

Board Study Session

2018 Potential Bond Measure Rules of Conduct & Public Outreach Training

David G. Casnocha, Esq. - Stradling Yocca Carlson & Rauth
Jared Boigon - TBWB Strategies
Jose F. Torres - SBCCD

Purpose of Presentation

- To provide rules of conduct to all ambassadors in the context of possible bond election
- To provide training to all ambassadors in the context of possible bond election

Reminder

- SBCCD conducted a feasibility study for a possible bond measure in November 2018
- The language tested was:

In order to:

Upgrade classrooms, labs and career training facilities at San Bernardino Valley College and Crafton Hills College for science, healthcare, technology, public safety, skilled trades, and other growing industries Improve local access to affordable, high quality education by repairing, constructing and acquiring classrooms, facilities, sites and equipment And improving Student and Veterans Centers to provide career counseling and job training

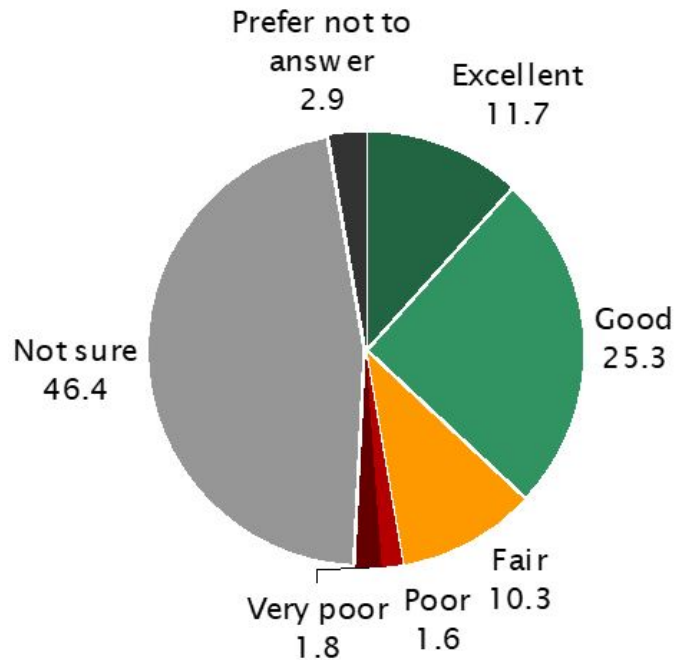
Reminder

The results of the study were very positive

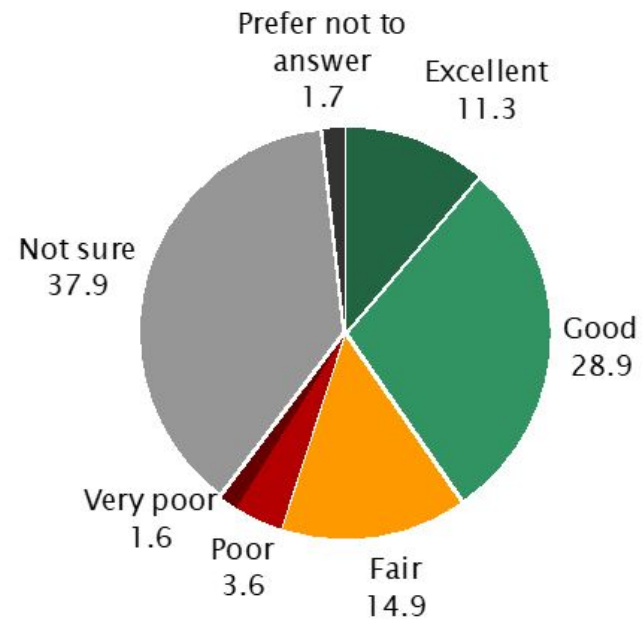
- Initial ballot test without any information
 - 67% support
- Interim ballot test after positive arguments
 - 68% support
- Final ballot test after negative arguments
 - 61%
- All ballot tests above 55% required for passage

Reminder

Quality of Education Provided by Crafton



Quality of Education Provided by San Bernardino Valley College



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
- Talking Points
- 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

Talking Points

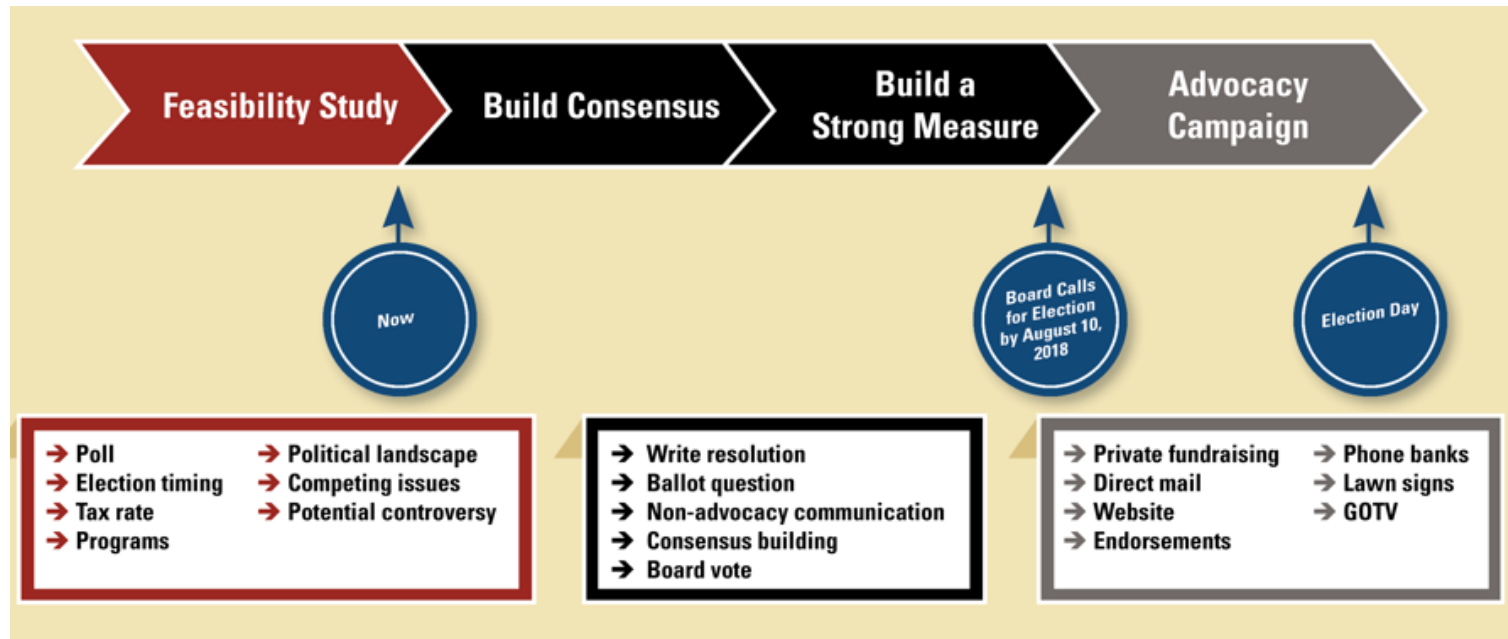
- Less useful as a handout
- Ensures consistent answers
- Poll-tested language used to develop answers
- *What about questions not in the talking points?*
- *What if I don't know the answer to a question?*

PowerPoint Presentation

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

Questions?

Next Steps



Need More Information Contact:

Angel Rodriguez, District Director/ Marketing,
Public Affairs & Government Relations

Phone: (909) 382-4012

Email: arodriguez@sbccd.edu