

# LOS ANGELES COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

### MINUTES – REGULAR MEETING

Wednesday, February 10, 2010 • 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 12:30 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 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**

The Board will not discuss *Walker v. LACCD* or *Stearns v. LACCD* during Closed Session.

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

*APPROVED: 7 Ayes*

The regular meeting recessed to Closed Session at 12:31 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 4:00 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, Miguel Santiago, and Sylvia Scott-Hayes. Absent: Nancy Pearlman (arrived at 4:01 p.m.). Student Trustee Rodney D. Robinson was present.

Interim Chancellor Tyree Wieder was present.

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

(Trustee Pearlman arrived at 4:01 p.m.)

## **APPROVAL OF MINUTES**

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

Regular Meeting and Closed Session – December 16, 2009

*APPROVED: 7 Ayes*

## **REPORTS FROM REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS AT THE RESOURCE TABLE**

Mr. David Beaulieu, President, District Academic Senate, reported that in December 2009, Mr. Jack Scott, Chancellor, California Community Colleges, signed a Memorandum of Understanding (MOU) with Kaplan University, the online institution, authorizing community college students to enroll in classes in conjunction with Kaplan University. He expressed his concern that this was done without consultation with the Academic Senate for California Community Colleges and urged the LACCD not to participate in this program.

Mr. Carl Friedlander, President, Los Angeles College Faculty Guild, expressed his concern that, despite the budget crisis, the LACCD needs to hire full-time faculty to replace retired faculty members.

Interim Chancellor Wieder indicated that she would discuss this issue with the College Presidents at the next Chancellor's Cabinet meeting on February 17, 2010. She further indicated that she and Dr. Adriana Barrera, Deputy Chancellor, would meet with Mr. Friedlander to discuss this issue.

Mr. Beaulieu indicated that this issue would be placed on the agenda for the next District Budget Committee (DBC) meeting.

Mr. James Butler-Zetino, ASO President, Los Angeles City College (LACC), and Student Representative at the Resource Table, addressed the Board regarding the associated students' efforts to advocate for student rights, to continue the student I-TAP program, to move forward towards smoke-free campuses, and to advocate for student participation in the shared governance process.

## **PUBLIC AGENDA REQUESTS (Category A)**

### **Oral Presentations**

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

Scheduled speakers Mr. Gabriel Fedida and Mr. Robert Klein were not present.

Mr. Phillip Boutte addressed the Board in opposition to Com. No. BT4. Debarment of Contractor with respect to the recommended debarment of FEI Enterprises, Inc. from contracting or subcontracting on any District project for up to five years.

### **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 – February 10, 2010

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

Trustee Scott-Hayes reported on this morning's Legislative Affairs Committee meeting at which there was discussion regarding a potential legislative initiative for CalPERS medical coverage and an evaluation of the District's advocacy firms.

Trustee Scott-Hayes reported on this morning's Planning and Student Success Committee meeting at which there was a presentation regarding the Los Angeles Mission College (LAMC) Strategic Plan update, a preliminary review of District responses to the Cityside accreditation recommendations, and discussion regarding the future committee outlook.

Trustee Pearlman reported on this morning's Infrastructure Committee meeting at which there was discussion regarding the Pierce College Facilities, Maintenance & Operations Building; the Pierce College Temporary Child Development Center project; the 770 Wilshire Boulevard Building First Floor remodel project; and Master Plan updates for Pierce College and Los Angeles Trade-Technical College (LATTTC).

Com. No. BT1. Resolution – Cesar E. Chavez

Motion by Trustee Scott-Hayes, seconded by Trustee Santiago, to adopt Com. No. BT1. as follows:

The following resolution is presented by Trustees Scott-Hayes and Santiago:

- WHEREAS, March 31 has been designated a day of honor commemorating the birthday of Cesar Chavez; and
- WHEREAS, Cesar Chavez founded the United Farm Workers Union (UFW) and dedicated his life to making a better world for migrant farm workers; and
- WHEREAS, The united farm worker of the UFW has become part of the history of American labor through its struggles for basic workers' rights in California's fields and vineyards; and
- WHEREAS, Cesar Chavez was a nonviolent human being who would fast in order to inspire members of the UFW to commit themselves to nonviolence in their struggle to win recognition and justice and to focus the world's attention on the suffering that migrant farm workers had endured for many generations; and
- WHEREAS, Cesar Chavez was a labor leader who represented a union composed of a multicultural constituency of rank-and-file workers; now, therefore, be it
- RESOLVED, That the Board of Trustees of the Los Angeles Community College District honors Cesar Chavez as a national civil rights leader who worked against poverty and injustice; and be it further
- RESOLVED, That the Los Angeles Community College District joins in celebrating the many accomplishments of Cesar Chavez that stand as an example to all people who struggle for social justice and nonviolent change.

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

Com. No. BT2. Resolution – Women’s History Month

Motion by Trustee Candaele, seconded by Student Trustee Robinson, to adopt Com. No. BT2. as follows:

The following resolution is presented by Trustees Mercer, Field, Park, Pearlman, Scott-Hayes, and Santiago:

- WHEREAS, The month of March is National Women's History Month; and
- WHEREAS, Women comprise a majority of the student population and work force in the nation and within the Los Angeles Community College District; and
- WHEREAS, Women have made significant contributions in the fields of medicine, science, engineering, education, public policy, and sports toward the development and growth of our great nation; and
- WHEREAS, Throughout time and suffrage, the unparalleled contributions and accomplishments of women continue to be demonstrated by their effectiveness as local and national leaders; and
- WHEREAS, The limitless endeavors of women have been chronicled throughout the ages—evolving from domesticity to achieve great heights in the government and corporate structures; now, therefore, be it
- RESOLVED, That the Los Angeles Community College District hereby reaffirms its commitment to equal opportunity access by supporting and enhancing services, courses, and programs which enable women to attain their educational and career goals; and be it further
- RESOLVED, That the Board of Trustees of the Los Angeles Community College District joins with the nation in celebrating March as Women's History Month.

*Student Trustee Advisory Vote: Aye (Robinson)*

*ADOPTED: 7 Ayes*

Com. No. BT3. Resolution – Limit Overhead Multiplier Rate to Program and Construction Management Consultants on Bond Program Activities

The following revisions were noted:

The following resolution is presented by Trustee Field:

- WHEREAS, The Los Angeles Community College District's Proposition A, AA, and Measure J ballot language prohibit the expenditure of bond funds on District administrative salaries; and
- WHEREAS, The Board of Trustees, ~~of the Los Angeles Community College District~~, sitting as Committee of the Whole on October 7, 2009, discussed with staff the status of consulting services provided for Campus and Districtwide Bond program management **to be paid from bond proceeds**; and
- WHEREAS, The Board of Trustees was briefed by staff on the nature of overhead multipliers, profit calculations, and other billing models including fixed hourly billing rate as well as the reasoning for composite teams addressing business outreach policies of the Board; and
- WHEREAS, The Board of Trustees noted variation in the overhead multiplier used by individual firms comprising the consulting teams; and

WHEREAS, The Board of Trustees seeks consistency and efficiency in the basis of compensation for overhead expenses on the Bond program to consultants; and

WHEREAS, The Board of Trustees was advised by Staff that the current economic climate in the consulting industry is depressed and current timing is supportive of a reduction of consulting fees; now, therefore, be it

~~RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby endorses a requirement that Los Angeles Community College District Program Management and Construction Management Consultants shall be disallowed a multiplier on raw salary rates which exceed 2.0 for overhead expenses, exclusive of profit or eligible reimbursables, for all new contract awards and amendments to contracts for future services.~~

RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby endorses a requirement that Los Angeles Community College District Program Management contract for the services of the Program Management contractor and associated sub-contractors be amended to allow a multiplier on raw salary rates which does not exceed 2.0 for overhead expenses, exclusive of profit or eligible reimbursables. Also, provide a thirty (30) day notice to the program management contractor and program management sub-contractors that such change will take place in no more than 30 days.

Motion by Trustee Field, seconded by Trustee Scott-Hayes, to adopt Com. No. BT3. as amended.

Interim Chancellor Wieder explained the resolution with respect to the overhead multiplier rate to program and construction management consultants on Bond Program activities.

There was discussion regarding the resolution.

President Field requested that Interim Chancellor Wieder present a report at the regularly scheduled Board meeting of March 24, 2010 as to whether any of the companies have decided to depart, thus leaving individuals to be placed with a company willing to take the new multiplier.

Interim Chancellor Wieder indicated that she would present this report at the Board meeting of March 24, 2010.

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

#### Com. No. BT4. Debarment of Contractor

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

There was discussion regarding the process that resulted in the recommendation to debar contracts or subcontracts with FEI Enterprises, Inc. from February 11, 2010 through February 10, 2014.

*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.

## Update on the Los Angeles Compact

Interim Chancellor Wieder deferred to Mr. Gary Colombo, Vice Chancellor, Institutional Effectiveness.

Mr. Colombo distributed a document entitled "L.A. COMPACT A Collaboration to Transform Education in Los Angeles." He indicated that L.A. Compact is a K-12 school reform package. The L.A. Compact partners include the Los Angeles Unified School District, the City of Los Angeles, the Los Angeles Chamber of Commerce, and several institutions of higher education in the greater Los Angeles area. He discussed the document with respect to the following three goals:

Goal one: All students graduate from high school.

Goal two: All students have access to and are prepared for success in college.

Goal three: All students have access to pathways to sustainable jobs and careers.

Mr. Colombo also discussed the document with respect to the partner commitments. He indicated that the formal signing of the L.A. Compact will take place on February 17, 2010 at 9:30 a.m. at the Miguel Contreras Learning Center.

Ms. Judith Valles, President, Los Angeles Mission College (LAMC) announced that the grand opening of the Health, Fitness, and Athletics Complex will be held on February 20, 2010 and invited everyone to participate in a 5K run. She expressed her appreciation to the contractors for their efforts in preventing the mudslide from the recent rains from entering the first floor of the Physical Education Building.

## **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., 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 IV. Authorize the Following Budget Adjustments Item I. District Office, Trustee Park inquired as to why money is being transferred from one account to another. She inquired if there is a process to budget the amount needed for the fiscal year instead of transferring money throughout the year.

Dr. Barrera responded that there is an effort to budget accordingly, but it is not always possible to anticipate all of the needs, and adjustments that occur during the course of the year. Therefore, funds are transferred on a routine basis throughout the year.

Trustee Park inquired if there is a written procedure for transferring funds from one account to another.

Dr. Barrera responded in the affirmative and indicated that she would provide this procedure to the Board members.

### **Com. No. BF2. Receipt of Annual Audit**

President Field noted that Com. No. BF2. has been withdrawn.

## **Withdrawn.**

Com. No. BSD1. Business Services Routine Report

President Field noted the following amendment:

...

IV. RATIFY AMENDMENT TO SERVICE AGREEMENTS

- A. Ratify amendment to renew agreement 4500087026 with CLM Financial Consultants, Inc. for the Districtwide services required that include the service and data collection necessary to file the District Mandated Costs Claims, and to ensure that the District has claims in place for all eligible mandated cost available. Extend the contract period from July 1, 2009 to June 30, 2010 **at no additional cost. ~~inclusive, increasing the total contract amount from \$83,000 to \$108,000, at a total additional cost of \$25,000.~~**

Com. No. BSD2. Ratifications for Business Services

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

Mr. Larry Eisenberg, Executive Director, Facilities Planning and Development, noted the following amendment:

...

IX. AUTHORIZE PURCHASE OF BUILDING PROGRAM INSURANCE COVERAGE

Authorize the purchase of the following required insurance policies in support of activities of the Bond funded Building Program of the Los Angeles Community College District for the following premium costs and for the following time periods:

<u>Insurance Carrier Name</u>	<u>Insurance Type</u>	<u>Time Period</u>	<u>Cost</u>
<u>ACE American Insurance Company</u>	Contractors' Pollution Liability	Five (5) years beginning on January 28, 2010	\$829,708 premium for five (5) years of coverage.
<u>Catlin Insurance Company, Inc.</u>	Owner's Protective Professional Indemnity Insurance	Five (5) years beginning on November 16, 2009	\$744,355 premium for first (1 <sup>st</sup> ) year of coverage only.
<u>Lexington National Insurance Corporation</u>	Builder's Risk Insurance	Two (2) years beginning on February 11, 2010	\$6,000,000 estimated premium for two (2) years of coverage.

Com. No. FPD2. Master Procurement Agreements

Com. No. HRD1. Personnel Services Routine Actions

Com. No. HRD2. Employment Actions Regarding Academic Employees

President Field noted the following amendments:

...

II. MARCH 15 NOTICE REGARDING NONGRANTING OF TENURE FOR ACADEMIC EMPLOYEES

Adopt a decision to not employ fourth-year probationary employees EN 788488, ~~EN 810626~~, and EN 1006618 as tenured employees pursuant to Education Code Section 87609.

III. MARCH 15 NOTICE REGARDING NON-RENEWAL OF CONTRACT

**Withdrawn.**

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

Correspondence

Accept recommended disposition of Correspondence.

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

*Student Trustee Advisory Vote: Aye (Robinson)*

*ADOPTED AS AMENDED: 7 Ayes*

**Matters Requiring a Super Majority Vote**

Com. No. FPD3. Authorize Amendment to Joint Occupancy Lease with Harvard Westlake School

Motion by Student Trustee Robinson, seconded by Trustee Scott-Hayes, to adopt Com. No. FPD3.

*Student Trustee Advisory Vote: Aye (Robinson)*

*ADOPTED: 7 Ayes*

**RECOMMENDATIONS FROM THE CHANCELLOR**

None.

**NOTICE REPORTS AND INFORMATIVES**

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

Presented by Interim Chancellor Wieder.

Com. No. HRD/A. [Collective Bargaining Notice] Effects of Bargaining with Exclusive Representatives of the District's Teamsters Local 911 Employees Regarding the Layoff of an Administrator

Noticed by Interim Chancellor Wieder.

**PUBLIC AGENDA REQUESTS (Category B)**

Oral Presentations

None.

Proposed Actions

None.

**ANNOUNCEMENTS AND INDICATIONS OF FUTURE PROPOSED ACTIONS**

None.

**ADJOURNMENT**

Motion by Trustee Mercer, seconded by Student Trustee Robinson, to adjourn.

Without objection, so ordered.

The regular meeting adjourned at 5:17 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 \_\_\_\_\_ April 14, 2010 \_\_\_\_\_