

LOS ANGELES COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES – REGULAR MEETING

Wednesday, September 9, 2009 • 9:00 a.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 9:08 a.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, and Sylvia Scott-Hayes. Absent: Miguel Santiago (arrived at 9:40 a.m.). Student Trustee Rodney D. Robinson was not present (arrived at 2:00 p.m.).

Interim Chancellor Tyree Wieder was present.

RECESS TO COMMITTEE OF THE WHOLE

Motion by Trustee Mercer, seconded by Trustee Scott-Hayes, to recess to the Committee of the Whole.

APPROVED: 6 Ayes

The regular meeting recessed to the Committee of the Whole at 9:10 a.m.

President Field relinquished the gavel to Vice President Mercer.

Joint Meeting of the Board of Trustees and the Personnel Commission

On roll call the following Personnel Commissioners were present: Mr. David Iwata, Mr. Henry Jones, and Ms. Ann Young Havens.

Packets of materials regarding the Personnel Commission were distributed, which includes a document entitled "Joint Meeting of the Personnel Commission and Board of Trustees."

Mr. David Iwata, Chair, Personnel Commission, indicated that the goal of the Personnel Commission is to apply sound business and personnel management practices in a way that is consistent with the principles of the merit system and supports the LACCD's educational mission of promoting learning, achievement, and success.

The Personnel Commissioners and Ms. Karen Martin, Director, Personnel Commission, gave a PowerPoint presentation and discussed the document with respect to the Personnel Commission's responsibilities; 2008-09 activities including outreach activities; 2009 special activities; streamlining efforts including improved testing capabilities and improved recruiting capabilities; the hiring freeze process; the impact of the economic environment on Personnel Commission functions; how the Personnel Commission can contribute with respect to decision-making processes, strategic planning, and employee support and training; Personnel Commission strategic initiatives and support activities; areas of concern including classified work being done outside of the classified service; and the concerns that the Personnel Commission is hearing from classified employees.

(Trustee Santiago arrived at 9:40 a.m.)

There was discussion regarding testing and hiring practices in the District.

Ms. Martin indicated that she would provide a complete report regarding the status of SAP testing.

There was discussion regarding the need to provide specialized training programs for classified employees.

Ms. Deborah Hirsh, Interim Senior Associate Vice Chancellor, Human Resources, discussed the document with respect to the areas of concern as they relate to the Board Report Disclaimer on Assignments.

(Student Trustee Robinson arrived at 10:30 a.m.)

Documents entitled "Summary of Classified Management and Supervisory Vacancies" and "Hiring Freeze Summary of Positions Approved" were distributed and discussed.

Trustees Field and Scott-Hayes expressed their appreciation to the Personnel Commissioners for their commitment to the classified employees.

Interim Chancellor Wieder indicated that she would follow up with the College Presidents regarding the issues that have been discussed.

Public Speakers

None.

Adjournment

Motion by Trustee Scott-Hayes, seconded by Trustee Field, to adjourn the Committee of the Whole.

APPROVED: 7 Ayes

The Committee of the Whole adjourned at 10:58 a.m.

Vice President Mercer relinquished the gavel to President Field.

RECONVENE REGULAR MEETING

The regular meeting of the Board of Trustees of the LACCD reconvened 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, Nancy Pearlman, Miguel Santiago, and Sylvia Scott-Hayes. Absent: Tina Park (arrived at 12:31 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

Scheduled speakers Ms. Brenda McIntosh and Ms. Adrienne Howell withdrew their requests to address the Board.

(Trustee Park arrived at 12:31 p.m.)

RECESS TO CLOSED SESSION

Motion by Trustee Santiago, seconded by Trustee Scott-Hayes, 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: 7 Ayes

The regular meeting recessed to Closed Session at 12:32 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 3:35 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 Santiago led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

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

Regular Meeting and Closed Session – June 10, 2009

*APPROVED: 6 Ayes (Candaele, Field, Mercer, Pearlman, Santiago, Scott-Hayes)
1 Abstention (Park)*

REPORTS FROM REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS AT THE RESOURCE TABLE

Mr. David Beaulieu, President, District Academic Senate (DAS), announced that the DAS/District Leadership Summit will be held on October 2, 2009 at Los Angeles Valley College (LAVC).

Ms. Carolyn Widener, Vice President, Los Angeles College Faculty Guild Local 1521, reported that several resolutions regarding health care benefits for retirees are being presented for action at today's Board meeting.

Ms. Teresa Martinez, ASO President, Los Angeles Mission College (LAMC), and Student Representative at the Resource Table, expressed her concern regarding the possible cancellation of the Winter Intersession.

PUBLIC AGENDA REQUESTS (Category A)

Oral Presentations

None.

Proposed Actions

Com. No. PA/A. Keep Historic 80-Year Old Baseball Program at LACC

Scheduled speakers Mr. Duke Russell and Mr. Phil Pote were not present.

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 – September 9, 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

Trustee Mercer reported on this morning's Committee of the Whole joint meeting with the Personnel Commission at which there was discussion regarding the hiring freeze and other issues related to classified employees.

Trustee Scott-Hayes reported on this morning's Planning and Student Success Committee meeting at which accreditation updates were presented by Los Angeles City College (LACC), East Los Angeles College (ELAC), and Los Angeles Trade-Technical College (LATTC) and there was a presentation regarding Student Success/Basic Skills Initiatives.

Com. No. BT1. Resolution – In Appreciation of District Citizens' Oversight Committee Outgoing Members

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

The following resolution is presented by Trustee Field:

- WHEREAS, The State of California requires that every community college district with voter-approved bond funds create a Citizens' Oversight Committee to review the bond program; and
- WHEREAS, The Los Angeles Community College District was the first district in California to pass a bond under this requirement; and
- WHEREAS, The Los Angeles Community College District firmly believes in the role of citizens in maintaining full accountability and credibility for the District's Bond Program; and
- WHEREAS, The Los Angeles Community College District has found outstanding community leaders who have given many hours of time and expertise to their role as members of the District Citizens' Oversight Committee (DCOC); and
- WHEREAS, Due to state regulations, DCOC members must rotate off after four years of service; and
- WHEREAS, The Los Angeles Community College District is immensely appreciative of the time, expertise, and public commitment of our outgoing DCOC members; now, therefore, be it
- RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby expresses its appreciation to:

Alan Ehrlich, Foundation Representative – September 2005 – September 2009
Shana Won, Los Angeles City College – September 2005 – September 2009
Raymond Cheng, East Los Angeles College – September 2005 – September 2009
David Kersh, Los Angeles Trade-Technical College – September 2005 – September 2009
Gary Cook, Labor Representative – November 2005 – November 2009
Jim Lynch, West Los Angeles College – September 2005 – September 2009
Ken Ashford, Los Angeles Valley College – September 2007 – September 2009
David Rattray, Business Representative – September 2005 – September 2009

for their years of service on the DCOC and hopes they will remain actively involved in supporting our students and colleges in future years.

Mr. Jim Lynch and Mr. Alan Ehrlich expressed their appreciation to the Board members and District administrators for their support of the DCOC's efforts to oversee the use of bond funds for Proposition A, AA and Measure J projects.

Interim Chancellor Wieder expressed her appreciation to the outgoing members of the DCOC for their efforts.

Student Trustee Advisory Vote: Aye (Robinson)

ADOPTED: 7 Ayes

Com. No. BT2. Resolution – Cultural Diversity Month

Motion by Trustee Scott-Hayes, seconded by Trustee Mercer, to adopt Com. No. BT2. as follows:

The following resolution is presented by Trustee Scott-Hayes:

- WHEREAS, The County of Los Angeles has declared the month of October as Cultural Diversity Month; and
- WHEREAS, The Los Angeles Community College District not only enrolls but employs many individuals from a wide range of ethnic backgrounds and recognizes the importance of a diversified staff, whether it be in the classroom or acquiring services from support staff; and
- WHEREAS, In celebration of the diverse cultures that the LACCD serves and employs, the Board of Trustees wishes to recognize the history and contributions of the different cultures that make our District great; now, therefore, be it
- RESOLVED, That the Board of Trustees reaffirms its commitment to the importance of cultural diversity in the workforce; and be it further
- RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby proclaims the month of October as Cultural Diversity Month in the Los Angeles Community College District.

Student Trustee Advisory Vote: Aye (Robinson)

ADOPTED: 7 Ayes

Com. No. BT3. Resolution – AIDS Walk Los Angeles

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

The following resolution is presented by Trustee Field:

- WHEREAS, AIDS Project Los Angeles is sponsoring *AIDS Walk Los Angeles* on Sunday, October 18, 2009 at Melrose Avenue and San Vicente Boulevard in West Hollywood. Each year local business and government entities sponsor teams. Participants on the Los Angeles Community College District AIDS Walk Team solicit contributions from friends and family all of which goes towards the fight against AIDS; and
- WHEREAS, AIDS affects people of all ethnicities, socio-economic groups, and sexual orientations; and
- WHEREAS, Finding new treatments will benefit everyone, including some of the 4.5 million residents of the Los Angeles Community College District; now, therefore, be it

RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby commends *AIDS Walk Los Angeles* for its good work in our community and urges all LACCD students and employees to join the LACCD team at the walk this October 18; and be it further

RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby supports the Joint Labor Management Benefits Committee (JLMBC) Wellness Program by encouraging employees to participate with the LACCD AIDS Walk Los Angeles Team as a walker or sponsor to promote Districtwide wellness and support for AIDS research.

Student Trustee Advisory Vote: Aye (Robinson)

ADOPTED: 7 Ayes

Com. No. BT4. Conference Attendance Ratification/Authorizations

Motion by Trustee Scott-Hayes, seconded by Student Trustee Robinson, 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.

Interim Chancellor Wieder reported that she visited each of the college campuses last week and is pleased with the progress that has been made with respect to the construction projects.

Dr. Roland Chapdelaine, President, LATTC, reported on a recent visit to the campus by the Honorable Arnold Schwarzenegger, Governor of California, at which he announced the start-up of the California Clean Energy Workforce Training Program (CEWTP) under which energy program funding grants will be awarded to educational institutions throughout the state including LATTC.

Dr. A. Susan Carleo, President, LAVC, reported that the LAVC Institute for Developing Entertainment Arts & Studies (IDEAS) grant has joined forces with an industry collaborative in the media field to train existing workers in high-end digital media. This is a Joint Labor Management Benefits project that will enable LAVC to be directly involved with the industry in order to upgrade the skills of workers.

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., PC1., and the Correspondence.

Motion by Trustee Scott-Hayes, seconded by Trustee Santiago, 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. BSD1. Business Services Routine Report

Com. No. BSD2. Ratifications for Business Services

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

Com. No. FPD2. Authorize Disposal of Surplus Personal Property from Los Angeles Community Colleges

Ms. Camille Goulet, General Counsel, indicated that Com. No. FPD2. requires unanimous approval of those present and, therefore, needs to be removed from the Consent Calendar Items for Matters Requiring a Majority Vote and placed into the Consent Calendar Items for Matters Requiring a Super Majority Vote.

Removed from the Consent Calendar Items for Matters Requiring a Majority Vote and placed into the Consent Calendar Items for Matters Requiring a Super Majority Vote.

Com. No. FPD3. Master Procurement Agreement for Display Cases

Com. No. FPD4. Master Procurement Agreement for Landscape Loaders

Com. No. FPD5. Master Procurement Agreement for Adaptive Athletic Equipment

Com. No. FPD6. Master Procurement Agreement for Multifunction Printers

Com. No. FPD7. Master Procurement Agreement for Heavy Duty Equipment

Com. No. FPD8. Master Procurement Agreement for Sweepers

Mr. Larry Eisenberg, Executive Director, Facilities Planning and Development, indicated that Com. No. FPD8. needs to be withdrawn.

Withdrawn.

Com. No. FPD9. Approve an Addendum to the Los Angeles Mission College Facilities Master Plan Final Environmental Impact Report (EIR)

Com. No. FPD10. Approve Minor Modifications to the Los Angeles Mission College Facilities Master Plan

Com. No. HRD1. Personnel Services Routine Actions

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

Com. No. PC1. Personnel Commission Actions

Correspondence

Accept recommended disposition of Correspondence.

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

Student Trustee Advisory Vote: Aye (Robinson)

ADOPTED AS AMENDED: 7 Ayes

Matters Requiring a Super Majority Vote

Com. No. FPD2. Authorize Disposal of Surplus Personal Property from Los Angeles Community Colleges

Removed from the Consent Calendar Items for Matters Requiring a Majority Vote and placed into the Consent Calendar Items for Matters Requiring a Super Majority Vote.

Motion by Trustee Mercer, seconded by Trustee Scott-Hayes, to adopt Com. No. FPD2.

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

Com. No. FPD11. Ratify an Emergency Resolution for the Removal of Discovered Hazardous Material in the Vicinity of the Campus Mall Project at Pierce College

Motion by Trustee Pearlman, seconded by Trustee Scott-Hayes, to adopt Com. No. FPD11.

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

RECOMMENDATIONS FROM THE CHANCELLOR

Com. No. CH1. Appoint New Members to the District Citizens' Oversight Committee

Motion by Trustee Mercer, seconded by Trustee Scott-Hayes, to adopt Com. No. CH1.

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

Com. No. CH2. Adopt Resolutions Electing to be Subject to Public Employees' Medical and Hospital Care Act only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution at an Amount Greater Than or Equal to that Prescribed by Section 22892(b) of the Government Code (Attachments #1 – #7)

Com. No. CH3. Adopt Resolutions Electing to Establish a Health Benefit Vesting Requirement for Future Retirees Under the Public Employees' Medical and Hospital Care Act (1) (Attachments #1 – #7)

Com. No. CH4. Adopt Resolutions Electing to Establish a Health Benefit Vesting Requirement for Future Retirees Under the Public Employees' Medical and Hospital Care Act (2) (Attachments #1 – #7)

Com. No. CH5. Adopt Resolutions Electing to be Subject to Section 22819 of the Public Employees' Medical and Hospital Care Act Only with Respect to Members of a Specific Employee Organization (Attachments #1 – #7)

Com. No. CH6. Adopt Resolutions Electing to be Subject to Section 22873 of the Public Employees Medical and Hospital Care Act (Attachments #1 – #7)

Com. No. CH7. Adopt Resolution Electing to be Subject to the Public Employees' Medical and Hospital Care Act for Less Than Half-Time Employees and Fixing the Employer's Contribution at the Same Amount as Full-Time Employees (CalSTRS and CalPERS)

Com. No. CH8. Adopt Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act for Less Than Half-Time Employees and Fixing the Employer's Contribution at the Same Amount as Full-Time Employees (PARS)

Com. No. CH9. Adopt Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act Only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution for Employees and the Employer Contribution for Annuitants at Different Amounts

Com. No. CH10. Adopt Resolution Electing to be Subject to Public Employees' Medical and Hospital Care Act Only with Respect to Members of a Specific Employee Organization and Fixing the Employer's Contribution for Employees and the Employer Contribution for Retirees at Different Amounts

Com. No. CH11. Adopt Resolution Electing to Establish a Health Benefit Vesting Requirement for Future Retirees Under the Public Employees Medical and Hospital Care Act (CalSTRS and CalPERS)

Com. No. CH12. Adopt Resolution Electing to Establish a Health Benefit Vesting Requirement for Future Retirees Under the Public Employees Medical and Hospital Care Act (PARS)

Motion by Trustee Scott-Hayes, seconded by Trustee Mercer, to adopt Com. Nos. CH2-12.

ADOPTED: 7 Ayes

Public Hearing on Proposed 2009-2010 Final Budget

A document entitled "2009-2010 Final Budget" was distributed.

Ms. Jeanette Gordon, Chief Financial Officer/Treasurer, summarized the document with respect to Emergency Response Task Force (ERTF) planning assumptions and goals, the impact of state budget cuts on the LACCD, the ERTF proposal for a balanced budget, the 2009-10 Unrestricted General Fund, 2009-10 Final Budget planning assumptions, financial planning issues, and state budget issues.

Com. No. BF1. Public Hearing and Adoption of 2009-2010 Final Budget

Motion by Trustee Scott-Hayes, seconded by Trustee Mercer, to adopt Com. No. BF1.

Student Trustee Advisory Vote: Aye (Robinson)

ADOPTED: 7 Ayes

Hearing on Bid Protest Regarding Owner-Controlled Insurance Program (OCIP) Broker Award

Ms. Goulet indicated that Aon Risk Insurance Services West, Inc. is protesting the bid that was awarded to Kaercher Campbell & Associates to provide insurance brokerage services in the procurement of an OCIP for Bond Program construction and related activities. The protest was denied and Aon is now appealing this ruling.

The following individuals addressed the Board regarding Aon's appeal of the ruling denying their protest and Kaercher Campbell/Merriwether & Williams' response to Aon's appeal of the ruling:

Mr. James Holobaugh, Senior Vice President and Regional Director, Aon Risk Insurance Services West, Inc.; Mr. Dennis Nash, Attorney for Aon; Mr. Ron Rakich, Risk Management Consultant for the Bond Program; Mr. Roger Heyman, Attorney at Law, Heyman Densmore LLP; Mr. Kevin Jeter, Associate General Counsel; Mr. Andrew Kugler, Mayer Brown LLP; Ms. Penni Campbell, Chief Executive Officer, Kaercher Campbell & Associates; and Ms. Ingrid Merriwether, President/CEO, Merriwether & Williams.

There was discussion regarding the process that resulted in the selection of Kaercher Campbell & Associates and the protest of the bid by Aon.

President Field inquired as to the consequences of deferring action on Com. No. CH13. Authorize Broker for Owner-Controlled Insurance Program.

Ms. Goulet responded that the Board could take a motion to defer Com. No. CH13. With respect to the issue of timing, the broker would have to be awarded the contract in order to go out to market for the insurance, which is a 60 to 90-day process.

Com. No. CH13. Authorize Broker for Owner-Controlled Insurance Program

Motion by Trustee Santiago, seconded by Trustee Mercer, to defer Com. No. CH13. until the regularly scheduled Board meeting of September 23, 2009.

Student Trustee Advisory Vote: Aye (Robinson)

APPROVED: 4 Ayes (Field, Mercer, Park, Santiago)

3 Noes (Candaele, Pearlman, Scott-Hayes)

Deferred until the regularly scheduled Board meeting of September 23, 2009.

NOTICE REPORTS AND INFORMATIVES

None.

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PUBLIC AGENDA REQUESTS (Category A) (continued)

Oral Presentations

Ms. Shani Simms addressed the Board with her concerns regarding false statements and accusations that have been made by a former student of Pierce College.

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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 Trustee Park, to adjourn.

Without objection, so ordered.

The regular meeting adjourned at 6:07 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 _____ November 18, 2009