

LOS ANGELES COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES – REGULAR MEETING

Wednesday, August 22, 2012 • 12:15 p.m.
Educational Services Center • Board Room
770 Wilshire Boulevard • Los Angeles, California 90017

The regular meeting of the Board of Trustees of the Los Angeles Community College District (LACCD) commenced at 12:23 p.m. with President Steve Veres presiding.

The following members were present: Kelly Candaele, Mona Field, Nancy Pearlman, Miguel Santiago, Scott J. Svonkin, and Steve Veres. Absent: Tina Park (arrived at 1:20 p.m.). Student Trustee Daniel Campos was not present (arrived at 12:35 p.m.).

Chancellor Daniel J. LaVista was present.

RECESS TO COMMITTEE OF THE WHOLE

For the record, President Veres noted that he received a message from Trustee Park indicating that she would be arriving late due to a personal family matter. He indicated that he would chair the Committee of the Whole in her absence.

The regular meeting recessed to the Committee of the Whole at 12:24 p.m.

On roll call the following members were present: Kelly Candaele, Mona Field, Nancy Pearlman, Miguel Santiago, Scott J. Svonkin, and Steve Veres. Absent: Tina Park (arrived at 1:20 p.m.). Student Trustee Daniel Campos was not present (arrived at 12:35 p.m.).

Public Speakers

None.

Update on Accreditation

Dr. Yasmin Delahoussaye, Vice Chancellor, Educational Programs and Institutional Effectiveness, distributed a document entitled "Accreditation Report." She indicated that at its June 2012 meeting, the Accrediting Commission for Community and Junior Colleges (ACCJC) placed West Los Angeles College (WLAC) on warning and placed Los Angeles Harbor College (LAHC) and Los Angeles Southwest College (LASC) on probation. She discussed the document with respect to the historical data regarding colleges on sanction from 2009 through 2012 statewide and the ACCJC recommendations for the LACCD. She introduced Mr. Marvin Martinez, President, LAHC.

- Mr. Martinez introduced Mr. Jim Stanbery, Professor of Political Science and Co-Chair, Accreditation Steering Committee, LAHC, and Dr. Kristi Blackburn, Dean, Institutional Effectiveness, LAHC. Mr. Martinez indicated that actions are being undertaken to resolve the College's probation status.

A document entitled "Accreditation Action Plan for Removal of Probation presented to the LACCD Board of Trustees" was distributed.

(Student Trustee Campos arrived at 12:35 p.m.)

Mr. Stanbery gave a PowerPoint presentation and discussed the document with respect to College Recommendations #1 and #2.

Dr. Blackburn continued the PowerPoint presentation and discussed the document with respect to the Action Plan for Recommendation #1, Planning Documents, the Action Plan for Recommendation #2, and the calendar leading up to March 15, 2013.

- A document entitled "2012 Accreditation Report Update Los Angeles Southwest College" was distributed.

Dr. Jack E. Daniels III, President, LASC, discussed the document with respect to 2012 recommendations 1 through 6, key strategies in addressing the recommendations, timelines, and budget impacts.

- Mr. Nabil Abu-Ghazaleh, President, WLAC, indicated that he would make a full presentation at a meeting scheduled for October 1, 2012. He discussed the efforts being undertaken by the WLAC Accreditation Steering Committee to address the recommendations from the ACCJC.

Chancellor LaVista presented summary comments regarding the accreditation recommendations from the ACCJC.

A question and answer session was conducted regarding the accreditation update.

(Trustee Park arrived at 1:20 p.m.)

Dr. Delahoussaye indicated that a three-hour Institutional Effectiveness Committee meeting regarding accreditation will be held on October 1, 2012 from 10:00 a.m. to 1:00 p.m.

Other Business

None.

Adjournment

There being no objection, President Veres adjourned the Committee of the Whole at 1:32 p.m.

RECONVENE REGULAR MEETING

The regular meeting of the Board of Trustees of the LACCD reconvened at 1:32 p.m. with President Steve Veres presiding.

For the record, President Veres noted that all of the Board members were present.

Chancellor Daniel J. LaVista was present.

REQUESTS TO ADDRESS THE BOARD OF TRUSTEES – CLOSED SESSION AGENDA MATTERS

None.

RECESS TO CLOSED SESSION

President Veres indicated that there being no objection, the Board would 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 (see Attachment A).

The regular meeting recessed to Closed Session at 1:33 p.m.

RECONVENE REGULAR MEETING

The regular meeting of the Board of Trustees of the LACCD reconvened at 3:05 p.m. with President Steve Veres presiding.

On roll call the following members were present: Kelly Candaele, Mona Field, Tina Park, Scott J. Svonkin, and Steve Veres. Absent: Nancy Pearlman (arrived at 3:08 p.m.) and Miguel Santiago (arrived at 3:15 p.m.). Student Trustee Daniel Campos was not present (arrived at 3:10 p.m.).

Chancellor Daniel J. LaVista was present.

Trustee Field led the Pledge of Allegiance to the Flag.

REPORTS FROM REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS AT THE RESOURCE TABLE

None.

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There being no objection, President Veres took out of order Announcements and Indications of Future Proposed Actions.

ANNOUNCEMENTS AND INDICATIONS OF FUTURE PROPOSED ACTIONS

Dr. Roland Chapdelaine, President, Los Angeles Trade-Technical College (LATTC), announced that The Los Angeles Times recognized LATTC as the best vocational educational institution in Southern California.

* * *

(Trustee Pearlman arrived at 3:08 p.m.)
(Student Trustee Campos arrived at 3:10 p.m.)

PUBLIC AGENDA REQUESTS

Oral Presentations

Mr. Michael Griggs addressed the Board regarding the effect of budget cuts on Disabled Student Programs and Services (DSPS).

Proposed Actions

None.

REPORTS AND RECOMMENDATIONS FROM THE BOARD

Report on Actions Taken in Closed Session – August 22, 2012

President Veres indicated that The Ralph M. Brown Act requires that certain matters decided in Closed Session be reported during the public session that follows.

President Veres stated that the Board authorized the filing of an interpleader action regarding the balance of funds due to a contractor at Pierce College. President Veres stated that a copy of the action may be obtained from the Office of General Counsel after it has been filed. The vote was unanimous.

The Board took no further actions required to be reported.

Reports of Standing and Special Committees

President Veres reported on the morning's Committee of the Whole meeting.

Trustee Field reported on the morning's Institutional Effectiveness Committee meeting.

Trustee Candaele reported on the morning's Legislative Committee meeting.

The following action items, considered as a part as if fully set forth hereto and certified copies of which will be on file in the Office of the Board of Trustees, were presented by the Board of Trustees and action taken as indicated.

Com. No. BT1. Resolution – In Recognition of Nancy Carson

Motion by Trustee Park, seconded by Trustee Svonkin, to adopt Com. No. BT1. as follows:

- 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 was voted by the Committee 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.

Student Trustee Advisory Vote: Aye (Campos)

ADOPTED: 6 Ayes

ABSENT: Trustee Santiago

Trustee Field indicated that the resolution will be presented to Ms. Carson at the District Citizens' Oversight Committee meeting on Friday, August 24, 2012.

Com. No. BT2. Resolution – In Support of Proposition 30

Motion by Student Trustee Campos, seconded by Trustee Svonkin, to adopt Com. No. BT2. as follows:

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, The 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, the 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, The 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.

Student Trustee Advisory Vote: Aye (Campos)
ADOPTED: 6 Ayes
ABSENT: Trustee Santiago

(Trustee Santiago arrived at 3:15 p.m.)

Com. No. BT3. Resolution – In Opposition to Proposition 32

Motion by Student Trustee Campos, seconded by Trustee Svonkin, to adopt Com. No. BT3. as follows:

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 contains 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.

Student Trustee Advisory Vote: Aye (Campos)
ADOPTED: 7 Ayes

Com. No. BT4. Resolution – In Support of Proposition 39

Motion by Student Trustee Campos, seconded by Trustee Svonkin, to adopt Com. No. BT4. as follows:

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.

Student Trustee Advisory Vote: Aye (Campos)

ADOPTED: 7 Ayes

REPORTS FROM THE CHANCELLOR

Report from the Chancellor Regarding Activities or Pending Issues in the District

Chancellor LaVista discussed the morning's Committee of the Whole meeting with respect to the accreditation process and the importance of sustaining a standard of excellence.

Federal Financial Aid Issues and Prospects: Los Angeles Community College District Financial Aid Directors, Anafe Robinson and Dennis Schroeder

A document entitled "The Changing Landscape of Financial Aid" was distributed.

Chancellor LaVista introduced Ms. Anafe Robinson, Financial Aid Manager, Pierce College, and Mr. Dennis Schroeder, Financial Aid Manager, Los Angeles Mission College (LAMC).

Ms. Robinson and Mr. Schroeder gave a PowerPoint presentation and discussed the document with respect to "What is Financial Aid?", "What is the Pell Grant?", Pell annual award history, Pell Grant national expenditures, Pell Grant changes, the changing role of the Financial Aid Office, and Financial Aid in the LACCD.

Mr. Schroeder acknowledged the Financial Aid staff that were in attendance.

A question and answer session was conducted regarding the financial aid presentation.

Chancellor LaVista presented summary comments regarding the financial aid presentation.

CONSENT CALENDAR

Matters Requiring a Majority Vote

President Veres indicated that Com. No. BSD1. Business Services Routine Report would be separated for the vote.

Com. No. BSD1. Business Services Routine Report¹

With respect to Roman Numeral I. Authorize Service Agreement as it relates to an agreement with Terry Hayes & Associates to provide specialized services of a supplemental Environmental Impact Report (EIR) for the Van de Kamp Innovation Center, Mr. Daniel Wright expressed his concern that this item is being presented for action prior to a decision being made regarding which course of action the Board will take after its study of the options for the future use of the Van de Kamp Innovation Center. He distributed a document entitled "Observations Regarding Proposed Environmental Review of Changed Uses of the Van de Kamps Campus."

President Veres informed Mr. Wright that Com. No. BSD1. was revised as follows:

Authorize an agreement with Terry Hayes & Associates to provide specialized services of a **supplemental Subsequent Environmental Impact Report (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.~~ **The purpose of the Subsequent EIR will be to evaluate the following four alternatives under consideration for future use of the project site:**

- 1. District-wide academic programs**
- 2. Relocation of existing office or business functions**
- 3. Long-term lease to the charter high school**
- 4. Potential long-term tenancy options**

Funding is through the Van De Kamp Innovation Center funds.

¹The previous background statement did not reflect accurately the purpose of the Subsequent EIR as stated in the consultant's proposal.

Dr. Adriana D. Barrera, Deputy Chancellor, explained the process that resulted in the reduction from ten options to four options.

Motion by Trustee Field, seconded by Trustee Pearlman, to adopt Com. No. BSD1. as revised.

A question and answer session was conducted regarding the proposed agreement.

Mr. Terry A. Hayes, CEO, Terry A. Hayes Associates LLC, explained the Subsequent EIR for the Van de Kamp Innovation Center.

There was discussion regarding the Subsequent EIR with respect to the four alternatives that are under consideration and the mitigating measures associated with the EIR.

There was also discussion regarding the "sole source" contracting procedure with respect to the bidding process.

Student Trustee Advisory Vote: Abstain (Campos)
ADOPTED AS REVISED: 4 Ayes (Candaele, Field, Park, Veres)
3 Noes (Pearlman, Santiago, Svonkin)

Com. No. FPD1. Ratify Agreement for Recycled Water Service at Van de Kamp Innovation Center

Motion by Trustee Field, seconded by Trustee Pearlman, to adopt Com. No. FPD1.

Student Trustee Advisory Vote: Aye (Campos)
ADOPTED: 7 Ayes

RECOMMENDATIONS FROM THE CHANCELLOR

The following action item, considered as a part as if fully set forth hereto and a certified copy of which will be on file in the Office of the Board of Trustees, was presented by Chancellor LaVista and action taken as indicated.

Public Hearing on the Adoption of the 2012-2013 Final Budget

President Veres declared the public hearing open regarding the adoption of the 2012-2013 Final Budget.

Public Comment

None.

A document entitled "Board of Trustees 2012-13 Final Budget" was distributed.

Chancellor LaVista deferred to Ms. Jeanette Gordon, Chief Financial Officer/Treasurer.

Ms. Gordon indicated that the total final budget amount is \$3.47 billion. She gave a PowerPoint presentation and discussed the document with respect to changes from the tentative budget, reserves and commitments, the LACCD five-year financial forecast for 2011-12 through 2016-17, and the 2012-13 projected budget gap.

Chancellor LaVista acknowledged the following members of the Budget Task Force:

Ms. Velma Butler, President, AFT College Staff Guild; Ms. Joanne Waddell, President, Los Angeles College Faculty Guild; Mr. Carl Friedlander, Chair, District Budget Committee; Mr. Donald Gauthier, President, District Academic Senate; Dr. Adriana D. Barrera, Deputy Chancellor; Dr. Kathleen Burke-Kelly, President, Pierce College; Dr. Jack E. Daniels III, President, LASC; and Ms. Jeanette Gordon, Chief Financial Officer/Treasurer.

Chancellor LaVista continued the PowerPoint presentation and discussed the document with respect to the 2012-13 projected budget gap, proposed Districtwide options to close the budget gap (if the tax initiative fails), areas for financial review, and planning for tax initiative implications.

A question and answer session was conducted regarding the 2012-13 Final Budget.

President Veres declared the public hearing closed.

Com. No. BF1. Adoption of 2012-2013 Final Budget

Motion by Trustee Svonkin, seconded by Trustee Field, to adopt Com. No. BF1.

Student Trustee Advisory Vote: Aye (Campos)
ADOPTED: 7 Ayes

RECESS TO CAPITAL CONSTRUCTION COMMITTEE

There being no objection, the regular meeting recessed to the Capital Construction Committee at 5:22 p.m.

President Veres relinquished the gavel to Trustee Santiago to chair the Capital Construction Committee.

For the record, Trustee Santiago noted that all of the Board members were present.

Public Speakers

None.

Presentations/Initiative Reviews

Moratorium Update

A document entitled "The Los Angeles Community College District Moratorium Update" was distributed.

Chancellor LaVista gave a PowerPoint presentation and discussed the document with respect to "Why the Moratorium?" He introduced Mr. Lloyd Silberstein, Program Director, Build—LACCD.

Mr. Silberstein continued the PowerPoint presentation and discussed the document with respect to moratorium chronology and releases for October 2011 through June 2012.

Ms. Gordon continued the PowerPoint presentation and discussed the document with respect to an amendment to the budget allocation mechanism (Com. No. BF4. – June 15, 2012).

Mr. James D. O'Reilly, Executive Director, Facilities Planning and Development, continued the PowerPoint presentation and discussed the document with respect to the current moratorium figures, the cost impact analysis, decommissioning or "mothballing," and what the moratorium has accomplished.

A question and answer session was conducted regarding the moratorium update.

Trustee Svonkin requested that an official action be taken at a Board meeting in the near future to end the moratorium.

New Business

None.

Adjourn Capital Construction Committee

There being no objection, the Capital Construction Committee meeting was adjourned at 6:06 p.m.

Trustee Santiago relinquished the gavel to President Veres.

(Trustee Park left at 6:06 p.m.)

RECONVENE REGULAR MEETING OF THE BOARD OF TRUSTEES

The regular meeting of the Board of Trustees of the LACCD reconvened at 6:06 p.m. with President Steve Veres presiding.

For the record, President Veres noted that all of the Board members were present with the exception of Trustee Park.

Chancellor Daniel J. LaVista was present.

NOTICE REPORTS AND INFORMATIVES

Com. No. ISD/A. [Notice] Authorize Revision of Board Rule 8603

President Veres indicated that he received requests from the District Academic Senate and the Student Affairs Committee that Com. No. ISD/A. be withdrawn until a future Board meeting due to the need for clarification. He indicated that there being no objection, Com. No. ISD/A. would be withdrawn until a future Board meeting.

Withdrawn.

ANNOUNCEMENTS AND INDICATIONS OF FUTURE PROPOSED ACTIONS (continued)

Trustee Pearlman announced that the colleges will be holding their Flex Days on Thursday, August 23, 2012.

ADJOURNMENT

There being no objection, the regular meeting was adjourned at 6:07 p.m.

DANIEL J. LAVISTA
Chancellor and Secretary of the Board of Trustees

By: *Laurie Green*
Laurie Green
Assistant Secretary to the Board

APPROVED BY THE BOARD OF TRUSTEES:

Steven Veres
Steve Veres
President of the Board

Date September 12, 2012



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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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