

Meeting of the San Bernardino Community College District Board of Trustees
Study Session (Bond Campaigning) Agenda
District Board Room
January 11, 2018, 12:00 p.m.

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENTS ON AGENDA ITEMS

The San Bernardino Community College Board of Trustees offers an opportunity for the public to address the Board on any agenda item prior to or during the Board's consideration of that item. Matters not appearing on the agenda will be heard after the board has heard all action agenda items. Comments must be limited to five (5) minutes per speaker and twenty (20) minutes per topic if there is more than one speaker. At the conclusion of public comment, the Board may ask staff to review a matter or may ask that a matter be put on a future agenda. As a matter of law, members of the Board may not discuss or take action on matters raised during public comment unless the matters are properly noticed for discussion or action in Open Session.

Anyone who requires a disability-related modification or accommodation in order to participate in the public meeting should contact the Chancellor's Office at (909) 382-4091 as far in advance of the Board meeting as possible.

If you wish to address the Board, please fill out a public comment form and give it to the secretary PRIOR to the start of the meeting.

3. PRESENTATION - BOND CAMPAIGNING

- a. Rules of Conduct in Context of Possible Bond Election (p1)
- b. 2018 Potential Bond Measure – Public Outreach Training (p14)

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

This is an opportunity for members of the public to address the Board concerning non-agenda items.

5. ADJOURN

The next meeting of the Board: Business Meeting, January 18, at 4pm.



Rules of Conduct In Context of Possible Bond Election

Presented by David G. Casnocha, Esq.
Stradling Yocca Carlson & Rauth

Guiding Principles

1. Planning for a Measure
2. Use of Public Funds & Resources
3. Freedom of Speech & Association
4. Role of Board of Trustees
5. Campaign Finance Reporting

Planning for a Measure

A. Prior to placing a measure on the ballot the District MAY:

1. Spend public funds to prepare a facilities assessment
2. Conduct a voter opinion survey (no effort to influence a vote)
3. Communicate to the community the District's need for facility improvements

Planning For a Measure

B. Prior to placing a measure on the ballot the District **MAY NOT:**

1. Use district funds to hire a consultant to develop and implement a strategy for building a coalition in support of the measure and the financial support for a campaign by, for example, assisting the chancellor schedule meetings with civic leaders and potential campaign contributors in order to gauge support for the bond measure, if the purpose or effect of such actions serves to develop a campaign to promote approval of the bond measure by the electorate.
2. Use public funds to initiate activities that are the foundation of an advocacy campaign.

Use of Public Funds & Resources

Rule: District may not spend its assets—cash or in-kind assets, advocating for passage or defeat of a bond measure.

1. Regulation is a statewide concern.
2. Ed Code 7054(a): “No ... community college district funds, services, supplies or equipment shall be used for the purpose of urging the support or defeat of any ballot measure...”

Use of Public Funds & Resources

3. Ed Code 7054(b): “Nothing in this Section shall prohibit the use of any of the public resources described in subdivision (a) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:
 - a) The informational activities are otherwise authorized by the Constitution or laws of this State.
 - b) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.”
(emphasis added)

Freedom of Speech & Association

Employees retain free speech rights and can actively volunteer time and resources to advocate for passage of a bond measure.

Examples of How Rules Are Applied

1. Fundraising

- a) Foundation
- b) Student Associations
- c) Campaign Committee
 - 1. District job for identification purposes
- d) Bond Consultants
 - 1. Attorney General Opinion
 - 2. State Treasurer

Examples of How Rules Are Applied

2. Employee Conduct While on Job

- a) On Job means 9-5ish
- b) No advocacy but can inform
- c) No use of district equipment for campaign (phone, computer, email addresses)
- d) Lunch hour – go to campaign headquarters
 - Make calls on cell raising money
- e) Speak to civic organizations as “Board Reporter”

Examples of How Rules Are Applied

3. District “Informational” Outreach During Campaign

- a) Strict interpretation of rules
- b) Is purpose to influence vote?
- c) Totality of circumstances
- d) Stanton v. Mott: “the determination of the propriety or impropriety of expenditure depends upon a careful consideration of such factors as the style, tenor and timing of the publication; no hard and fast rule governs every case.”

Role of Board of Trustees

- a) Evaluate need for bond; be able to defend bond package
- b) If support package, vote to place measure on ballot
- c) Campaign for measure
- d) Summarize your activities of Board meetings
- e) Avoid using District assets in this effort

Conclusion

1. No District assets for advocacy of bond measure
2. Penalty for violation is fine of \$1000, one year in jail
3. Critics of District will be watching for mistakes – very damaging to campaign if allegations of misuse of public funds
4. Ask questions if you're not sure



Questions?

2018 Potential Bond Measure

Public Outreach Training

January 11, 2018

Survey Highlights

- 61% of voters would support a \$398 million potential bond measure
- Survey: Scientific data for public information

Top Priority Projects

➤ Top projects include:

- Expand Veterans' Center
- Repair roofs, plumbing, and electrical systems
- Upgrade classrooms to improve college transfer
- Update career training classrooms for engineering, technology, manufacturing and medical services
- Provide facilities to support high quality instruction in performing arts
- Improve access for students with disabilities
- Upgrade public safety training facilities
- Improve student safety and security

Goals of Public Outreach

- Convey the need for a bond
- Answer questions consistently
- Gather input

Toolkit

- Factsheet
- Frequently Asked Questions (FAQ)
- PowerPoint Presentation

Factsheet

- Quick and concise explanation of the potential bond
- All purpose and useful anytime as a handout
- Can hand out during presentations or leave with someone

Frequently Asked Questions (FAQ)

- Less useful as a handout
- Ensures consistent answers
- Poll-tested language used to develop answers
- *What about questions not on the FAQ?*
- *What if I don't know the answer to a question?*

PowerPoint Presentation

- Very consistent with Factsheet
- Adds more details and encourages questions
- Can be used for presentations

Questions?

Need More Information Contact:

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