

Board of Trustees Report

District Office

January 25, 2012

Legislative Committee

Patrick McCallum, our lobbyist in Sacramento, made his quarterly presentation, focusing first on the governor's budget proposal. Scott Svonkin had questions about Brown's consolidation of categorical programs (which the Student Success Task Force had dropped from its recommendations). Nancy Pearlman wanted to know if there would be any harm in Brown's proposal that Cal Grant recipients earn higher GPA's than is currently the practice. She mentioned grade inflation as a mitigating factor. I said that it wasn't clear that there was such inflation in the community colleges, as compared to universities. Chancellor LaVista added that raising the GPA requirement would be a threat to student success, and McCallum said that there is strong opposition in the Assembly to any such change.

After some discussion, the committee resolved not to formally recommend a position to the full Board on the budget at this time. Svonkin seemed eager not to offend the governor until it was necessary. Steve Veres suggested that the Board make known its concerns, however, and the chancellor agreed.

Discussion then turned to bills on a range of topics. One would authorize community colleges to use "best value" criteria rather than be forced to accept the lowest bid in the purchase of equipment, materials, and supplies. The Board is already on the record in favor.

There was strong support for a bill which would change voting for LACCD trustee positions, such that the recipient of a plurality (as opposed to a majority) of the vote would be named the winner. This would eliminate the need for runoff elections, saving the district \$3 million for each runoff avoided. Oddly, state legislation is required for LACCD to make this change.

Finally, there was a very brief review of four bills that will be required for implementation of some of the Student Success Task Force recommendations just adopted by the Board of Governors. One deals with the new accountability scorecard (using ARCC data) and another with empowerment of the state Chancellor's office.

Open Session

Not the usual Open Session! There had been a long and passionate demonstration by the Classified Guild right outside the District Office just beforehand. At the start of the meeting the room was packed with staff employees, all wearing blue union t-shirts. Also

present were fifteen members of the Pierce women's volleyball championship team, and Scott Svonkin asked team representative Kathleen Rice to lead the pledge of allegiance in his place.

From the Resource Table, Velma Butler referred to the spirited demonstration, saying district classified workers were tired of being treated like "stepchildren" and excluded from shared governance committees. SEIU representatives said it was "an outrage" for classified to be excluded from committees and hiring panels and essential that they be included.

I mentioned the sharp criticism of bond program shared governance in the just released report by the Chancellor's Independent Review panel. I reminded the Board of the sharp dispute I had had with the former president of Mission two years ago over the lack of bond shared governance there and added that had that not been the case some of the abuses highlighted in the recent LA Times article might have been avoided.

A celebration of the Pierce team's second consecutive championship then broke the confrontational mood for a spell. Kathleen Burke-Kelly began the presentation, saying the team had won 30 matches in a row, losing only three games in the entire season and none in the playoffs. They ended with the best record in California history for a community college volleyball team. Their coach, Nabil Mardini, described them as "some of the finest student/athletes" he'd seen in his career. The players were then introduced to great applause, with Mardini predicting a "three-peat" next year.

Twenty public speakers followed, all of them addressing the Board on the need for classified participation on shared governance committees. They included CFT President Josh Pechthart, union attorneys Jeff Boxer and Hope Singer, Faculty Guild President Joanne Waddell, Classified officers Sandra Le Pore and Fern Reisner, as well as numerous classified employees from throughout the district. The attorneys cited the Ed Code and Title 5, which they said explicitly called for classified participation in shared governance committees. Le Pore read an email from an unnamed senior district official that seemed to encourage a college administrator not to appoint staff to committees. It was also alleged that administrators are appointing classified reps to some committees themselves, rather than the union leaders. No other details were provided, but speaker after speaker called for respect for shared governance. "We just want a voice," said Luis Nunez from West. There was no Board response.

Three legal decisions were reported out of Closed Session, one involving an appeal of a case and the other two acceptance of cases. No other details were provided.

In his Chancellor's Report, LaVista mentioned President Obama's State of the Union address the night before, in particular his call for investment in community colleges. Regarding administrator comprehensive evaluations (the topic of much controversy at the last meeting), he said the plans were for comprehensive evaluations to be done this spring, with recommendations to the Board in June. Presumably this is for all the individuals mentioned last time (six college presidents and three senior staff members). The Board itself has to be evaluated annually (an ACCJC requirement). LaVista said the process was being worked out and that various stakeholders would be involved, including college presidents, the DAS president, and union leaders. Finally, he mentioned that there will be another Board retreat on Feb. 12.

Committee reports were next. Steve Veres reported on the Institutional Effectiveness Committee (which I did not attend). They accepted a substantive change report from Mission and heard an update on the seaside colleges' accreditation planning from Yasmin Delahoussaye. She also gave them a short report on Achieving the Dream, the state Student Success Task Force, and the district Strategic Plan. Nancy Pearlman then summarized the Legislative Affairs Committee (see above).

The Board then adjourned and reformed as the Capital Construction Committee, with Veres chairing.

Capital Construction Committee

The entire meeting was devoted to a presentation by John Dacey, chair of the Independent Review Panel on the bond program. Four other members were present, but only one spoke.

The chancellor began by lauding the panel, citing their impressive resumes and their willingness to work pro bono for nine months, reviewing a large volume of documents and drafting recommendations. Dacey, who served as the main outside legal counsel for LAUSD, said the panel received full cooperation from LaVista, who also made no attempt to influence their deliberations. The panel met monthly, with its three subgroups meeting more frequently.

"In context," he said, the bond program was "operating successfully" and within budget. He said the program could improve, at "this halfway point in terms of time and money." There is \$1.85 billion still to spend, with \$425 million completely unencumbered. The panel believes that the district went too far toward decentralization in 2007, when it changed project managers (DMGM to URS, with URS then forming BuildLACCD). Controls were lost, as the central office was reduced in size. The Board should have had a tighter rein, and the program lacked clarity and focus. Lloyd Silverstein, the current BuildLACCD director, was praised for steps he's taken to tighten controls in the last year and a half.

Dacey said the lack of an adequate district contingency reserve is one key failing. Of the \$234 million in contingency funds, all of it has been distributed to the colleges and districtwide projects, with only \$10 million in the district account. This, he claimed, leaves us vulnerable in the event of an emergency.

Change orders were not being monitored by BuildLACCD until recently, they were surprised to learn. The number has been quite high, though he admitted that some changes may have been justifiable (due to the addition of Measure J money, for example, necessitating a revision of plans). The hard/soft costs breakdown seemed to be normal. He said the District Citizen's Oversight Committee is not funded adequately, nor is it given other needed resources. Dacey said there seemed to have been lots of planning for M&O costs (not what we usually hear) but not enough for future capital costs (replacing roofs, e.g.).

He urged the trustees to make careful decisions in choosing a permanent Executive Director (Tom Hall has been acting in an interim capacity since Larry Eisenberg's

termination) and in selecting a project manager (the contract with URS for BuildLACCD runs out this year). He suggested strongly that a "clean, hard break" in project managers was not desirable, given that the program is entering into its second half. He concluded by saying that the district had not been given a fair shake in the press, given that the errors identified by the LA Times occurred in the context of a massive building program.

Kelly Candaele asked about the role of shared governance, referencing my earlier comment. Dacey strongly acknowledged the key role of shared governance in planning, but said the high percentage of change orders by user groups was a serious problem. He said he didn't mean to single out shared governance as the sole culprit, however. Candaele also acknowledged his "chagrin" over past problems with the program. Svonkin, on the other hand, said he was "slightly horrified" by them, and that "fairly egregious" errors occurred. He asked about the "multiplier rate" (what firms charge public agencies beyond the salary of their consultants for overhead costs), but the panel didn't look into this. Dacey did say, however, that we should be very skeptical when we hear the phrase "industry standard" about this or any other aspect of public construction, as that's very hard to define, if it exists at all.

Tina Park wondered whether a moratorium for all projects wasn't excessive. Miguel Santiago restated the numerous steps that the trustees have taken in recent months to correct problems. He said they would hold staff responsible and take legal action, as necessary. He also asked Dacey if the panel would be willing to review the particular steps the Board comes up with in response to the panel's report. Veres talked about the importance of continuity in management. Dacey said wholesale change was not being recommended.

I commented that it seemed there was less disagreement about shared governance than the report itself suggested. Monte Perez pointed out that bond operations were in much better shape now at Mission (he took office there about ten months ago).

The committee then adjourned and the Board met again for final announcements in Open Session.

Joanne Waddell reported that John McDowell had been named to the Student Aid Commission by Speaker John Perez, and Renee Martinez said Secretary of Labor Hilda Solis would be speaking the next day at East.

Comment

Of course classified should be represented on all college and district shared governance committees. That's always been our position in the DAS. That said, I would note two Senate concerns. First, faculty hiring is the sole province of the department faculty and college administration. Policies and procedures for faculty hiring is a joint responsibility of the Senate and administration, as per the Ed Code, and classified participation on a faculty hiring panel can only occur with the concurrence of the local Senate and department faculty.

Faculty must also have primacy over other non-administration stakeholders in shared governance committees. That's clearly stated in AB 1725. If classified numbers on

committees get too large, that can be threatened, and we would have to object strongly. This has been an issue at two colleges already, so this isn't just an idle worry.

As for the panel's report, I think we have to be careful when we talk about the bond program overall. Yes, it's "operating successfully," and we should never forget that. Wonderful new buildings have been built with more to follow (eventually). But it's a bit hard not to do some great things when you have \$6 billion and talented, dedicated administrators, faculty, and staff at all the colleges, along with many excellent design and construction firms. All of these groups get "A's." As for the old Board, former executive directors, and others, they don't score so well. In fact, they pull the composite grade way down. That's the shame. They didn't hold up their end.

Don took over formally as DAS president yesterday, so with this report I take my leave as a regular chronicler (and sometimes critic) of the Board. I've appreciated your enthusiastic comments over the years. It's nice to know the reports are actually read (however quickly, I understand). I've advised Don to make every effort to keep his own to three pages, and here I am finishing up another one at over four! But what do you do? We're just such a big operation.

All the best in the new semester,

David