



GROSSMONT-CUYAMACA  
COMMUNITY COLLEGE DISTRICT

## **LAWSUITS, EIRS AND EDUCATION DOLLARS**

**JULY 17, 2006**

Dear Colleagues:

A recent court decision regarding the Cuyamaca College Environmental Impact Report has raised questions about its effect on current and future projects. First, and most importantly, the court decision will not impact projects under construction. Second, I will be recommending to the Governing Board at its July 18 meeting that the Board appeal the court's decision to the state Supreme Court, just as the County would have done had the court ruled in the District's favor. Finally, even if this most recent court decision were to stand, its impact on future projects would need to be evaluated in light of changed circumstances.

Both colleges were required to have an updated Environmental Impact Report (known as an EIR) that incorporated the college master plans. The EIR must identify potential impacts for all prospective projects. This was done for Grossmont College and Cuyamaca College.

The Cuyamaca College EIR identified potential impacts on the transportation infrastructure that is maintained by the County. The EIR concluded that the District could not mitigate those impacts and that the overriding benefit to the County outweighed the potential negative traffic impacts. The County filed a lawsuit maintaining that the District should be responsible for funding off-campus road improvements that would mitigate not only the impacts caused by the District, but also numerous existing deficiencies caused by other development.

The District attempted to resolve the issue amicably, including proposals to pay a pro rata share to help fund those few projects directly connected to the college. This was not successful and the County sued the District. The District contended that paying for off-site traffic improvements that are under the jurisdiction of the County of San Diego would be a gift of public funds and, further, that current State law prohibits the use of education funds for off-site improvements. In other words, education dollars are for education.

The trial court agreed with the District. The County appealed and their appeal has resulted in a new decision that would overturn the previous decision. A District appeal to the next level, the California Supreme Court, would mean that we continue to vigorously defend the EIR and fight the attempt to divert education funds for other purposes. It is interesting to note that the County, based on other community needs, is moving ahead with some of the desired transportation improvements. These are being funded by TransNet, the countywide sales tax that was passed by the region's voters last year to specifically fund transportation projects.

Our fight to hold on to sorely needed education funds is consistent with our actions over the last eight years to insistently pursue additional resources needed by the entire

District to support the education of our students at both Grossmont College and Cuyamaca College. Our successes include the passage of Proposition R and the acquisition of equalization funds to bring us more dollars per student. Our efforts continue.

Sincerely,

**Omero Suarez**

Omero Suarez, Ph.D.  
Chancellor