

LOS ANGELES COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES – REGULAR MEETING

Wednesday, November 4, 2009 • 12:30 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) was called to order at 12:33 p.m. with President Mona Field presiding.

On roll call the following members were present: Mona Field, Georgia L. Mercer, Tina Park, Nancy Pearlman, and Miguel Santiago. Absent: Kelly G. Candaele (arrived at 12:40 p.m.) and Sylvia Scott-Hayes (arrived at 12:40 p.m.). Student Trustee Rodney D. Robinson was not present (arrived at 2:00 p.m.).

Interim Chancellor Tyree Wieder was present.

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

None.

RECESS TO CLOSED SESSION

During the Closed Session, the Board will also discuss *Marez v. LACCD, et al.*

Motion by Trustee Mercer, seconded by Trustee Park, to recess to Closed Session in accordance with The Ralph M. Brown Act and the Education Code. The Board will discuss the matters on the Closed Session agenda as posted and announced (see Attachment A).

APPROVED: 5 Ayes

The regular meeting recessed to Closed Session at 12:34 p.m.

(Trustees Candaele and Scott-Hayes arrived at 12:40 p.m.)

(Student Trustee Robinson arrived at 2:00 p.m.)

RECONVENE REGULAR MEETING

The regular meeting of the Board of Trustees of the LACCD reconvened at 3:38 p.m. with President Mona Field presiding.

On roll call the following members were present: Kelly G. Candaele, Mona Field, Georgia L. Mercer, Tina Park, Nancy Pearlman, Miguel Santiago, and Sylvia Scott-Hayes. Student Trustee Rodney D. Robinson was present.

Interim Chancellor Tyree Wieder was present.

Trustee Scott-Hayes led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Motion by Trustee Scott-Hayes, seconded by Student Trustee Robinson, to approve the following minutes:

Regular Meeting and Closed Session – June 24, 2009

Student Trustee Advisory Vote: Aye (Robinson)
APPROVED: 7 Ayes

REPORTS FROM REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS AT THE RESOURCE TABLE

With respect to Com. No. CH2. Authorize Chancellor Search that was adopted at the Board meeting of October 21, 2009, Ms. Velma Butler, President, AFT College Staff Guild Los Angeles, expressed her concern that some of the bargaining units are represented by business agents.

Mr. Carl Friedlander, President, Los Angeles College Faculty Guild, expressed his appreciation regarding the steps that were taken to correct the issues that he addressed at the Board meeting of October 21, 2009 with respect to open enrollment for part-time faculty.

PUBLIC AGENDA REQUESTS (Category A)

Oral Presentations

Mr. John Lee addressed the Board on behalf of AssetWorks with respect to this firm not being selected to conduct asset management services for the LACCD.

Ms. Camille Goulet, General Counsel, explained the Request for Proposal (RFP) process for this contract.

Mr. Marc Smollin addressed the Board with his concerns regarding the decreasing size of the Pierce College Farm.

In response to Mr. Smollin's concerns, Dr. Joy McCaslin, Interim President, Pierce College, discussed the changes that have been taking place at the Pierce College Farm.

Trustee Pearlman inquired as to whether a date has been set for a community meeting.

Dr. McCaslin responded that a date has not yet been set.

Trustee Pearlman requested that a community meeting be held and indicated that she would be willing to attend.

President Field read the cautionary language for speakers and their personal responsibility for defamatory remarks.

Ms. Irene Tovar addressed the Board with her concerns regarding the need for a Chicano Studies Department at Los Angeles Mission College (LAMC). She also expressed her concern that several students were discouraged from speaking regarding this issue at the Board meeting of October 21, 2009 at LAMC.

Ms. Judith Valles, President, LAMC, indicated that LAMC is in the process of updating the Chicano Studies curriculum and the Chicano Studies Department is scheduled to commence by the spring of 2010.

Ms. Maria Cano and Mrs. Norma Ramirez addressed the Board regarding the need for a Chicano Studies Department at LAMC.

Scheduled speakers Ms. Shamoya Holland and Mr. Eugene Hernandez were not present.

With respect to the concern expressed by Ms. Tovar regarding the students being discouraged from speaking at the October 21, 2009 Board meeting, Interim Chancellor Wieder indicated that she would look into this issue.

Proposed Actions

None.

REQUESTS TO ADDRESS THE BOARD OF TRUSTEES – MULTIPLE AGENDA MATTERS

None.

REPORTS AND RECOMMENDATIONS FROM THE BOARD

The following reports to the governing board of the Los Angeles Community College District, considered as a part as if fully set forth hereto and certified copies of which are on file in the Office of the Board of Trustees, were presented by the Board of Trustees and action taken as indicated.

Report on Actions Taken in Closed Session – November 4, 2009

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

The Board took no actions that The Ralph M. Brown Act requires to be reported.

Reports of Standing and Special Committees

Mr. Marvin Martinez, Vice Chancellor, Economic and Workforce Development, introduced the following individuals from Cassidy & Associates who gave a presentation regarding federal initiatives at this morning's Legislative Affairs Committee meeting:

Mr. Juan Carlos Benitez, Ms. Donna Jo Denison, and Mr. Jordan Bernstein.

Mr. Bernstein indicated that one of the main goals of the firm is to locate resources for the LACCD and its colleges during the budget crisis.

Trustee Scott-Hayes expressed her appreciation to these three individuals for their efforts. She indicated that there was also discussion at the meeting regarding state initiatives and energy-related initiatives.

Trustee Pearlman reported on this morning's Infrastructure Committee meeting at which there were presentations regarding the Los Angeles Harbor College (LAHC) Science Complex Design-Build project, the Los Angeles City College (LACC) Red Line Pedestrian Corridor and RWGPL Landscaping project, and the East Los Angeles College (ELAC) Men's Baseball Field Renovation project.

Com. No. BT1. Legislative Direction

Motion by Trustee Scott-Hayes, seconded by Trustee Mercer, to adopt Com. No. BT1.

Mr. Larry Eisenberg, Executive Director, Facilities Planning and Development, requested that the following item be added:

8. Energy – Legislation that would reinforce the availability of SB 1 funds in conjunction with federal tax credits.

Trustee Scott-Hayes requested that Item 2 be withdrawn and addressed at another time.

The amendments as follows were accepted by the maker and seconder of the motion.

The following motion is presented by Trustee Scott-Hayes:

Authorize and direct the District staff and applicable consultants to investigate and develop potential legislation in the areas identified. After the initial investigation of the viability of these areas, the Legislative Affairs Committee will make a recommendation to the Board of Trustees regarding legislation to be sponsored by the District.

1. Advanced Education – Legislation that would ease obstacles to offering college courses to K-12 students by community colleges by waiving open access mandates and the requirement of public notice for classes at K-12 institutions.
- ~~2. **Pass-Through Cost for Public Records – Legislation that would provide an option for the member of the public to pay for costs on a pass-through basis to expedite access on open records requests that would require more than 120 hours of staff time to locate and review.**~~

Withdrawn.

3. Design Assist – Legislation that would provide for an alternative means of project delivery authorizing the district to engage the services of contractors early in the process to design a project collaboratively.
4. Change Order Clarification – Legislation that would maintain the 10% change order limit, but allow additive and deductive change orders to be netted to allow appropriate changes to be handed by the original contractor.
5. Best Value Procurement – Legislation that would provide the ability to structure a competitive bid process that recognizes characteristics other than price, such as life-cycle costs, sustainability characteristics, and efficiency.
6. Job Order Contracting – Legislation that would allow for the contracting for minor construction, repair, and rehabilitation of facilities in which one or more contractors agree to a contract for a fixed period with a fixed unit price, but an indefinite quantity.
7. Financial Aid – Legislation that would provide for a decentralized mechanism for distribution of financial aid for students.
- 8. Energy – Legislation that would reinforce the availability of SB 1 funds in conjunction with federal tax credits.**

Background: The Legislative Affairs Committee met in September and October to consider a potential legislative agenda for the District. The committee determined to recommend further pursuit of the viability of the measures listed above, prior to making a commitment to the sponsorship of legislation. The Board has previously directed the pursuit of legislation to change the Trustee elections to a single election date in the interests of minimizing election costs.

Student Trustee Advisory Vote: Aye (Robinson)
ADOPTED AS AMENDED: 7 Ayes

Com. No. BT2. Debarment of Contractor

Motion by Trustee Pearlman, seconded by Trustee Scott-Hayes, to adopt Com. No. BT2.

Trustee Pearlman discussed the hearing that was held at the Special Infrastructure Committee meeting on Wednesday, October 14, 2009.

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

Com. No. BT3. Resolution – District Classified Employees Retirement

Motion by Trustee Scott-Hayes, seconded by Trustee Mercer, to adopt Com. No. BT3. as revised as follows:

- WHEREAS, The classified employees identified below have been employed with the Los Angeles Community College District for many years; and
- WHEREAS, The classified employees have contributed significantly toward providing the highest quality of services to our students and the public on behalf of the Los Angeles Community College District; now, therefore, be it
- RESOLVED, That the Personnel Commission and the Board of Trustees of the Los Angeles Community College District do hereby commend the employees for their contributions and extend best wishes in their retirement.

SUMMARY OF RETIRED CLASSIFIED EMPLOYEES
September 1, 2009 – September 30, 2009

LAST NAME	FIRST NAME	JOB CLASSIFICATION	YEARS OF SERVICE	LOCATION
1 Richard Sr.	Paul Edward	Custodian <u>Gardener</u>	40 <u>36</u>	Trade-Tech <u>Southwest</u>
2 Birenbaum	Shelley Ann	Chemistry Laboratory Technician <u>Instructional Assistant, Language Arts</u>	36 <u>32</u>	<u>City Pierce</u>
3 Lott	Jodae Michelle	Custodian <u>Senior Accountant</u>	35 <u>29</u>	<u>West City</u>
4 Fung Li	Chui	Painting Supervisor <u>Senior Accountant</u>	47 <u>29</u>	<u>Pierce Trade-Tech</u>
5 Davis Jr.	Joseph	Software Systems Engineer Manager <u>Financial Aid Technician</u>	44 <u>21</u>	District Office <u>Trade-Tech</u>

Student Trustee Advisory Vote: Aye (Robinson)
ADOPTED AS AMENDED: 7 Ayes

Com. No. BT4. Conference Attendance Authorization

Motion by Trustee Mercer, seconded by Trustee Scott-Hayes, to adopt Com. No. BT4.

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

REPORTS FROM THE CHANCELLOR AND COLLEGE PRESIDENTS

The following reports to the governing board of the Los Angeles Community College District, considered as a part as if fully set forth hereto and certified copies of which are on file in the Office of the Board of Trustees, were presented by Interim Chancellor Wieder and action taken as indicated.

Presentation of a Verizon Foundation Grant Award to West Los Angeles College and Los Angeles Mission College

Interim Chancellor Wieder deferred to Mr. Martinez.

Mr. Martinez introduced Ms. Ardena Bartlett, Educational Support Services, and indicated that she is the individual who wrote the grant. He also introduced Ms. Betsy Regalado, Vice President, Student Services, West Los Angeles College (WLAC), and Mr. Joe Ramirez, Vice President, Student Services, LAMC.

Ms. Bartlett presented an overview regarding the Virtual Counselor College Access Program. She indicated that the Virtual Counselor College Access Program is a partnership among Verizon, the Information Technology Division, the Economic and Workforce Development Division, LAMC, and WLAC.

Mr. Thom Antonopoulos, Vice President-West, Verizon Business, introduced Ms. Elva Lima, Vice President, Strategic Programs, Verizon Business, and Mr. Jason Blumer, Director of Business Development, Verizon Business. Mr. Antonopoulos discussed the Virtual Counselor College Access Program. On behalf of the Verizon Foundation, he presented a check for \$66,500 to the LACCD Foundation.

Ms. Regalado accepted the award and expressed her appreciation to the Verizon Foundation for supporting and funding the programs at WLAC and LAMC. She discussed the Virtual Counselor College Access Program. She introduced Mr. Michael Goltermann, Dean, Student Services, WLAC, and Mr. Angel Viramontes, Director, Outreach Program, WLAC.

Mr. Ramirez indicated that this program will provide opportunities for students to utilize advanced technologies.

Interim Chancellor Wieder expressed her appreciation to Verizon Business for its support of the LACCD.

CONSENT CALENDAR ITEMS

Matters Requiring a Majority Vote

President Field entertained a motion to adopt the Consent Calendar Items as amended on Matters Requiring a Majority Vote, with the limitation that the Student Trustee's vote shall not apply to HRD1., HRD2., ISD2., PC1., and the Correspondence.

Motion by Trustee Scott-Hayes, seconded by Trustee Mercer, to adopt the Consent Calendar Items as amended on matters requiring a majority vote.

President Field inquired if the Trustees have items that need clarification or separation for the vote.

The Trustees discussed the following Consent Calendar Items:

Com. No. BF1. Budget and Finance Routine Report

With respect to Roman Numeral I. Acceptance of Income by College Item D. Los Angeles Mission College Number 2. as it relates to the acceptance of funds from the United States Department of Education for the Student Support Services Program at LAMC, Trustee Park inquired as to how the participants are selected to participate in this program.

Ms. Valles indicated that she would research this process and provide a response to the Board.

With respect to Roman Numeral I. Item B. East Los Angeles College Number 1., Trustee Mercer indicated that the actual language reads Los Angeles City College and inquired if this is an error.

Dr. Jamillah Moore, President, Los Angeles City College (LACC), responded that this is an error and that it should have read East Los Angeles College.

There being no objection, Com. No. BF1. was corrected as follows:

I. **ACCEPTANCE OF INCOME BY COLLEGE**

B. **EAST LOS ANGELES COLLEGE**

1. Ratify acceptance of \$1,153,300 from the United States Department of Education for the Science Technology Engineering and Math (STEM)-Engineering Transfer Pathway Coop Program at ~~Los Angeles City~~ **East Los Angeles** College for the period October 1, 2009 to September 30, 2010, inclusive. (BTA: E-26)

Com. No. BSD1. Business Services Routine Report

Com. No. BSD2. Ratifications for Business Services

Com. No. FPD1. Facilities Planning and Development Routine Report

There was discussion regarding Roman Numeral II. Authorize Design and Engineering Services Agreement for Renewable Energy Projects as it relates to an agreement with Chevron Energy Solutions Company to provide design and engineering services.

There was discussion regarding Roman Numeral III. Authorize Amendment to Professional Services Agreements Item D. as it relates to an amendment to an agreement with Quatro Design Group to provide additional design services for the Bakery Building and New Education Building projects at the Van de Kamp Innovation Center.

(Trustee Candaele left at 5:09 p.m.)

Com. No. FPD2. Master Procurement Agreements

Com. No. FPD3. Authorize a Resolution Expanding the Bond Program Project Labor Agreement (PLA) to Include the Middle College High School Project Located at Los Angeles Southwest College and Authorize the Execution of a Memorandum of Understanding (MOU)

Com. No. HRD1. Personnel Services Routine Actions

Com. No. HRD2. Authorize Executive Searches

Com. No. ISD1. Approval of Educational Programs and Courses

Com. No. ISD2. Authorization of Student Travel

Com. No. PC1. Personnel Commission Actions

Correspondence

Accept recommended disposition of Correspondence.

The Student Trustee's vote shall not apply to HRD1., HRD2., ISD2., PC1., and the Correspondence.

Student Trustee Advisory Vote: Aye (Robinson)

ADOPTED AS AMENDED: 6 Ayes

Matters Requiring a Super Majority Vote

Com. No. BF2. 2009-2010 Budget Adjustments

Mr. Friedlander expressed his concern that funds are being transferred from the Contingency Reserve account to eight of the colleges without having met certain criteria. He recommended that this item be withdrawn until further analysis can be conducted.

Ms. Jeanette Gordon, Chief Financial Officer/Treasurer, explained the criteria for the transfer of funds.

There being no objection, Com. No. BF2. was withdrawn.

Withdrawn.

RECOMMENDATIONS FROM THE CHANCELLOR

Public Hearing on Proposed End User Fee

President Field declared the public hearing open on the Proposed End User Fee.

Mr. Larry Eisenberg, Executive Director, Facilities Planning and Development, explained the end user fee as it relates to renewable energy projects that are in progress at East Los Angeles College (ELAC) and Los Angeles Southwest College (LASC).

There was discussion regarding the proposed end user fee on renewable energy projects and the power purchase agreements that the LACCD is pursuing with Southern California Edison and the Los Angeles Department of Water and Power.

Mr. David Beaulieu, President, District Academic Senate, expressed his concern that the Energy Oversight Committee was not informed during its meeting on November 3, 2009 that Com. No. FPD4. Adopt a Resolution Imposing a Proposed End User Fee on Renewable Energy Projects would be on the Board agenda.

Public Comment

None.

President Field declared the public hearing closed.

Com. No. FPD4. Adopt a Resolution Imposing a Proposed End User Fee on Renewable Energy Projects

Motion by Trustee Scott-Hayes, seconded by Student Trustee Robinson, to adopt Com. No. FPD4.

Interim Chancellor Wieder indicated that in the future, she will ensure that detailed information is provided to the Energy Oversight Committee prior to presenting these items to the Board.

Trustee Mercer inquired as to the time frame for presenting a report regarding the results of entering into the agreements.

Mr. Eisenberg responded that reports can be presented on an annual basis commencing in 2010.

Trustee Mercer requested that the motion be amended to state that an annual end-of-the year report regarding the end user fee will be provided.

The amended motion was accepted by the maker and seconder of the main motion.

Student Trustee Advisory Vote: Aye (Robinson)

ADOPTED: 5 Ayes (Field, Mercer, Park, Pearlman, Scott-Hayes)

1 Abstention (Santiago)

NOTICE REPORTS AND INFORMATIVES

Com. No. BF/A. [Informative] 2009-2010 First Quarter Financial Status Report

Presented by Interim Chancellor Wieder.

Com. No. FPD/A. [Notice] Adopt Board Rules 74000, 74000.10, 74000.20, 74000.30, 74000.40

Noticed by Interim Chancellor Wieder.

PUBLIC AGENDA REQUESTS (Category B)

Oral Presentations

Ms. Kari Thumlert addressed the Board regarding her past experiences as a student at Pierce College.

Proposed Actions

None.

ANNOUNCEMENTS AND INDICATIONS OF FUTURE PROPOSED ACTIONS

Dr. Mark Rocha, President, WLAC, announced that at the Community College Facility Coalition that was held on November 3, 2009 in Sacramento, WLAC was presented with the *Project in Design Award of Honor* for its Allied Health and Wellness Center.

President Field announced that Ms. Patricia Siever-Henderson has been elected to the Culver City Unified School District Board of Education.

ADJOURNMENT

Motion by Trustee Scott-Hayes, seconded by Trustee Park, to adjourn.

Without objection, so ordered.

The regular meeting adjourned at 5:58 p.m.

TYREE WIEDER
Interim Chancellor and Secretary of the Board of Trustees

By: _____
Laurie Green
Assistant Secretary to the Board

APPROVED BY THE BOARD OF TRUSTEES:

Mona Field
President of the Board

Date _____ January 13, 2010