Date: November 15, 2005
To: Citizens' Oversight Committee
From: Fran White
Subject: Meeting Agenda

Dear Members:

Please find a copy of our next meeting agenda attached. There are also several items included for your information.

If you have any questions, please let me know. Otherwise, I’ll see you on November 29th.

Thanks.

Enclosures:

Casnocha Letters
Perry-Smith, LLP Letter
Don Foss Letters
November 15, 2005

Enclosed is a list of proposed COC Meeting dates throughout 2006. Please be sure to bring your calendars to the meeting so we can review.

**Tentative COC Meeting Dates - 2006**

- Feb. 28, 2006
- May 30, 2006
- Aug. 29, 2006
- Nov. 28, 2006

Thank you.

Sincerely,

Carolyn Sanders
## CITIZENS' OVERSIGHT COMMITTEE MEETING AGENDA

November 29, 2005 – 3:00 to 5:00 p.m.
Kentfield Campus – AC 108

**Committee Members:**

<table>
<thead>
<tr>
<th>Dr. William Levinson, Chair</th>
<th>Ross Millierick, Co-Chair</th>
<th>Nancy McCarthy</th>
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<tr>
<td>Richard Biegel</td>
<td>Roberta Michels</td>
<td>Ted Bright</td>
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<tr>
<td>Dr. Lawrence Witter</td>
<td>R.J. de Recat</td>
<td>Perry Newman</td>
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<tr>
<td>Julie Grantz</td>
<td>Joan Capurro</td>
<td>Klih Knolos</td>
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In compliance with the Americans with Disabilities Act, if you need special assistance to access the Citizens' Oversight Committee meeting or to otherwise participate at this meeting, including auxiliary aids or services, please contact Pamela Mize-Kurzman at 485-9414. Notification at least 24 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Citizens' Oversight Committee meeting.

<table>
<thead>
<tr>
<th>TOPIC</th>
<th>DESCRIPTION</th>
<th>TIME</th>
<th>DISCUSSION/ACTION</th>
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<tbody>
<tr>
<td>1. WELCOME</td>
<td>Introduce New Members</td>
<td>5 min.</td>
<td>Action</td>
</tr>
<tr>
<td>2. OPEN MEETING</td>
<td>Call to Order, Roll Call and Approval of Agenda</td>
<td>5 min.</td>
<td>Action</td>
</tr>
<tr>
<td>3. MINUTES</td>
<td>Approve minutes of September 13, 2005 meeting</td>
<td>5 min.</td>
<td>Action</td>
</tr>
<tr>
<td>4. WEBSITE</td>
<td>Update on new information</td>
<td></td>
<td>Discussion</td>
</tr>
<tr>
<td>5. TERMS</td>
<td>Final Resolution of Terms “See Letter from Bond Counsel”</td>
<td>10 min.</td>
<td>Discussion</td>
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<tr>
<td>6. PRESENTATION</td>
<td>By Perry-Smith, LLP Auditors ~ expectations for performance/fiscal audits</td>
<td>20 min.</td>
<td>Discussion</td>
</tr>
<tr>
<td>7. AUDIT CYCLE ISSUES</td>
<td>• Fiscal Year</td>
<td>10 min.</td>
<td>Discussion/Action</td>
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<td></td>
<td>• Number of Audits</td>
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<td>• Cost of Audits</td>
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<td>• AG Opinion</td>
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<td>• Schedule to Review First Audits</td>
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<tr>
<td>8. FISCAL REPORTING WORKSHOP</td>
<td>To be addressed first meeting 2006 (90 minutes)</td>
<td>5 min.</td>
<td>Discussion/Action</td>
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<tr>
<td>9. MEETING DATES</td>
<td>Recommended Meeting Dates and Intervals</td>
<td>10 min.</td>
<td>Discussion</td>
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<tr>
<td>10. TOURS</td>
<td>Additional tours</td>
<td>10 min.</td>
<td>Discussion</td>
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<tr>
<td>11. MEETING DATES</td>
<td>Set meeting intervals/dates for upcoming year</td>
<td>5 min.</td>
<td>Discussion</td>
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<tr>
<td>12. INFORMATION ITEMS</td>
<td>Don Foss Letter</td>
<td>5 min.</td>
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<tr>
<td>13. NEXT MEETING AGENDA</td>
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<td>14. ADJOURNEMENT</td>
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Currently, Board agendas and minutes can be located at [www.marin.cc.ca.us/comm/bot_meetings.htm](http://www.marin.cc.ca.us/comm/bot_meetings.htm)
Members in Attendance:
Dr. William Levinson, Chair; Ted Bright; Julie Grantz; Roberta Michels; Perry Newman; Bill Scott;

Dr. Lawrence Witter arrived at 3:30 p.m. At that point Dr. Levinson declared a quorum and a formal meeting (including action items and votes) was in effect.

Members Absent:
Dave Bernardi; Richard Biegel; R.J. de Recat; Nancy McCarthy; Ross Millerick

Others in Attendance:
Dr. Frances White; Bob Thompson; Andrew Carothers; Dave Kirn; Jose Nuñez; Jake Skaer, Dale Molyneux; Elizabeth Tucker; Rob Barthelman

1. **Open Meeting**
   Dr. Levinson called the meeting to order at 3:10 p.m. and the role was called. Dr. Levinson noted as only six members were present, the committee did not have a quorum. Therefore no action could be taken and the meeting commenced as "discussion only".

2. **Minutes**
   Following Dr. Witter’s arrival at 3:30 p.m. and a declaration of a quorum:

   M/s (Michels/Newman) to approve the minutes of the June 21, 2005 meeting. The motion passed unanimously.

3. **Website**
   Dr. Levinson thanked Dr. White for her update letter to the COC Members dated August 31, 2005.

   Dr. White noted that implementation of new equipment on order will allow COM to comply with Ed Code 15280(b) and will allow full public access to the Citizens’ Oversight Committee, the Board of Trustees full meeting packets (excluding confidential information), and frequent updates on modernization of the College’s campuses. Dr. White noted that staff members have been trained and are prepared to operate the new equipment upon its arrival. Dr. White will notify the Committee the first time the board packets are posted on the website.
Dr. Levinson requested that drafts of meeting minutes, once reviewed by him and Dr. White, be posted on the website and designated "Draft" so the public would not have to wait three months to know what actions the Committee might have taken. Dr Levinson further indicated that the Ed. Code required the posting of agendas, minutes, reports and all other important information and reports provided the committee.

Dave Kim indicated that Swinerton will post board presentations, consultant procurement, Facilities Master Plan, and all basic documents as soon as the capability for posting to the website is available.

4. Voting Issue
Discussion centered on the definition of a ‘quorum’. Dr. Levinson explained that the committee’s bylaws define a quorum as a majority of the body’s members, i.e., on a twelve member committee, seven members are needed for a quorum, with four “yea” votes needed to approve a motion.

Dr. White advised the committee that the Board of Trustees is planning to replace committee member, Nanda Schorske, who has resigned from this committee. The Board is considering an application from Joan Capurro, Vice President of the Bank of Marin and Chairperson of the Marin Workforce Investment Board.

Dr. White further indicated that two other members had resigned, Dr. Daniel Karner and Jessie Law. As both were ‘Community at Large’ representatives and there is good representation for ‘at large’ members, they will not be replaced, reducing the size of the committee from 15 to 13.

M/s (Bright/Grantz) that the Citizens’ Oversight Committee, with thirteen members, require a total of seven “yea” votes to approve a motion for the annual report required by the Ed. Code. The motion passed with a 6 – 1 vote (Newman – No).

5. Audit Issue
Dr. Levinson indicated that the College is required to authorize at least one performance audit and one financial audit per fiscal year. The Committee discussed the pros and cons of authorizing of both a second performance and financial audit for the year fiscal year 2005, ending 12/31/05. This would mean the audit would be completed and available to the Committee in late February, 2006. The audits’ purposes are to ensure that the Bond funds are being used appropriately and that the work being accomplished is done so in the manner the community has expressed.
Dr. Levinson advised that the Attorney General's Report on Page 5 expressly states that the audits may be paid out of bond dollars.

Dr. White informed members that the audits can be accomplished by the college's outside auditors but cannot be performed by the college's auditing staff. She said it is the college's policy to change audit firms often (approximately every five years) and its current auditor, Perry-Smith, has been working with the college for one year, and is now working on the general fund audit for 2005.

Dr. Levinson, Dr. White and Dave Kim listed the benefits of working with a reputable firm such as Perry-Smith. Some benefits are: internal accountability, counseling, peace of mind, and that this is one of the "you get what you pay for" types of service. The cost will vary from year to year. As the cost of the annual performance/fiscal audit or additional performance/fiscal audits second annual performance/fiscal audit was unknown, this information will be provided to the committee at the next meeting. Further, it was not known if the Prop. 39 fiscal year was from 1/1-12/31 or 7/1-6/30. This information will also be brought back to the Committee.

M/s (Scott/Bright) that a recommendation be made to the Board to authorize an end of year performance and fiscal audit for this year, as of December 31st, 2005.

Dr. Levinson proposed an amended motion that Administration make a presentation to the Board regarding benefits of the two-audit cycles per year. The motion passed unanimously.

6. Committee Process
Discussion centered on how often the Committee should meet in the future. The calendar calls for a construction kickoff in Spring 2006, with significant projects commencing in Fall 2006, and continuing for five to seven years. Committee members agreed that two to three meetings per year would be sufficient.

Dave Kim and Jose Nunez distributed a preliminary schedule of general projects for Bolinas, Kentfield and Indian Valley Campuses. The College's Educational Master Plan is being updated and, when completed, will solidify this schedule.

Swinerton keeps a timeline for events for this Committee over the next couple of years, including: meetings, tours, training, and audits.
Dr. White will get together with Mr. Harrison to determine timelines for the committee’s future work once the decision is made as to the number of audit cycles per year. The committee can then develop an annual calendar of meeting dates.

7. Terms
Dr. Levinson said that he had reviewed Ed. Code 15282(b) regarding terms and that it didn’t say anything about one-year or three-year terms.

Dr. White reported that the District’s Bond Counsel has advised that Prop. 39 requisites on terms are two years, and one year (or 2/1). This means participants serve for a maximum of two years, and can be reappointed for another two-year term. Dr. White will request Bond counsel to resolve the issue of the legitimacy of having one year terms.

8. Replacement Policy
The Committee's Bylaws 5.6 state: "Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member’s removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. Vacancies shall be filled within 90 days from the initial date of each such vacancy."

The Committee agreed that Dr. Levinson should advise committee members through the meeting minutes that if they cannot attend a meeting, they call either the President’s office (415-485-9508 or 415-485-9502) or advise the committee chairperson (415) 924-9336).

M/s (Scott/Newman) that failure to attend three consecutive meetings without a reasonable excuse, the Committee would recommend to the Board the member be terminated from service. The motion passed unanimously. Further, the committee authorized Dr. Levinson to contact members who’ve missed two consecutive meetings.

9. Measure C Projects
Jose Nunez presented a project update regarding modernization. Rob Barthelman of Steinberg Associates reviewed initial steps in defining master planning of campuses.
10. Budget
Dave Kim confirmed that the Board has purchased a bond management software system. Before, or in conjunction with the first audit report, the Committee will have an opportunity to view the system in use. There will also be a demonstration on the breakdown of budgets at the next Committee meeting in November.

11. Tours
Five or six members toured the District’s facilities. The Committee will decide at the next meeting if additional tours are necessary.

12. Meeting Dates
The next meeting is scheduled for November 29th, 2005, 3:00 – 5:00 p.m., in AC108, Kentfield campus.

13. Proposed Agenda:

- Budget software presentation
- Update on Web site
- Final resolution of term issue
- Review of presentation to COM board re two audit cycles per year
- Presentation from Auditor of what to expect from a performance/fiscal audit
- Possible presentation of multi year time line/cycle and recommendation of meeting dates and intervals.

14. Adjourn 5:15 p.m.
July 15, 2005

Dr. Frances White
Superintendent/President
Marin County Community College District
835 College Avenue
Kentfield, CA 94904

Re: Questions Raised By Associated with the Citizen Oversight Committee

Dear Dr. White:

Al Harrison and I spoke this week with respect to several questions that have been raised in the context of the service being performed by members of the District’s Citizen Oversight Committee (the “Committee”). The first question involves the desire on behalf of the Committee to amend Section 5.4 the District’s Committee Bylaws to provide that the terms of service for Committee members shall be either two or three year initial terms as oppose to one year or two year initial terms. Secondly, the Committee also discussed the process of preparation of the Proposition 39 independent performance and financial audits.

With respect to the term of appointment by the Board of Trustees to the Committee, Education Code Section 15282 provides that Committee members shall not serve more than two consecutive 2-year terms. As I have described to you and to the Committee, the Board’s Bylaws took some liberty with that provision of the law for the purpose of staggering the terms of the participants on the Committee to provide for an initial 1-year and 2-year term. While our Bylaws deviate slightly from the requirements of the Education Code, I was comfortable in that deviation because we are providing shorter terms then what the law otherwise requires. I have reservations about providing a term which is longer than what the law allows. My sense is that this is a riskier course of action for the Board to take than for the Board to designate terms that are shorter than what the law allows. Consequently, my legal advice with respect to amending the Bylaws with respect to the length of the initial terms of service is that the terms ought not to exceed 2-year terms. The Board of Trustees could consider changing the bylaws so that everyone served a 2-year term and then the Board of Trustees might not reappoint all of the members to a second term in order to get some new blood on the Committee. Alternatively, the Bylaws can be left the way they are.
The second question related to the Proposition 39 requirements for the District to prepare an independent financial and performance audit. I want to underscore that the law is quite clear in this regard and that it is a District responsibility from non-bond funds to cause an independent audit to be prepared and to be delivered to the Board of Trustees. Those independent financial and performance audits will, following their completion and acceptance by the Board of Trustees, be provided to the Committee. The selection of who performs these independent audits to satisfy Proposition 39 is solely within the discretion of the Board of Trustees. These audits are a District and not a Committee responsibility. In fact, the law does not give an Oversight Committee the authority or responsibility to prepare any audits. The Committee is responsible for preparing an annual report, which is not an audit, and which is normally prepared in draft form by the District staff and provided to the Committee for their editing and approval. While the Committee may chose to rely upon samples of annual reports and do all the initial drafting themselves, that report is not an audit and is not prepared for the Committee by an auditing firm. Consequently, the Committee should not be engaged in the process of selecting any independent auditor to perform any function since that activity is beyond the authority of the Committee both as provided in the Bylaws and as provided in the Education Code.

If you have any further questions in this regard, please do not hesitate to call me.

Very truly yours,

David G. Casnocha

DGC:men
October 31, 2005

Frances White
President/Superintendent
College of Marin
835 College Avenue
Kentfield, CA 94904

Dear Dr. White:

This letter augments my letter to you dated July 15, 2005, and attached hereto for your convenience.

You have asked several additional questions on the same general topic of my earlier letter. Your first question relates to when should the District undertake its mandated performance audit and how should the District pay for such audit.

Article XIIIa of the State Constitution obligates the District to prepare both an "independent performance audit" and an "annual independent financial audit" regarding the District’s expenditure of its bond proceeds.

There is no basis to believe that such audits may be paid for from bond proceeds. The audits are not a Prop 39 voter approved project and they are not a capital expense chargeable to a qualified bond project. I believe these required audits are an obligation of the District’s general fund and one of the costs of pursuing a Prop 39 bond.

Performance and fiscal audits need to be performed annually. Any designated 12-month cycle will satisfy the legal requirement. My advice, however, is to have your bond audits done on a fiscal year basis. The first audit will be for a fraction of a year, until you get on a 12-month cycle of July 1 – June 30.

Your second question related to the terms of service for Oversight Committee members. I refer you to my July 15th letter for an explanation of why I would advise you not to increase the term of service to three years.
If any further questions arise prior to the November meeting of the Committee, please forward them on to me for review.

Best Regards,

David G. Casnocha
August 15, 2005

Mr. Albert Harrison
Vice President College Operations
Marin Community College District
1600 Ignacio Blvd., Building 9
Novato, California 94949

Dear Mr. Harrison:

On behalf of the partners and staff of Perry-Smith LLP, we are very pleased to present our proposal for professional services to Marin Community College District for its Measure C General Obligation Bonds. As we celebrate our twentieth year in business, we can truly say that our service philosophy has successfully persevered the test of time. We embrace the theory that long-term relationships are earned day-by-day, and our professional relationships result from sound business judgment, an entrepreneurial spirit and broad technical expertise. We are committed to using our extensive expertise in continuing our close working relationship with the management of Marin Community College District and the Independent Citizens' Bond Oversight Committee for the Measure C General Obligation Bonds (the "Committee").

Our range of industry experiences will allow us to assist you in all facets of your operations. Through our blend of education, not-for-profit, healthcare and governmental industry expertise, we focus our extensive technical resources on the challenges you face. We are a dominant provider of professional services throughout the Northern California region with a staff of over 80 professionals.

We are a unique professional services firm and are extremely proud of our professional relationships. We have always recognized the importance of the delivery of our services, but we carefully balance that role with our obligation to maximize the value you derive from our services.

We thank you for the opportunity to submit our statement of qualifications. We are confident that our technical expertise and professionalism will result in the continuation of a long-term, highly professional relationship.

Very truly yours,

Tina M. Treis
Partner
CURRENT SITUATION
Through serving school districts and community colleges for the last twenty years, we have an integral understanding of your operational approaches and goals. We are familiar with the complexity of your accounting procedures and financial activities. This understanding of your accounting policies and procedures will, in turn, be leveraged into expanded testing of your Measure C Bond expenditures. We have identified what we believe are critical expectations that must be met by the auditor serving Marin Community College District's Independent Citizens' Bond Oversight Committee:

- The auditor must be proficient in accounting procedures and related compliance with California Proposition 39.
- Professional services rendered must be cost effective and timely.
- An open, responsive relationship must be established and maintained with the Committee and management of the College.
- Communications must be timely and relevant to the Committee and your oversight responsibilities.
- The Firm should have an entrepreneurial spirit and commitment to the community.

The balance of our statement of qualifications is intended to demonstrate our firm's unique ability to meet and exceed your expectations.

We recognize that each of our clients is unique and that a successful agreed-upon procedures engagement must be tailored to include consideration of your strategic plans for Measure C and the related use of Measure C funding. Our familiarity with your goals and objectives will be integrated into our plan to ensure your engagement meets the highest professional standards while providing you with effective and timely comments on your bond expenditures.

MARIN COMMUNITY COLLEGE DISTRICT AND PERRY-SMITH LLP: WORKING TOGETHER
The Firm's formation in 1984 reflects the significant commitment of its partners to client service and the development of a close working relationship with those that we serve. We are certain that the Committee understands that professional relationships result from the application of technical expertise and a sound business perspective. As a full service audit, tax and management consulting firm with over eighty professionals, we pride ourselves in our ability to serve the diverse needs of the community college industry in a rapidly changing environment. In addition, our experience in other related industries allows us to provide relevant solutions from a variety of perspectives.

- Timely, proactive professional advice.
- A Sacramento-based team of education professionals with in-depth knowledge of the marketplace.
• Extensive industry experience and time-tested relationships with education professionals.

We recognize the specialized nature of community colleges and the related requirement for the bond procedures. The unique nature of your business necessitates engaging a firm with the requisite technical expertise, but technical expertise is only part of the equation.

Business perspective

We pride ourselves on approaching the tough issues as business people. We believe that direct, open lines of communication are fundamental to each of our professional relationships.

Accessibility

You will never be billed for routine phone calls. We will have at least two partners available for you to consult with at any time.

Fairness doctrine

Our services must be cost effective and clearly communicated. We will not surprise you with unexpected fees.

Confidence earned through performance

Our industry groups (local education agencies, financial services, not-for-profit, healthcare, real estate, other governmental, employee benefit plans, SEC reporting companies) are characterized by highly technical, regulated operating environments. We deliver the requisite resources.

LOCAL EDUCATION AGENCIES SPECIALIZATIONS

Our Firm knows and understands the issues facing local educational agencies.

• Our partners and staff are continuously exposed to new or enhanced professional, regulatory and industry requirements.

• We attend and present at conferences sponsored by California Association of School Business Officials and School Services of California.

• We are active in the education-related industry with a client base of more than 100 governmental agencies, including school districts, community colleges, charter schools, and other special districts.

• We perform over twenty Proposition 39 engagements annually for our education-related client base.

TECHNICAL EXCELLENCE

The Firm has adopted additional quality control procedures to ensure the highest level of technical expertise. Our partners and staff are continuously exposed to new or enhanced professional, regulatory and industry requirements.

• Receive annual training in audit, tax and reporting issues.

• Attend national and regional industry conferences.

• Spend virtually 100% of our time immersed in the delivery of audit services.

• Actively participate in industry trade groups.
SECTION 1

STATEMENT OF QUALIFICATIONS

RELATIONSHIP BETWEEN THE AUDITOR AND THE INDEPENDENT CITIZENS’ BOND OVERSIGHT COMMITTEE

Our understanding of the critical responsibilities of, and relationships between, the Committee and the auditors include the following:

- The Committee and management are responsible for the coordination of all components of the agreed-upon procedures engagement.
- The auditors are engaged by, and report to, the Committee and are responsible for performing the services as outlined in the engagement letter between the auditors and the Committee.

In addition, we recognize our responsibility to provide guidance to the Committee in the execution of their duties.

- Communicate changes anticipated by State and Federal Regulatory agencies.
- Provide best practices guidance.

THE TEAM APPROACH

To ensure that the most qualified specialists serve you, we have selected the following unique team of individuals.

- Tina Treis, engagement partner.
- David Becker, technical review partner.
- Jeff Jensen, vice president.

In addition, we have twelve supervising and senior associates who are familiar with required services for Proposition 39 expenditures and community colleges. As we determine the scheduling for the engagement, we will match their skill set to your needs. We are committed to providing a superior level of professionalism and client service.

FAIRNESS DOCTRINE TO PROFESSIONAL FEES

Our philosophy on professional fees is designed to promote a long-term relationship that will not result in surprises. Our services must be cost effective and clearly communicated to you in advance of our rendering the services.

FEES

Our billing practices are designed to promote a long-term relationship that will not result in surprises. Our fees are designed to provide you quality services with the attention to detail that Marin Community College District deserves. We do not bill for routine inquiries and other telephone communications in order to encourage you to keep in close contact with us throughout the year.

The attached engagement letter outlines our proposed fees for the engagement.
MEMORANDUM

To: Don Foss
From: Fran White
Date: November 2, 2005
Subject: Your Letter

I wanted to follow-up with a response regarding the letter you sent recently, pertaining to the need for a Creek Management Plan. After your visit with Swinerton on September 23rd at IVC you were concerned that the District might be wasting dollars by pursuing additional surveys and studies on the Ignacio Creek.

We are required to have current detailed documents/reports in order to comply with requisites associated with certain permits, permitting agencies and overall mitigation planning. As you can see, we have well qualified consultants who are experts in what they do. While there may be information available from before, we do need to know what changes may have occurred over time that could affect the stability of the creek, and thus the need for a Creek Management Plan.

It’s always a best practice to have our resident faculty experts involved in these types of projects. I appreciate your willingness to participate and hope you will want to stay connected to the college’s modernization planning.

I look forward to seeing you in the near future.

Best,
Fran

cc: Bill Levinson
Dave Kim
Board of Trustees, COM
Al Harrison
José Núñez
October 18, 2005

Dr. Frances White, President / Superintendent
Marin Community College District
835 College Avenue
Kentfield, California 94904

Re: Response to letter from Professor Donald J. Foss dated October 5, 2005

Dear Dr. White,

The following is a response to Professor Foss's letter dated October 5, 2005. This response is a summary of individual responses from the following District consultant's currently performing assessment work for the District:

- Jim Grossi of CSW/Stuber-Stroeh, District Civil Engineer
- Amy Skewes-Cox, District CEQA Consultant (California Environmental Quality Act)
- Sydney Temple, Questa Engineering, CEQA Team Member

**General:**
The Ignacio Creek (creek) survey Professor Foss participated in was held on September 23rd at the Indian Valley Campus (IVC). The group met at the Swinerton office. Introductions were made and a brief general discussion about creek issues was had prior to the creek survey. During this general discussion Professor Foss stated that all of the documentation of the past work he had done on the stream was not available due to water damage in his office. Professor Foss has conducted over 25 years of research on the creeks at IVC and due to this unfortunate accident he was not able to provide copies of this data, however he was invaluable to the survey walk and shared much insight into the nature and history of the creeks. The consultant teams are very grateful for the time spent with Professor Foss and his sharing of his detailed knowledge of the creeks.

Additional survey effort is needed to define the current course of the channel and the current longitudinal profile. This effort includes the following work:

- Development of an accurate base map for the campus including the creek area.
- Development of an existing conditions hydraulic model (HEC-RAS) for the creek.
• Supplement to existing flood plain information as necessary to develop a drainage master plan for the campus showing runoff collection and conveyance systems.

There is a clear need for a Creek Management Plan and the work to be done on the creek:

• The channel is down-cutting which is impacting bank stability by undercutting creek bank slopes and trees.

• In several key areas these instabilities are impacting structures that pose a concern for life safety and building stability.

• A detailed analysis of the existing condition of the creek at IVC is necessary to determine protective measures for all of the bridge abutments and buildings adjacent to the stream.

• There is considerable erosion and scour at each of the bridge abutments and specifically at buildings 12, 17 (Library), 18 and 19.

• In addition there is a relatively new significant erosion problem south and upstream of the Library.

The creek survey being conducted is directed toward these problem areas with the next steps being:

• The preparation of the creek management plan

• The design of, and permitting of, the specific mitigation measures.

• The creek analysis will look at water depths for various storm occurrences and the flow velocities at critical points.

• While there does not appear to be flooding in this portion of the watershed, the flow volumes, velocities and depths are necessary not only for the design of protective measures but also for determination of future maintenance of the stream.

Effective strategies are needed to address the processes that drive the erosion in the channel. These strategies must consider the overall geomorphic context of the channel.

• It is likely that some type of grade control in the channel will be needed to ensure the long term stability of the channel bed and protect college structures.

• The creek plan will examine the problems, develop priorities and develop long-term management and stabilization methods.
• Future repair and maintenance costs will be developed to guide future budgeting efforts which will provide a valuable tool for the future college planning effort.

The following are required permitting agencies and permits required for any work proposed in the stream:

• U.S. Army Corps of Engineers – Clean Water Act – Section 404 requires issuance of permits and authorization under the Department of the Army Nationwide Permit (33CRR 330)

• The State Department of Fish and Game – CDF 1603 – permit for development in riparian areas

• Certification from the Regional Water Quality Control Board – Clean Water Act – Section 401 – certification of U. S. Army Corps of Engineers; Section 404 and Section 10 permits

• The specific details provided in the creek survey, flow calculations, and creek management plan will be essential to the permitting process. (Note: A Creek Management Plan is not a statutory requirement, but is customary when applying to the above agencies.)

Relationship of work and California Environmental Quality Act (CEQA) mitigation measures:

• The following proposed tasks relate to the "Setting" section of Hydrology for the CEQA work and would go directly into the CEQA document.

  • **Existing Data Compilation:** The gathering and review of all pertinent hydrologic data as it pertains to the campus. This will include attaining and reviewing existing storm drainage maps, flood plain delineations, and other runoff handling infrastructure on the campus.

  • **Flood Plain Mapping and Channel modeling:** Review of accurate base maps, drainage master plan, existing conditions hydraulic model (HEC-RAS), and peak flow numbers for the 2-, 10-, 25-, 100-year storm flows.

• In order to determine CEQA project impacts, one needs to know floodplain boundaries and ability of existing systems to handle runoff. The Creek Management Plan will provide this needed information.

• **Mitigation Measure:** The Creek Management Plan would also serve as a Mitigation Measure. As such it should be done before the EIR. The EIR can then also evaluate the Draft Creek Management Plan as part of the proposed project and the public would be aware of any impacts that might be associated with the Plan itself (i.e., fisheries, etc.)
The cost of the creek survey work which includes Ignacio Creek and one tributary is approximately $70,000. The cost of the HEC-RAS (existing conditions hydraulic modeling) is approximately $10,000 and the Creek Management Plan is $25,000.

The District Civil Engineering firm, CSW/Stuber-Stroeh, just completed work on a portion of the same stream approximately one mile east of the Indian Valley Campus. The type of work that is being performed is very similar to work required by the following agencies: City of Novato; Marin County Flood Control; State Water Quality Board; State Department of Fish & Game; US Army Corps of Engineers and FEMA for similar stream erosion, scour control and flood mitigation measures for Novato Community Partners. The project included a portion of the Hamilton Army Airbase re-Use Plan.

In conclusion, and after many detailed discussions with the District’s consultant team, it is our considered opinion, that the best interests of the District are being served by continuing the support work necessary to develop the Creek Management Plan.

Please call me if you have any questions regarding this letter.

Sincerely,

[Signature]

Dave Kirk, Program Manager
Swinerton Management & Consulting, Inc.

Encl.

cc:  Bill Levinson, Chair, Citizen’s Oversight Committee
     José D. Nuñez, Director of Modernization
     Robert Thompson, Director of Maintenance and Operations
     Don Flowers, Maintenance Supervisor
     Debra Mathau, SMC, Construction Manager
     Suzanne Brown, SMC, Project Manager
     File:  Project 419x
October 5, 2005

Citizen's Advisor's Committee
College of Marin Improvements
cc: Francis White, President
    College of Marin
    Board of Trustees
    Marin Community College District

Dear Members of the Citizens Advisory Committee,

I write to you today in an attempt to define the content of a field trip and discussion session concerning the in-stream channel dynamics of the San Jose Arroyo I conducted for consultants currently employed by the Marin Community College District. I heard through the grapevine that a team of geotechnical consultants was about to embark on several mapping projects on the IVC campus. Therefore, I offered to share the results of 25 years of research and mapping projects I conducted on the San Jose Arroyo, the conclusions from these studies regarding the rates of incision and aggradation on the stream, and the causes of this erosion. The fine folks at Swinerton accepted my offer. We met on the IVC campus at about 10:30 a.m. on Friday, September 23, 2005. Over the next three and half-hours I was stunned to find out how much the MMCD intends to spend on maps that will tell them nothing.

Topographic mapping of the stream that bisects the IVC campus is not necessary for several reasons. First, such a map will tell us nothing that we do not already know. Second, a new map of this third-order, intermittent, deeply incised stream is not legally required by any state or federal statute. This cartographic effort would be very expensive and is a waste of tax payer money far beyond the bureaucratic waste expected and realized in government funded projects such as this. After asking seven times I was finally told by the consultants for Swinerton that the projected cost of producing a map defining the reach of the San Jose Arroyo coterminal to MCCD property would be $80,000. Ms. Suzanne Brown of Swinerton estimated the management plan for the stream, a most interesting proposal indeed, was about $30,000. This brings the grand total for paper work on the San Jose Arroyo to $110,000.
The experts in the field with me on Friday all agreed that erosion problems in the stream bed cannot be controlled with in-stream mitigation measures and agreed with my conclusion that the very costly in-stream mitigation measures historically employed within the San Jose Arroyo have exacerbated the problem. They also agreed that neither my maps nor their new $80,000 map will enable us to predict where the next problem on this stream will occur. We all agreed that the San Jose Arroyo will never present a flooding hazard to the IVC campus.

In conclusion, I ask this committee to define the reason why the taxpayers of Marin County should be asked to fund a $120,000 cartographic and management endeavor that tells us absolutely nothing we do not already know. I encourage the committee to investigate the decision making process incorporated here with great haste in order to curtail the waste of desperately needed capital. I urge the committee to continue to identify this type of needless, over-zealous study and to eagerly censure such unnecessary expenditures. The taxpayers of Marin County are not required to employ every geotechnical consultant in the Bay Area for the year.

If I can be of any assistance to you in your deliberations concerning this ridiculous proposal please do not hesitate to contact me.

Sincerely,

Donald J. Foss
(415) 485-9396
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