

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT

Citizens Oversight Committee

January 16, 2007

MINUTES

James Stueck called the meeting to order at 3:40 p.m.

I. Roll Call

Roll call was taken and a quorum was not established.

Committee Members Present: James Stueck, Richard Regnier, and Bill Kiefer

Others Present: Mary Anne McNeil, Handel Evans, Les Dickey, Dwayne Cable and Linda Cooper

II. Chairman's Comments

A. Approval of Minutes for October 16, 2006

The minutes of October 16, 2006, were approved as submitted.

B. Correspondence Received

No correspondence was received.

III. Chancellor's Comments

Chancellor not able to attend, however, Mr. Evans distributed information on dedication of the Moorpark Child Development Center scheduled for January 18th.

IV. Old Business

A. Report of expenditures to date (M. A. McNeil)

Mary Anne McNeil reviewed the most current Ventura County Community College District Use of Bond Proceeds summary sheets including information thru January 2, 2007. She also explained campus percentages and stated that the District will be contracting with agency for the 5 year Report.

V. New Business

A. Discussion on recent legal issues surrounding Capital Projects

In the absence of District Counsel, Mr. Evans presented a review of recent legal issues surrounding the Measure S program. Of particular concern to the Committee were the recent suits filed against the District by the County of Ventura and the City of Moorpark regarding traffic mitigation issues.

The District and the County have once again tolled this action until October of 2007, in order to allow the District to request traffic mitigation fees from the state as part of its regular 2007-08 Capital budget request.

The suit filed by the City of Moorpark against the District for traffic mitigation fees at the Moorpark campus was made moot as a result of the decertification of the EIR as presented to the Board at its October 10th meeting.

Discussion took place regarding the circumstances surrounding these legal actions and specifically the claims of the City of Moorpark with regard to the demands for resolution of perceived traffic impacts “caused by the College” at the nearby State route 118 off ramps.

Resulting from this discussion the Citizens Oversight Committee passed a resolution (see attached) expressing its concerns at the position taken by both the County and the City of Moorpark with regard to the use of Measure S bond funds to “fund remote, off-campus improvement,” the committee voted to present the resolution at the February Board meeting.

B. Review of Management of Measure S Program

A review of the current status of the construction program at the three campus locations and at the Camarillo site was given by Mr. Les Dickey of the JCM Group. Mr. Dickey explained the current difficulties tracking construction costs and their effects on the current marketplace. Of particular current concern is the significant work load already being placed on local contractors and their inability to bid new work with the result that many projects state-wide are experiencing difficulty in obtaining appropriate bids.

C. Citizens Oversight Committee Annual Report

The committee approved the “Draft” Annual Report to be presented by Chair, James Stueck at the February Board meeting.

D. Actions taken by the Board involving bond funds (since last meeting)

Information was distributed in agenda packet that included November 14 through January 9, 2007 information.

E. Next meeting date

Next Citizens Oversight Committee meeting was scheduled for Tuesday, April 17, 2007, at Moorpark College (Library/Learning Resource Building conference room)

VI. Public Speakers (Members of the public are allotted 5 minutes to address the agenda issues.)

Leslie Purcell addressed the Board regarding her concerns with the ornamental horticulture garden area at Ventura College. Mr. Evans presented her with information and also a contact at Ventura College to further discuss her concerns.

VII. Adjournment

The meeting adjourned at 4:45 p.m.

RESOLUTION OF THE CITIZENS OVERSIGHT COMMITTEE
ON THE PROPER EXPENDITURES OF
MEASURE "S" BOND FUNDS

Under California Education Code sections 15264 and 15278, this Citizens' Oversight Committee has been charged with advising the Ventura County Community College District ("District") on the proper expenditure of Measure "S" Bond funds under Section 1(b) (3) of Article XIII A of the California Constitution. The Citizens' Oversight Committee hereby finds the following:

- A. Article XIII A of the California Constitution strictly limits the use of the Measure "S" Bond, as a local general obligation bond, to improve the property Owned or controlled by the District, or property adjacent to the property owned or controlled by the District;
- B. The EIRs for the Moorpark, Oxnard and Ventura Campus Master Plans have all identified impacts to certain remote, off-campus intersections and roads and identified certain remote, off-campus improvements as mitigation measures;
- C. The language of the Measure "S" Bond, as presented to the voters in 2002, specifically describes improvements to the District's campuses and properties controlled by the District, but the language does not expressly or impliedly describe any improvements to remote property not owned or controlled by the District;
- D. The improvement of remote off-campus intersections or roads would not satisfy or advance the goal of the Measure "S" Bond to improve and equip the District's properties to enable the District to enhance the educational opportunities of the students in the District; and
- E. Based on the foregoing, the Citizens' Oversight Committee hereby finds that the use of Measure "S" Bond funds to fund remote, off-campus improvement is improper.

SIGNED AND APPROVED this 16th day of January, 2007.

CITIZENS OVERSIGHT COMMITTEE

James D. Stueck, Chair