)

Assistant Vice President – vacant as of June 12, 2021 <sup>2</sup>

Secretary – Anton Jungherr (Elected November 12, 2019)

Assistant Secretary – Mac Moore (Elected June 12, 2021) <sup>3</sup>

Treasurer – Anton Jungherr \* (Elected November 12, 2019)

Assistant Treasurer – Thomas Rubin \* (Elected June 12, 2021) <sup>4</sup>

\* Authorized to sign checks (4), one signature is required. <sup>5</sup>

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<sup>1</sup> Pending Board action.

<sup>2</sup> Previously was Amadeo Rodriguez.

<sup>3</sup> Pending Board action.

<sup>4</sup> Pending Board action.

<sup>5</sup> Approved Executive Committee May 25, 2021.



# California Secretary of State Electronic Filing



## Corporation - Statement of Information

Entity Name: CALIFORNIA ASSOCIATION OF BOND  
OVERSIGHT COMMITTEES

Entity (File) Number: C4319346

File Date: 06/01/2021

Entity Type: Corporation

Jurisdiction: CALIFORNIA

Document ID: GT73499

### Detailed Filing Information

1. Entity Name: CALIFORNIA ASSOCIATION OF BOND  
OVERSIGHT COMMITTEES
2. Business Addresses:
  - a. Street Address of Principal  
Office in California:  
121 Ash Court  
Hercules, California 94547  
United States of America
  - b. Mailing Address:  
121 Ash Court  
Hercules, California 94547  
United States of America
3. Officers:
  - a. Chief Executive Officer:  
Amadeo Rodriguez  
13705 Sunkist Drive, Apt 25  
La Puente, California 91746  
United States of America
  - b. Secretary:  
Anton Jungherr  
121 Ash Court  
Hercules, California 94547  
United States of America

Document ID: GT73499





## California Secretary of State Electronic Filing

Officers (Cont'd):

c. Chief Financial Officer:

Anton Jungehrr  
121 Ash Court  
Hercules, California 94547  
United States of America

4. Agent for Service of Process:

Anton Jungherr  
121 Ash Court  
Hercules, California 94547  
United States of America

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign.

Electronic Signature: Anton Jungherr

Use [bizfile.sos.ca.gov](http://bizfile.sos.ca.gov) for online filings, searches, business records, and resources.

Document ID: GT73499

### Current Projects

Description	Assigned
FAQ various	Anton Jungherr
Seek Moss Adams, LLP as sponsor October 16, 2021 conference	Anton Jungherr
Facilities master plan Best Practice	Carolyn Castillo
California School Board Association presentation December 2021 (possible)	Carolyn Castillo & Nick Marinovich
Editor FAQ, Best Practices, conference, manual	Denise Sheehan
CBOC members project	Denise Sheehan
Index Board Minutes	Judy Box
Index Executive Committee minutes	Judy Box
Upload document to website	Linda Lozito
Newsletter editor	Linda Lozito
Website maintenance	Linda Lozito
Constand Contact marketing lists	Linda Lozito
CBOC members project	Lorraine Humes
USC Capstone Project (CABOC Business Plan)	Mac Moore
FAQ various	Marcus Crawley
Article CABOC & Moss Adams, LLP	Nick Marinovich
SDCTA bond measure evaluation	Nick Marinovich
Purchasing Best Practice	Nick Marinovich
Video performance audit CABOC & Moss Adams, LLP	Nick Mrinovich
Video Bond Oversight 101	Nick Mrinovich/Amadeo Rodriguez
Video CoCoTax & CABOC	Nick Marinovich
Update Board directory	Ourania Riddle
Update Advisors directory	Ourania Riddle
Update media list	Ourania Riddle
Model CBOC Bylaws	Tom Rubin
Expanded MOU	Tom Rubin
FAQ various	Tom Rubin



**CABOC Database California Proposition 39 School Bonds**

**Active Citizens' Bond Oversight Committees as of November 3, 2020**

**By County High to Low**

Printed: 6/5/2021 12:13 AM

	A	B	C
1	County	Number	
2	Los Angeles	74	
3	Santa Clara	31	
4	San Diego	28	
5	Sonoma	27	
6	<b>Fresno Kings</b>	25	
7	Kern	21	
8	Riverside	21	
9	Orange	20	
10	San Mateo	18	
11	Alameda	17	
12	Humboldt	16	
13	<b>Monterey</b>	16	
14	Contra Costa	15	
15	Ventura	15	
16	Imperial	13	
17	Merced	12	
18	Tulare	12	
19	Marin	10	
20	Santa Barbara	10	
21	<b>Sacramento</b>	9	
22	San Bernardino	9	
23	Stanislaus	9	
24	Kings Tulare	8	
25	San Luis Obispo	8	
26	Santa Cruz	8	
27	Shasta	8	
28	<b>Solano Yolo</b>	8	
29	<b>Mendocino</b>	7	
30	San Joaquin	7	
31	Lake	6	
32	Sutter	6	
33	Butte	4	
34	El Dorado	4	
35	Placer	4	
36	Nevada	3	
37	San Benito	3	
38	Tehama	3	
39	Calaveras	2	



**CABOC Database California Proposition 39 School Bonds**  
**Active Citizens' Bond Oversight Committees as of November 3, 2020**  
**By County High to Low**

Printed: 6/5/2021 12:13 AM

	A	B	C
1	<b>County</b>	<b>Number</b>	
40	Colusa	2	
41	Napa	2	
42	San Francisco	2	
43	Yolo	2	
44	Alpine	1	
45	Glenn	1	
46	Inyo	1	
47	Madera	1	
48	Mariposa	1	
49	Mono	1	
50	Plumas	1	
51	<b>Siskiyou</b>	1	
52	Trinity	1	
53	Tuolumne	1	
54	Yuba	1	
55	<b>Total</b>	<b>536</b>	
56			
57			