



Board of Trustees

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

AGENDA

ORDER OF BUSINESS - SPECIAL MEETING
Wednesday, September 21, 2011
5:00 p.m.

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

- I. Roll Call (5:00 p.m.)
- II. Reports from Representatives of Employee Organizations at the Resource Table
- III. Public Speakers
- IV. Recommendations from the Chancellor
 - CH1. Recommendation to Support AB 436 (Solorio) Public Works: Labor Compliance
- V. Announcements and Indications of Future Proposed Actions
- VI. Adjournment

Next Regularly Scheduled Board Meeting
Wednesday, October 5, 2011
(Public Session scheduled for 3:30 p.m.)
Los Angeles Valley College
5800 Fulton Avenue
Valley Glen, CA 91401

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 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

ACTION

Com. No. CH1

Division CHANCELLOR

Date

September 21, 2011

**Subject: RECOMMENDATION TO SUPPORT AB 436 (SOLORIO)
PUBLIC WORKS: LABOR COMPLIANCE**

Authorize the District to support AB 436 to ensure continued operation of the District's Labor Compliance Program to enforce prevailing wage law on applicable District public works projects.

Background: AB 436 amends several statutes previously amended by SBX2-9 relating to labor compliance to address legal concerns raised by the Attorney General's Office. AB 436 requires the Department of Industrial Relations (DIR) Compliance Monitoring Unit (CMU) to perform labor compliance enforcement on all state bond-funded projects and community college district design-build projects. The CMU charges up to a ¼ of 1% fee to the awarding body on the covered projects. The fee can be waived for awarding bodies that perform prevailing wage enforcement themselves if the awarding body has its own Labor Compliance Program (LCP), but not if the awarding body uses a private third party to conduct its LCP. The fee can also be waived if the awarding body has a Project Labor Agreement (PLA).

The original bill, SBX2-9, was passed during an emergency session of the Legislature in 2009. It replaced the required use of LCPs for specified public works projects with a requirement to pay a fee to the DIR for compliance monitoring and enforcement on those projects, with certain exceptions. Implementation of SBX2-9 was suspended in 2010 because the Attorney General's Office raised concerns about SBX2-9's consistency with constitutional bond law.

AB 436 would make changes to SBX2-9. For instance, it would change the method by which SBX2-9 funds DIR to perform its prevailing wage monitoring services. Instead of paying an upfront flat fee, awarding bodies would now be charged by DIR for the actual cost of their enforcement activities up to the ¼ of 1% cap, and the entity would have to reimburse DIR for those costs.

Approved by: 
Daniel J. LaVista, Chancellor

Chancellor and Secretary of the Board of Trustees By: _____ Date _____	Candaele _____ Santiago _____ Field _____ Svonkin _____ Park _____ Veres _____ Pearlman _____ Barrero _____ Student Trustee Advisory Vote
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Board of Trustees

Los Angeles Community College District

Com. No. CH1	Division FACILITIES PLANNING AND DEVELOPMENT	Date: September 21, 2011
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AB 436 would specify that the fee requirements do not apply to state bond-funded projects and specified design-build projects if the awarding body has entered into a collective bargaining agreement that binds all of the contractors performing work on the contract and that includes a mechanism for resolving disputes about the payment of wages.

LACCD has had a very successful PLA since 2001 that helps to ensure that proper wages are being paid on its public works projects. Thus, LACCD would be eligible for a fee waiver under AB 436.

At its January 26, 2011 meeting, the Legislative Affairs Committee voted to support legislative action to ensure the continued operation of the District's LCP with a fee waiver, and recommended the matter proceed to the Board. At its February 9, 2011 meeting, the Board of Trustees approved pursuing legislative action in this regard.

With its PLA exemption, AB 436 would provide this remedy. For this reason, staff recommends that the Board support AB 436 in its current form, including the PLA exemption.