Date: March 16, 2011

Place: Victor Valley Community College, Board Room
18422 Bear Valley Road, Victorville, CA 92395

1.0 WELCOME, ROLL CALL AND CALL TO ORDER
The Victor Valley Community College District Measure JJ Citizens’ Bond Oversight Committee met on Wednesday, March 16, 2011, in the Board Room of Victor Valley Community College. Diana J. O’Malley, chair, called the meeting to order at 1:35 p.m.

Roll Call: Diana O’Malley (CBOC), William Tuck Jr. (CBOC), Caroll Yule, (CBOC), Diane Uli (CBOC), Joe Range (VVC Board of Trustee) arrived at 2:16 p.m.; Christopher O’Hearn, (VVC Superintendent/President); GH Javaheripour, (VVC Vice President, Administrative Services); Steve Garcia (VVC Director, Facilities/Construction); Al McQuilkin (gkk works, District Program Manager) and Shirley Snell-Gonzalez, (VVC Administrative Assistant).

Excused: Rudy Cabriales (CBOC); Sheri Schmoll (CBOC)

Guests: Tosca Walker (CBOC member elect); Kathy Lehner, President of Mendocino College/Team Chair for the Accreditation Commission for Community and Junior Colleges’ site survey; Dr. Saul L. Jones, Professor of Nursing/Contra Costa College, Accreditation team member

Four (4) committee members present. Quorum was established.

2.0 PLEDGE OF ALLEGIANCE
Ms. Walker led the group in a pledge to the flag.

3.0 INTRODUCTIONS
Diana O’Malley introduced Dr. O’Hearn who in turn introduced Kathy Lehner, President of Mendocino College and Chair of the Accreditation Commission for Community and Junior Colleges’ eleven-member team. The remaining attendees introduced themselves and welcomed Tosca Walker, newly appointed CBOC member, business organization member. Ms. Walker’s appointment will begin April 1st, per the Board of Trustees approval at their March 8th meeting. Mr. Michael Brewer was also approved at that meeting to serve as the Taxpayer association member.

4.0 AGENDA REVIEW
Ms. O’Malley called for changes, corrections, amendments to the agenda. The agenda was accepted as presented.

5.0 PUBLIC COMMENTS
No public comments were offered.

6.0 ACTION ITEMS
6.1 Approval of meeting minutes, December 15, 2010. Yule motioned, Tuck seconded to approve this item. Discussion followed. Mr. Tuck commented with regard to lack of documentation, under item 8, Committee Members’ Comments: 1. not receiving an informational listing of sub-contractors (although members have since received the listing); and 2. a written legal opinion on Prop 39 which still has not been presented to the committee. Diana O’Malley stated that the second issue will be discussed today.
The comments were proposed as an amendment to the minutes. The minutes were approved, as amended (Yule/Tuck).

**ACTION:** Minutes of December 15, 2010 to read, Member Bill Tuck requested information regarding the sub-contractors and the legal opinion on Prop 39.

**6.2** Approval of special meeting minutes, February 16, 2011. A motion was made and seconded (Uli/O'Malley) for approval of the special meeting minutes of February 16, 2011. The minutes were approved unanimously.

The sub-committee met following the special meeting for the purpose of reviewing applications and making recommendations to replace resigned members. The parties voting on these minutes were William Tuck, Jr., Carol Yule and Diane Uli. Two positions under consideration to be filled: Taxpayer association member and a member active in a business organization representing the business community located in the District. The minutes were unanimously approved by the sub-committee members.

**6.3** Appointment of New Members – Victor Valley College Board of Trustees members reappointed for a second term Diana J. O’Malley, representing a member active in an organization supportive of the college, and Rudy Cabriales representing a member of the community at large. Additionally new appointments included Michael Brewer representing a member active in a taxpayer organization and Tosca Walker representing a member active in a business organization. Also, Mr. Kieffer, the Senior Citizen Group representative, resigned following the last meeting. Two applications were presented to the committee for review and determination to replace Mr. Kieffer. A question arose as to the legality of appointing a former Board of Trustees member, as one of the applicants was such. Ms. O’Malley stated that that is a consideration in appointment and if the recommendation is not to have a former board member, that information will be passed on to the Superintendent/President when he makes his presentation to the board. Upon review of the submissions, and pursuant to the CBOC Bylaws, section 5.5, it was decided that both applications be forwarded to Dr. O’Hearn, with the recommendation of Mr. Richard Greenwood’s (not a former VVC Board member) application being considered for appointment to the Senior Citizen Group Representative member position to the Board of Trustees at their next meeting in April.

**ACTION ITEM:** It was recommended that the Superintendent/President recommend to the Board of Trustees Mr. Richard Greenwood for the Senior Citizen Group Representative position in the vacant CBOC position at their next Board of Trustees meeting in April.

**7.0** REPORTS/DISCUSSION

**7.1** Special Reports

**7.1.1 CBOC Annual Report** - Ms. O’Malley stated that there were copies of the CBOC Annual report available to the members for distribution to their constituency groups. Mr. Javaheripour called for comments from the committee. Compliments were expressed to Michelle Messer and other staff members for their contribution in the report. Ms. Snell-Gonzalez will start the process for next year’s report and will follow-up with the committee to ensure we are on target. Ms. Yule presented the annual report at the last Board of Trustees meeting in Ms. O’Malley’s absence. Comments with regard to the bond funds spent on campus projects and tax rates arose. Ms. O’Malley explained that the legality of bond funds on the campus has been reviewed with the Bond fund attorneys. Additionally, a large part of the campaign was that the District would not tax more than $25. per $100,000. value of property. As the real estate market became sluggish, the assessed valuation diminished. In 2010 the tax base decreased 13% and again in 2010 – 2011 by an
additional 14%. The effected tax rate was about $30 per $100,000, which brought about some inquiry. Mr. Javaheripour made known his numerous attempts in procuring a written report from the Bond attorney (David Casnocha) opinion on bond fund usage as well as the tax issue, as noted above. We have yet to receive a written opinion on the use of funds or the tax rate issue. Mr. Casnocha and Mr. Jim Roth (the Bond JJ underwriter) made presentations to the Board in person, and to the CBOC via teleconference to discuss the appropriateness of the uses of bond resources and the applicable property tax rate issue. We are on the right side of the law. Mr. Tuck stated that the verbal legal opinion is binding, but it would be beneficial to include a written version. Mr. Javaheripour stated for the newcomers that a training process was conducted with the San Bernardino Assessor’s Office to educate the committee on how the assessment is evaluated.

7.1.2 Vacancies/Reappointments/New Members - noted above under item 6.3.

7.1.3 Calendar Review
The CBOC 2011 calendar was briefly reviewed with the members by Mr. Javaheripour. The calendar is also available on the CBOC website. A typographical error was noted and will be corrected. As quarterly meetings were set up it happened that terms start April 1st and end March 31st. The positive point about the term of members is that a sitting president whose term is ending at the end of the March may present the annual report to the Board of Trustees before his/her term ends.

7.2 Bond Project Updates and Expenditures
7.2.1 Eastside Public Safety Training Center – Al McQuilkin, Program Manager for gkworks, stated that the Eastside Public Safety Training Center is on-going. The project was awarded in August of 2009 as a design-build project. The team that is building the project is Highland Partnership/Carrier-Johnson Architects. The contract is a $25,000,000 project and is on schedule, on budget, and moving forward. A few minor issues have been dealt with the last few months, but nothing that will impact budget or schedule. A member asked if there have been any delays from DSA. An issue involving the Increment 3 (Fire Tower) seems to be of a structural plan check and DSA has asked for additional lateral bracing. There has never been a fire tower constructed under the DSA division, so adjustments are being made. The list of Furniture, Fixtures and Equipment (FF&E), has just been completed for the center.

7.2.2 Westside Workforce Development Center – there was nothing to report as there have been no changes with this project.

7.2.3 Main Campus – Mr. Garcia gave an update on Main Campus projects. Work in the main gym, replacing of the HVAC equipment has been completed. A notice of completion will be issued at the next board meeting. The two boilers in Buildings 50 and 52 will be replaced in the spring. Most of the other work is planning and designed for the upcoming summer for that window of opportunity, which include parking lot and roadway replacement at the main entrance of the campus. Another project that will be taken to the board in April is campus energy projects that will enable us to use bond money to complete these projects and lower daily operational and maintenance costs. This will entail the energy management system, exterior lighting, and parking lot lighting. Mr. Javaheripour stated that these projects follow the Prop 39 language and also the Bond language on including and modernizing the infrastructure in the system. The approval is in the Bond language as well as the Facilities Master Plan. When the existing facilities are modernized, then
the upgraded technology and innovation provide for more efficiency, which includes lowering energy costs. Mr. Javaheripour stated that every effort has been made to provide all information requested to the CBOC and Board members, with the exception of written clarification from the Bond attorneys of a written opinion on bond fund usage, formally and informally. Committee member Tuck agreed that the District had provided information to his satisfaction.

Ms. O’Malley questioned whether or not appropriate “Bond Eligible” documentation is accessible should the need arise for verification and asked if written verification was requested of the Bond attorney in case that becomes a subject of concern in the future. Mr. Javaheripour stated that if there is a question as to whether a project is bond eligible, opinion and direction is sought from the attorney in this regard. As questions arise, the District seeks attorney opinion and support. Mr. Garcia stated that there is documentation available for each project if requested.

Mr. Tuck asked what the savings is with the addition of the solar plant. Monthly: $30 to $35,000. There will also be a revenue stream in the amount of $3.2 million from Southern California Edison from the California Solar Initiative over the next five years. The District cost of the energy project was $2 million and the Bond JJ contributed $2.6 million which will result in an overall savings of $7 million payback to the District over a 20 year period.

Mr. McQuilkin reviewed the Measure JJ reconciled budget with the members from December 31, 2010, stating that there are few changes since the last report. In the coming months, the Eastside Center will be at a 20% completion rate of the budget expended. That percentage is going to increase sharply as construction increases and the monthly construction bills rise into the 7 figure range. The center is currently on budget and will remain so.

8.0 COMMITTEE MEMBERS’ COMMENTS - none were expressed.

9.0 NEXT CITIZENS’ OVERSIGHT COMMITTEE MEETING
The next regularly scheduled meeting is Wednesday, June 15, 2011 in the VVC Board Room at 1:30 p.m. New members will be impaneled at that time.

10.0 ADJOURNMENT
The meeting was adjourned at 2:23 p.m. by Diana O’Malley. Refreshments were provided to thank Mr. Tuck for his service and welcome new member, Ms. Tosca. Ms. O’Malley invited the attendees to partake of the refreshments.