



Board of Trustees

Los Angeles Community College District
770 Wilshire Blvd., Los Angeles, CA 90017 (213) 891-2000

AGENDA

ORDER OF BUSINESS - REGULAR MEETING

Wednesday, August 22, 2012

First Public Session 12:15 p.m.

Closed Session 1:15 p.m.

Second Public Session 3:00 p.m.

**Educational Services Center
Board Room – First Floor
770 Wilshire Blvd.
Los Angeles, CA 90017**

- I. Roll Call (12:15 p.m.)
- II. Recess to the Committee of the Whole (12:15 p.m. – 1:15 p.m.)
 - A. Roll Call
 - B. Public Speakers
 - C. Presentations/Reports
 - Update on Accreditation
 - D. Other Business
 - E. Adjournment
- III. Reconvene to Regular Meeting of the Board of Trustees (1:15 p.m.)
- IV. Roll Call
- V. Requests to Address the Board of Trustees – Closed Session Agenda Matters
- VI. Recess to Closed Session in accordance with The Ralph M. Brown Act, Government Code sections 54950 et seq., and the Education Code to discuss the matters on the posted Closed Session agenda pursuant to Government Code section 54954.5.
- VII. Reconvene Regular Meeting (3:00 p.m.)
- VIII. Roll Call
- IX. Flag Salute
- X. Reports from Representatives of Employee Organizations at the Resource Table
- XI. Public Agenda Requests
 1. Oral Presentations
 2. Proposed Actions
- XII. Reports and Recommendations from the Board
 - Report on Actions Taken in Closed Session – August 22, 2012
 - Reports of Standing and Special Committees
 - BT1. Resolution – In Recognition of Nancy Carson
 - BT2. Resolution – In Support of Proposition 30
 - BT3. Resolution – In Opposition to Proposition 32
 - BT4. Resolution – In Support of Proposition 39

- XIII. Reports from the Chancellor
 - Reports from the Chancellor regarding District activities or pending issues
 - Federal Financial Aid Issues and Prospects: Los Angeles Community College District Financial Aid Directors, Anafe Robinson and Dennis Schroeder

- XIV. Consent Calendar
Matters Requiring a Majority Vote
 - BSD1. Business Services Routine Report
 - FPD1. Ratify Agreement for Recycled Water Service at Van de Kamp Innovation Center

- XV. Recommendations from the Chancellor
 - Public Hearing on the Adoption of the 2012-2013 Final Budget
 - BF1. Adoption of 2012-2013 Final Budget

- XVI. Recess to Capital Construction Committee
 - A. Roll Call
 - B. Public Speakers
 - C. Presentations/Initiative Reviews
 - Moratorium Update
 - D. New Business
 - E. Adjourn Capital Construction Committee

- XVII. Reconvene Regular Meeting of the Board of Trustees

- XVIII. Roll Call

- XIX. Notice Reports and Informatives
 - ISD/A. [Notice] Authorize Revision of Board Rule 8603

- XX. Announcements and Indications of Future Proposed Actions

- XXI. Adjournment

Next Regularly Scheduled Board Meeting
Wednesday, September 12, 2012
(Public Session scheduled for 3:30 p.m.)
Educational Services Center
Board Room – First Floor
770 Wilshire Blvd.
Los Angeles, CA 90017

In compliance with Government Code section 54957.5(b), documents made available to the Board after the posting of the agenda that relate to an upcoming public session item will be made available by posting on the District’s official bulletin board located in the lobby of the Educational Services Center located at 770 Wilshire Boulevard, Los Angeles, California 90017. Members of the public wishing to view the material will need to make their own parking arrangements at another location.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof. The agenda shall include

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August 22, 2012

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information regarding how, for whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

To make such a request, please contact the Executive Secretary to the Board of Trustees at (213) 891-2044 no later than 12 p.m. (noon) on the Tuesday prior to the Board meeting.



Board of Trustees

LOS ANGELES COMMUNITY COLLEGE DISTRICT
770 Wilshire Boulevard, Los Angeles, CA 90017 213/891-2000

AGENDA

ATTACHMENT A

CLOSED SESSION

Wednesday, August 22, 2012
1:15 p.m.

**Education Services Center
Board Room – First Floor
770 Wilshire Boulevard
Los Angeles, CA 90017**

- I. **Conference with Labor Negotiator**
(pursuant to Government Code section 54957.6)
 - A. District Negotiators: Adriana D. Barrera

Employee Units: All Units

All Unrepresented Employees
 - B. District Negotiators: Mary Gallagher
Marvin Martinez

Employee Unit: Clerical/Technical
- II. **Public Employee Discipline/Dismissal/Release/Charges/Complaints**
(pursuant to Government Code section 54957)
- III. **Conference with Legal Counsel - Existing Litigation**
(pursuant to Government Code section 54956.9 (a))
 - A. *Elaine Gismondi v. LACCD*
 - B. *Leticia Vega v. LACCD*
 - C. *Merrill Eastcott v. LACCD, Jamillah Moore, et al.* (two cases)
 - D. *Peopleworks v. URS Corporation and LACCD*
 - E. *Richwell Steel v. Koam Construction, LACCD, et al.*
 - F. *Park West Landscape v. FTR International, et al.*
 - G. *Robertson's Ready Mix v. Western Group, Inc., et al.*

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August 22, 2012
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H. Janus Corporation v. H.A. Nichol Co., et al.

I. Fu-Gen v. LACCD, et al.

J. In re FTR International

IV. Conference with Legal Counsel – Anticipated Litigation
(pursuant to Government Code section 54956.9 (b))

A. Potential Litigation – 2 matters



Board of Trustees

Los Angeles Community College District

ACTION

Com. No. BT1

Division

Board of Trustees

Date: August 22, 2012

Subject: **RESOLUTION – IN RECOGNITION OF NANCY CARSON**

The resolution is presented by Trustees Veres, Park, and Santiago.

- WHEREAS, Nancy Carson retired from Los Angeles Harbor College in 2007; and
- WHEREAS, Ms. Carson chose to continue her service to the Los Angeles Community College District; and
- WHEREAS, Ms. Carson was appointed as a member of the District Citizens' Oversight Committee on September 1, 2008; and
- WHEREAS, Two years later, in February 2010, Ms. Carson agreed to serve as its Vice Chair; and
- WHEREAS, In February 2011, she was appointed by Chancellor Daniel LaVista to serve as its Chair; and
- WHEREAS, In her capacity as Chair, she worked with members of the Committee, the Board of Trustees, Chancellor LaVista, and the Build—LACCD team to improve the Committee's functioning; and
- WHEREAS, As Chair, she worked to improve the level of accountability of the District's bond construction program by changing the Committee's agenda format and content; and
- WHEREAS, She worked to write and produce comprehensive and informative annual Committee reports as required by law; and
- WHEREAS, In so doing, Ms. Carson strived to improve the transparency of the District's bond construction program on behalf of taxpayers and members of the public; and
- WHEREAS, She has served two consecutive terms consistent with the bylaws of the Committee; now, therefore, be it
- RESOLVED, That the Board of Trustees and Chancellor of the Los Angeles Community College District hereby recognize Nancy Carson for her steadfast leadership; and be it further
- RESOLVED, That the Board of Trustees and Chancellor of the Los Angeles Community College District hereby extend their gratitude to Ms. Carson and wish her well as she ends her term on the District Citizens' Oversight Committee.

Chancellor and
Secretary of the Board of Trustees

By _____

Date _____

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| Candaele _____ | Santiago _____ |
| Field _____ | Svonkin _____ |
| Park _____ | Veres _____ |
| Peariman _____ | Campos _____ |
| | Student Trustee Advisory Vote |



Board of Trustees

Los Angeles Community College District

ACTION

Com. No. BT2

Division

Board of Trustees

Date: August 22, 2012

Subject: **RESOLUTION – IN SUPPORT OF PROPOSITION 30**

The resolution is presented by Legislative Committee members: Trustees Candaele, Park, and Field.

WHEREAS, The Los Angeles Community College District (LACCD) has been adversely affected by reductions in state funding over the last five years due to the state's budget crisis; and

WHEREAS, LACCD could not sustain additional cuts in state funding without further impacting college programs and services; and

WHEREAS, The Schools and Local Public Safety Protection Act of 2012 (Act) will make California's tax system more equitable by requiring the wealthiest Californians to pay their fair share; and

WHEREAS, The Act raises the income tax on those at the highest end of the income scale. It also restores some sales taxes in effect last year, while keeping the overall sales tax rate lower than it was in early 2011; and

WHEREAS, The new taxes in this measure are temporary. Under the Constitution, the ¼ cent sales tax increase expires in four years and the income tax increases for the wealthiest taxpayers end in seven years; and

WHEREAS, The new tax revenue is guaranteed in the Constitution to go directly to local school districts and community colleges; and

WHEREAS, If the Act passes, LACCD will avoid an additional enrollment loss of between 12,000 and 15,000 students due to significant cuts in the number of classes offered; and

WHEREAS, LACCD would benefit tremendously from the revenues generated by the Governor's tax measure; now, therefore be it

RESOLVED, That the Board of Trustees of the Los Angeles Community College District strongly supports the Act.

Chancellor and
Secretary of the Board of Trustees

By _____ Date _____

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| Candaele _____ | Santiago _____ |
| Field _____ | Svonkin _____ |
| Park _____ | Veres _____ |
| Pearlman _____ | Campos _____ |
| | Student Trustee Advisory Vote |



Board of Trustees

Los Angeles Community College District

ACTION

Com. No. BT3

Division

Board of Trustees

Date: August 22, 2012

Subject: **RESOLUTION – IN OPPOSITION TO PROPOSITION 32**

The resolution is presented by Legislative Committee members: Trustees Candaele, Park, and Field.

WHEREAS, California Proposition 32 (Prop. 32) restricts labor union, corporate and government contractor political fundraising by prohibiting the use of payroll-deducted funds for political purposes; and

WHEREAS, Prop. 32 permits voluntary employee contributions to employer or union committees if authorized yearly, in writing; and

WHEREAS, Prop. 32 prohibits unions and corporations from contributing directly or indirectly to candidates and candidate controlled committees; and

WHEREAS, Other political expenditures remain unrestricted, including corporate expenditures from available resources not limited by the payroll deduction prohibition; and

WHEREAS, Prop. 32 limits government contractor contributions to elected officers or officer-controlled committees; and

WHEREAS, Prop. 32 contain a loophole which allows limited liability companies (LLCs), limited liability partnerships (LLPs), or real estate trusts to make political contributions; and

WHEREAS, LLCs and LLPs are not regulated in the same manner as corporations and may use general treasury funds for political purposes; and

WHEREAS, LLCs, LLPs, and real estate trusts represent a significant portion of major donors to political parties; and

WHEREAS, The loophole in Prop. 32 would place labor unions at a disadvantage and adversely impact the amount of funding that it would be able to generate from its membership for political purposes; now, therefore be it

RESOLVED, That the Board of Trustees of the Los Angeles Community College District opposes Prop. 32.

Chancellor and
Secretary of the Board of Trustees

By _____ Date _____

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| Candaele _____ | Santiago _____ |
| Field _____ | Svonkin _____ |
| Park _____ | Veres _____ |
| Pearlman _____ | Campos _____ Student Trustee Advisory Vote |



Board of Trustees

Los Angeles Community College District

ACTION

Com. No. BT4

Division

Board of Trustees

Date: August 22, 2012

Subject: **RESOLUTION – IN SUPPORT OF PROPOSITION 39**

The resolution is presented by Legislative Committee members: Trustees Candaele, Park, and Field.

WHEREAS, A tax loophole was created at the end of the 2009 state budget negotiations in Sacramento, giving an unfair advantage to out-of-state corporations that create few jobs in California; and

WHEREAS, This tax loophole now costs our state budget \$1 billion per year by allowing out-of-state companies the option of reducing the taxes they pay to California by keeping jobs and investment in other states; and

WHEREAS, Proposition 39 will solve the problem by requiring out-of-state companies to pay taxes based on their sales in California (the "single sales factor"); and

WHEREAS, Prop. 39 will keep the aforementioned \$1 billion in California, a portion of which will be dedicated to job creating energy efficiency projects; and

WHEREAS, The tax policy change (at the center of Prop. 39) has been recommended by the independent, non-partisan California Legislative Analyst Office (LAO); and

WHEREAS, The LAO cited studies that the change to a mandatory single sales factor (included in Prop. 39) will create a net gain of 40,000 jobs in California by generating an incentive to create, bring and keep jobs in California; and

WHEREAS, Prop. 39 will generate an additional \$500 million in annual General Fund revenue starting next year and \$1 billion a year after 5 years; and

WHEREAS, The General Fund revenue from Prop. 39 will reduce the deficit and provide funding for education, health, social services and other state needs; and

WHEREAS, The General Fund revenue from Prop. 39 will be subject to Prop. 98, a voter approved requirement that almost half of new revenue be allocated for education; now, therefore be it

RESOLVED, That the Board of Trustees of the Los Angeles Community College District strongly supports Proposition 39, the California Clean Energy Jobs Act.

Chancellor and
Secretary of the Board of Trustees

By _____ Date _____

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| Candaele _____ | Santiago _____ |
| Field _____ | Svonkin _____ |
| Park _____ | Veres _____ |
| Pearlman _____ | Campos _____ |
| | Student Trustee Advisory Vote |



Board of Trustees

Los Angeles Community College District

ACTION

Com. No. BSD1

Division: BUSINESS SERVICES

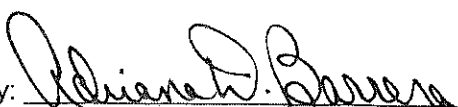
Date: August 22, 2012

Subject: BUSINESS SERVICES ROUTINE REPORT

I. AUTHORIZE SERVICE AGREEMENT

Authorize an agreement with Terry Hayes & Associates to provide specialized services of a supplemental EIR for the Van De Kamp Innovation Center during the period of August 23, 2012 to May 31, 2013, inclusive at a total cost of \$222,540.

Background: This agreement will provide those specialized services required to continue the use of the facilities by the existing tenants and to identify any possible changes that might be required to either hours of usage or change in traffic flow patterns for both the morning and evening rush hours. Funding is through the Van De Kamp Innovation Center funds.

Recommended by: 
Adriana D. Barrera, Deputy Chancellor

Approved by: 
Daniel LaVista, Chancellor

Chancellor and
Secretary of the Board of Trustees

By _____ Date _____

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| Candaele _____ | Santiago _____ |
| Field _____ | Svonkin _____ |
| Park _____ | Veres _____ |
| Pearlman _____ | Campos _____ Student Trustee Advisory Vote |



Board of Trustees

Los Angeles Community College District

ACTION

Com. No. FPD1

Division FACILITIES PLANNING AND DEVELOPMENT

Date August 22, 2012

Subject: RATIFY AGREEMENT FOR RECYCLED WATER SERVICE AT VAN DE KAMP INNOVATION CENTER

Ratify agreement No. WR-12-1018 between the Los Angeles Department of Water and Power (LADWP) and the Los Angeles Community College District (LACCD) to supply recycled water service at Van de Kamp Innovation Center. The recycled water shall be the sole source of water for irrigation purposes at the Van de Kamp Innovation Center. This agreement establishes a recycled water rate of \$1.057 per hundred cubic feet (HCF). The agreement shall be in effect for three years from the time of execution.

Background: This agreement is being issued pursuant to California Water Code Sections 13550 -13551, which declares the use of potable domestic water for non-potable uses is a waste or an unreasonable use of water and no public agency shall use potable domestic water for non-potable uses if suitable reclaimed water is available. LADWP and LACCD desires to conserve potable water supplies. LADWP will provide recycled water where it is available. LACCD will benefit by being provided with a reliable source of water that will not be restricted in times of drought, and will be sold at a lesser rate than potable water. The current potable water rate for Van de Kamp has two (2) usage tiers. Tier 1 cost is \$3.729 per billing unit of one HCF. The tier 2 cost is \$5.922 per HCF. There are no usage tiers for recycled water.

Recommended by: Adriana D. Barrera
Adriana D. Barrera, Deputy Chancellor

Approved by: Daniel J. LaVista
Daniel J. LaVista, Chancellor

Chancellor and Secretary of the Board of Trustees

By: _____ Date _____

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| Candaele _____ | Santiago _____ |
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| Pearlman _____ | Campos _____ |
| | Student Trustee Advisory Vote |



Board of Trustees

Los Angeles Community College District

ACTION

Noticed: August 8, 2012

Com. No. BF1

Division: BUSINESS AND FINANCE

Date: August 22, 2012

Subject: ADOPTION OF 2012-2013 FINAL BUDGET

Adopt the 2012-2013 Final Budget and authorize staff to file same with the California Community College Chancellor's Office and the County Office of Education no later than September 30, 2012.

Background: The governing board of the Los Angeles Community College District must adopt the budget no later than September 15, 2012 and will hold a public hearing on the Proposed Budget of the District for the year ending June 30, 2012 prior to final adoption as required by Section 58301 of Title 5, California Code of Regulations.

Recommended by: *Adriana D. Barrera*
Adriana D. Barrera, Deputy Chancellor

Approved by: *Daniel LaVista*
Daniel LaVista, Chancellor

Chancellor and
Secretary of the Board of Trustees

By _____ Date _____

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| Candaele _____ | Santiago _____ |
| Field _____ | Svonkin _____ |
| Park _____ | Veres _____ |
| Pearlman _____ | Campos _____ |
| | Student Trustee Advisory Vote |



Board of Trustees

Los Angeles Community College District

NOTICE

Notice: August 22, 2012

Com. No. ISD/A

Division Educational Support Services

Date

September 12, 2012

Subject: AUTHORIZE REVISION OF BOARD RULE 8603

8603. LIMITATIONS ON ENROLLMENT. All courses shall be open to enrollment in accordance with a priority system established by the Chancellor and consistent with Title 5, Sections 58106 and 58108.

Enrollment in specific courses or programs may be limited as follows:

- a) Enrollment may be limited to students meeting prerequisites and corequisites established pursuant to Title 5, section 55003 and Board Rule 8605.
- b) Enrollment may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, the constraints of regional planning, or legal requirements imposed by statutes, regulations, or contracts. Fair and equitable procedures will be used for determining who may enroll in affected courses or programs. Such procedures shall be consistent with one or more of the following approaches:
 - 1) limiting enrollment to a "first-come, first-served" basis or using the following nonevaluative selection techniques:

Recommended by: Yasmin Delahoussaye
Yasmin Delahoussaye, Vice Chancellor

Donald Gauthier
Donald Gauthier, President, DAS

Recommended by: Adriana D. Barrera
Adriana Barrera, Deputy Chancellor

Approved by: Daniel J. LaVista
Daniel J. LaVista, Chancellor

Chancellor and Secretary of the Board of Trustees

By: _____ Date _____

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| Candaele _____ | Santiago _____ |
| Field _____ | Svonkin _____ |
| Park _____ | Veres _____ |
| Peariman _____ | Campos _____ |
| | Student Trustee Advisory Vote |

Board of Trustees

Los Angeles Community College District

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|----------------|--|--------------------------|
| Com. No. ISD/A | Division: Educational Support Services | Date: September 12, 2012 |
|----------------|--|--------------------------|

Students shall be assigned priority on the basis of college, then district cumulative units completed. During the primary terms of fall and spring, students will be limited to registering for no more than 19 units per semester, and during the winter and summer will be limited to registering for no more than 9 units.

For any term or intersession, students shall be separated into the following four priority groups, in order from highest to lowest priority:

Priority 1: Disabled Students Programs and Services (DSPS) students, Extended Opportunities Programs and Services (EOP&S) students; members or former members of the Armed Forces of the United States (as defined in Education Code section 66025.8); and foster youth or former foster youth (as defined in Education Code section 66025.9).

Priority 2: continuing and middle college students

Priority 3: new and returning students.

Priority 4: Special K-12 admits (pursuant to Education Code section 76001).

- 2) limiting enrollment using a registration procedure authorized by Title 5, section 58108; or
- 3) in the case of intercollegiate competition, honors courses, or public performance courses, allocating available seats to those students judged most qualified; or
- 4) limiting enrollment in one or more sections of a course to a cohort of students enrolled in one or more other courses, provided however, that a reasonable percentage of all sections of the course do not have such restrictions; or
- 5) with respect to students on probation or subject to dismissal, consistent with the provisions of Title 5, sections 55030, 55031, 55032, 55033, and 55034 and Board Rule 8200 et seq., students may be limited to enrollment in a total number

Board of Trustees

Los Angeles Community College District

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|----------------|--|--------------------------|
| Com. No. ISD/A | Division: Educational Support Services | Date: September 12, 2012 |
|----------------|--|--------------------------|

of units or to selected courses, or required to follow a prescribed educational plan.

- c) A student may challenge an enrollment limitation on any of the following grounds:
 - 1) the enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
 - 2) the District is not following its policy on enrollment limitations; or
 - 3) the basis upon which the District has established an enrollment limitation does not in fact exist.
- d) The student shall bear the burden of showing that grounds exist for the challenge. Challenges shall be handled in a timely manner, and if the challenge is upheld, the enrollment limitation shall be waived with respect to that particular student.
- e) In the case of a challenge under Subsection c of this Board Rule, the college where the challenge is initiated shall, upon completion of the challenge, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to Title 5, California Code of Regulations, section 59300 et seq. Completion of this challenge procedure shall be deemed to satisfy the requirement of Title 5, California Code of Regulations, section 59328(b) that the District and the student attempt to informally resolve the complaint.

Title 5, C.C.R., Section 58106