

LOS ANGELES COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES – REGULAR MEETING

Wednesday, May 23, 2012 • 8:30 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 8:36 a.m. with President Miguel Santiago presiding.

On roll call the following members were present: Mona Field, Tina Park, Miguel Santiago, and Scott J. Svonkin. Absent: Kelly Candaele (arrived at 8:41 a.m.), Nancy Pearlman (arrived at 8:45 a.m.), and Steve Veres (arrived at 8:43 a.m.). Interim Student Trustee Brandon Batham was not present (arrived at 3:15 p.m.).

Chancellor Daniel J. LaVista was present.

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

Mr. Daniel Wright addressed the Board regarding rental income and expenses for the Van de Kamp Innovation Center. He distributed a document that lists the dollar amounts of the rental income and expenses as of November 8, 2011.

(Trustee Candaele arrived at 8:41 a.m.)

RECESS TO CLOSED SESSION

Motion by Trustee Svonkin, seconded by Trustee Park, to recess to Closed Session in accordance with The Ralph M. Brown Act, Government Code sections 54950 et seq., and the Education Code to discuss the matters on the posted Closed Session agenda pursuant to Government Code section 54954.5 (see Attachment A). The Closed Session agenda was revised as follows:

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VII. Conference with Legal Counsel – Anticipated Litigation **(pursuant to Government Code section 54956.9 (a))**

A. Construction Claims at Los Angeles Trade Technical College for the Child Development Center

(Trustee Veres arrived at 8:43 a.m.)

APPROVED: 6 Ayes

The regular meeting recessed to Closed Session at 8:44 a.m.

(Trustee Pearlman arrived at 8:45 a.m.)
(Interim Student Trustee Batham arrived at 3:15 p.m.)

RECONVENE REGULAR MEETING

The regular meeting of the Board of Trustees of the LACCD reconvened at 4:01 p.m. with President Miguel Santiago presiding.

On roll call the following members were present: Kelly Candaele, Mona Field, Tina Park, Nancy Pearlman, Miguel Santiago, Scott J. Svonkin, and Steve Veres. Interim Student Trustee Brandon Batham was present.

Chancellor Daniel J. LaVista was present.

Trustee Svonkin led the Pledge of Allegiance to the Flag.

* * *

There being no objection, President Santiago took Reports of Standing and Special Committees out of order.

REPORTS AND RECOMMENDATIONS FROM THE BOARD

Reports of Standing and Special Committees

Interim Student Trustee Batham reported that Mr. Daniel Campos, ASO President, Los Angeles Mission College (LAMC), was elected as the next Student Trustee with a total of 1,503 votes. He indicated that Mr. Campos will be sworn in at the Board meeting of June 13, 2012. He further reported that the Los Angeles Valley College (LAVC) Tau Alpha Epsilon (TAE) Honor Society raised more than \$6,000 for the American Cancer Society at the "Relay for Life" event on May 19-20, 2012.

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REPORTS FROM REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS AT THE RESOURCE TABLE

None.

PUBLIC AGENDA REQUESTS

Oral Presentations

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

President Santiago entertained a motion to allocate three minutes each for the speakers regarding LAVC.

Motion by Trustee Field, seconded by Trustee Pearlman, to allocate three minutes each for the speakers regarding LAVC.

Interim Student Trustee Advisory Vote: Aye (Batham)
APPROVED: 7 Ayes

The following individuals addressed the Board regarding the importance of completing the Performing and Media Arts Center facility at LAVC, which is on the LACCD final expanded moratorium list.

Mr. Eric Swelstad, Ms. Eliana Amundson, Mr. Alan Sacks, Mr. Jason Williams, Ms. Cathy S. Pyles, and Mr. Dennis Reed.

Proposed Actions

None.

REPORTS AND RECOMMENDATIONS FROM THE BOARD

Report on Actions Taken in Closed Session – May 23, 2012

President Santiago indicated that The Ralph M. Brown Act requires public session reporting of certain matters that were decided during Closed Session.

President Santiago stated that the Board unanimously accepted the Chancellor's recommendation to reopen the search for the President of East Los Angeles College.

President Santiago further stated that the Board voted unanimously to file a petition to challenge an arbitration award and a complaint in arbitration against Morillo Construction.

The Board took no further actions required to be reported.

Reports of Standing and Special Committees

This item was taken out of order and the report was presented earlier during the meeting.

(Interim Student Trustee Batham left at 4:25 p.m.)

REPORTS FROM THE CHANCELLOR

Report from the Chancellor Regarding Activities or Pending Issues in the District

Presentation on the Dolores Huerta Labor Institute

Chancellor LaVista presented an overview regarding the Dolores Huerta Labor Institute (DHLI). He introduced Mr. Shigueru Tsuha, Executive Director, DHLI, and Ms. Kenadi Le, Program Coordinator, DHLI.

A document entitled "Dolores Huerta Labor Institute Board of Trustees Presentation" was distributed.

Mr. Tsuha gave a PowerPoint presentation and discussed the document with respect to the goals of the DHLI, the L-STEP (Labor Students Educating Peers) Initiative, Voices & Images (V&I) projects and events, the Labor Ignites Speaker Bureau, and the DHLI achievements in 2011-2012.

Ms. Le continued the PowerPoint presentation and read quotations from Mr. Kent Wong, Director, Center for Labor Research and Education, University of California, Los Angeles (UCLA); Dr. James McKeever, Professor, Sociology, Pierce College; Mr. Michael Cortez, Student, LAMC; and Ms. Maria Elena Durazo, Executive Secretary-Treasurer, Los Angeles County Federation of Labor. She expressed her appreciation to the members of the DHLI Steering Committee for their efforts.

A question and answer session was conducted regarding the DHLI.

President Santiago requested that an annual review and audit be conducted of each college's foundation and the District Foundation.

Chancellor LaVista indicated that he would follow through on this request.

Trustee Svonkin requested that each of the colleges be asked to review the audit findings of the college foundations with respect to the recent issues regarding Los Angeles Trade-Technical College (LATTTC).

President Santiago requested that these audits include a thorough review of the expenses.

RECOMMENDATIONS FROM THE CHANCELLOR

The following action item, considered as a part as if fully set forth hereto and certified copies of which will be on file in the Office of the Board of Trustees, was presented by Chancellor LaVista and action taken as indicated.

Com. No. CH1. Appointment to the District Citizens' Oversight Committee for Propositions A/AA and Measure J Bond Programs

Motion by Trustee Field, seconded by Trustee Park, to adopt Com. No. CH1.

Student Trustee Advisory Vote: Absent (Batham)

ADOPTED: 7 Ayes

RECESS TO CAPITAL CONSTRUCTION COMMITTEE

Motion by Trustee Svonkin, seconded by Trustee Park, to recess to the Capital Construction Committee.

APPROVED: 7 Ayes

President Santiago relinquished the gavel to Trustee Veres to chair the Capital Construction Committee.

The regular meeting recessed to the Capital Construction Committee at 4:49 p.m.

For the record, Trustee Veres noted that all of the Board members were present with the exception of Interim Student Trustee Batham.

Proposed LEED™ and Parking Structure Projects – Presentation and Approval

Los Angeles Valley College Multi-Purpose Community Services - \$16.9 Million (Design-Build)

A document entitled "Capital Construction Committee (CCC) Meeting Submittal Form (Design-Build Project)" was distributed.

A document entitled "Multi-purpose Community Services Center" was distributed.

Dr. A. Susan Carleo, President, LAVC, presented an overview regarding the project. She introduced Mr. Eloy Retamal, S.E., Project Director, LAVC Bond Program.

Mr. Retamal presented a fly-through of the project. He indicated that the project is expected to achieve 64 LEED™ points for a Gold rating.

A question and answer session was conducted regarding the LAVC Multi-purpose Community Services Center project.

Motion by Trustee Field, seconded by Trustee Santiago, to approve the LAVC Multi-purpose Community Services Center project.

Student Trustee Advisory Vote: Absent (Batham)

APPROVED: 7 Ayes

Public Speakers

Trustee Veres indicated that four individuals have signed up to speak regarding the LACCD Van de Kamp Innovation Center Options. There being no objection, he indicated that he would postpone these speakers until the conclusion of the LAVC presentation.

The following individuals addressed the Board regarding the LACCD Van de Kamp Innovation Center Options:

Ms. Laura Gutierrez, Ms. Miki Jackson, Mr. Daniel Wright, and Ms. Judy Burton.

There being no objection, Trustee Veres indicated that the Construction Economic Study Update would be postponed until the next Capital Construction Committee meeting. He indicated that the full presentation of the Board resolutions (BT1 and BT2) would be conducted under Recommendations from the Board.

Presentations/Initiative Reviews

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There being no objection, Trustee Veres indicated that the LACCD Van de Kamp Innovation Center Options item would be taken up before the 2010-2012 Bond Program Performance Audit.

LACCD Van de Kamp Innovation Center Options

A document entitled "Van de Kamp Site Options for Future Uses" was distributed.

Chancellor LaVista made introductory comments and indicated that Dr. Adriana D. Barrera, Deputy Chancellor, would make the presentation.

Dr. Barrera gave a PowerPoint presentation and discussed the document with respect to the following options:

1. Sell the property
2. Shutter the new education Building.
3. Perform a supplemental EIR for the benefit of the remaining two years on the lease.
4. Analyze long-term tenancy options and requirements.
5. Relocate the commercial properties to do mitigation measures.
6. Have Los Angeles City College use the site for its swing space needs.
7. Allow another college to take over the site.
8. Establish a regional academic program on the site.
9. Relocate the charter high school to an alternate site or provide remote parking services and a shuttle.
10. Move the building program to the site.

Dr. Barrera restated that Board members would be asked to identify two or three of these options for further study at the Board meeting to be held on June 13, 2012.

Trustee Field requested that dollar amounts and time frames for each option be included when this item comes back for further study.

Trustee Veres requested that the Board members select two or three options that they would like to keep for further study. He indicated that more information is needed before a final decision is made.

Trustees Field and Pearlman selected options 3, 6, and 10.

Trustee Svonkin selected options 1, 4, 6, and 10.

Trustee Santiago recommended that the list of options be sent to the Ad Hoc Committee on Building Program Moratorium for further review.

There being no objection, Trustee Veres indicated that the list of options would be reviewed by the Ad Hoc Committee on the Building Program Moratorium.

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2010-2012 Bond Program Performance Audit

There being no objection, Trustee Veres indicated that this item would be postponed until the next Capital Construction Committee meeting.

Postponed until the next Capital Construction Committee meeting.

Board Resolutions

District Bond Reserves (BT1)

Deferred Maintenance (BT2)

Moved to Recommendations from the Board.

Construction Economic Study Update

Postponed until the next Capital Construction Committee meeting.

New Business

None.

Adjourn Capital Construction Committee

There being no objection, the Capital Construction Committee meeting was adjourned at 6:24 p.m.

Trustee Veres relinquished the gavel to President Santiago.

RECONVENE REGULAR MEETING OF THE BOARD OF TRUSTEES

The regular meeting of the Board of Trustees of the LACCD reconvened at 6:24 p.m. with President Miguel Santiago presiding.

On roll call the following members were present: Kelly Candaele, Mona Field, Tina Park, Nancy Pearlman, Miguel Santiago, Scott J. Svonkin, and Steve Veres. Interim Student Trustee Brandon Batham was not present.

Chancellor Daniel J. LaVista was present.

RECOMMENDATIONS FROM THE BOARD

The following action items, considered as a part as if fully set forth hereto and certified copies of which will be on file in the Office of the Board of Trustees, were presented by the Board of Trustees and action taken as indicated.

Com. No. BT1. Resolution – Adopt a Policy for Funding of the District's Bond Program Reserve to Address the Level of Risks and Work Remaining on the District's Building Program

Motion by Trustee Svonkin, seconded by Trustee Field, to adopt Com. No. BT1. as follows:

The following resolution is presented by Trustees Santiago, Veres, and Field:

WHEREAS, Proposition A and AA did not fund a reserve and the Measure J reserve was not adequately funded; and

- WHEREAS, An original amount of \$158 million was identified for a District Bond Program Reserve at the establishment of the Measure J Bond Issue, \$140 million of which was nearly immediately distributed to City College, Trade Tech College and Valley College, to address requested needs associated with the age of the campuses and infrastructure; and
- WHEREAS, Nearly \$2.7 billion of work remains to be completed on the Building Program, and there are several outstanding claims and known risks remaining on the already completed \$3.5 billion of work; and
- WHEREAS, The current District Bond Program Reserve is not set or funded at an appropriate order of magnitude for the remaining work; and
- WHEREAS, The Board President created an Ad Hoc Committee to consider implementation of the recommendations from the Building Program Review Panel and certain of those recommendations dealing with the moratorium have been evaluated; now, therefore, be it
- RESOLVED, That the Board of Trustees accepts the recommendation from the Ad Hoc Committee for the District to set aside \$160 million of the remaining \$2.7 billion as a District Bond Program Reserve to provide funds for the many risks associated with contractor claims, defaults, unforeseen conditions, DSA close-out, and post warranty design and construction issues, and other yet unbudgeted-for risks, particularly as the Building Program moves into the later stages of completion with limited funds remaining; and be it further
- RESOLVED, That a risk assessment firm shall be retained to document the level of reserve to maintain, when the funds may be reduced, and at what time after the Building Program has been completed any potentially remaining funds may be fully distributed; and be it further
- RESOLVED, That this District Bond Program Reserve is in addition to the project design and construction contingencies that each college is responsible for budgeting and controlling; and be it further
- RESOLVED, That the Chancellor shall ensure that a detailed policy and procedure is consulted, developed and issued to control access and distribution of those funds, including a provision that all future bond interest will go to this District Bond Program Reserve; and be it further
- RESOLVED, That the Bond Construction Program operates within the established program budget.

For the record, Trustee Svonkin indicated that the Board will bring this item back after the risk assessment is completed to determine if the funds will need to be increased or decreased in order to protect the future disposition of any issues related to the bond.

Student Trustee Advisory Vote: Absent (Batham)
ADOPTED: 7 Ayes

Com. No. BT2. Resolution – Adopt Policies for Set Aside of District Operating Funds to Address Deferred Maintenance and Repair of Existing Facilities

Motion by Trustee Svonkin, seconded by Trustee Field, to adopt Com. No. BT2. as follows:

The following resolution is presented by Trustees Santiago, Veres, and Field:

- WHEREAS, The District has pursued and completed a significant proportion of its bond-funded capital construction program; and

- WHEREAS, In addition to newly constructed and renovated buildings and infrastructure, existing buildings, systems, components and infrastructure remain for which maintenance, replacement and upgrades have been deferred, resulting in a backlog of such needs; and
- WHEREAS, State funding for the deferred maintenance and repair of the District's existing buildings, infrastructure, and major equipment has ceased since 2008, is not expected to be reinstated in the foreseeable future, and bond funding may not be used for this purpose; and
- WHEREAS, Funding of such deferred maintenance work is critical for the longevity, efficiency, safety and proper functioning of the District facilities; and
- WHEREAS, The Board President created an Ad Hoc Committee to consider implementation of the recommendations from the Building Program Review Panel and certain of those recommendations dealing with the moratorium have been evaluated; now, therefore, be it
- RESOLVED, That the Board of Trustees accepts the recommendation of the Ad Hoc Committee to establish a policy that the District shall set aside a fixed amount each year from the District's Unrestricted General Fund Operating Budget to be used only to address postponed and future deferred maintenance requirements; and be it further
- RESOLVED, That one half percent (0.5%) of the Unrestricted General Fund revenue will be set aside for Fiscal Year 2012-2013; and be it further
- RESOLVED, That the amount is to be increased each year with the intent to increase the set-aside to the industry standard of 2%; and be it further
- RESOLVED, That the Chancellor shall ensure that a detailed policy and procedure is consulted, developed and issued to control access and distribution of those funds.

Student Trustee Advisory Vote: Absent (Batham)

ADOPTED: 7 Ayes

NOTICE REPORTS AND INFORMATIVES

None.

ANNOUNCEMENTS AND INDICATIONS OF FUTURE PROPOSED ACTIONS

Dr. Tyree Wieder, Interim President, East Los Angeles College (ELAC), announced that ELAC students from the departments of Mathematics, Music, Architecture, and Engineering participated in statewide and national competitions. She indicated that these students finished first, second, and third in these competitions and received scholarships ranging from \$5,000 to \$10,000. She further announced that ELAC is partnering with UCLA and the League of Women Voters to host a candidate forum for the 49th Assembly District on Wednesday, May 30, 2012 from 7:00 to 9:00 p.m. at the Vincent Price Art Museum Lecture Hall.

Dr. Carleo announced that in April 2012, the LAVC Speech Team participated in a national competition in Illinois and won the gold medal. She further announced that during the morning of May 23, 2012, the LAVC Speech Team received the Steve Allen "Excellence in Education" Award from the Valley Economic Alliance for the fifth consecutive year.

Mr. Nabil Abu-Ghazaleh, President, West Los Angeles College (WLAC), expressed his appreciation to Trustees Pearlman and Field and Chancellor LaVista for attending the ribbon-cutting ceremony for the new Student Services Building on Saturday, May 19, 2012. He reported that the Open House event following the ribbon-cutting ceremony was attended by approximately 1,500 members of the community.

ADJOURNMENT

There being no objection, the regular meeting was adjourned at 6:43 p.m.

DANIEL J. LAVISTA
Chancellor and Secretary of the Board of Trustees

By: Laurie Green
Laurie Green
Assistant Secretary to the Board

APPROVED BY THE BOARD OF TRUSTEES:

Miguel Santiago
Miguel Santiago
President of the Board

Date June 13, 2012



Board of Trustees

LOS ANGELES COMMUNITY COLLEGE DISTRICT
770 Wilshire Boulevard, Los Angeles, CA 90017 213/891-2000

AGENDA

REVISED

ATTACHMENT A

CLOSED SESSION

Wednesday, May 23, 2012
8:30 a.m

**Educational Services Center
Board Room – First Floor
770 Wilshire Boulevard
Los Angeles, CA 90017**

- I. **Public Employment**
(pursuant to Government Code section 54957)
 - A. College President, East Los Angeles College
- II. **Conference with Labor Negotiator**
(pursuant to Government Code section 54957.6)
 - A. District Negotiators: Adriana D. Barrera
Employee Unit: All Units
All Unrepresented Employees
 - B. District Negotiators: Mary Gallagher
Employee Unit: Clerical/Technical
 - C. District Negotiators: Daniel J. LaVista
Employee Unit: Executives
- III. **Public Employee Discipline/Dismissal/Release/Charges/Complaints**
(pursuant to Government Code section 54957)

IV. Public Employee Evaluation

(pursuant to Government Code section 54157)

- A. College Presidents

V. Conference with Legal Counsel - Existing Litigation

(pursuant to Government Code section 54956.9 (a))

- A. *Van de Kamps Coalition v. LACCD (two cases)*

VI. Discussion with Real Property Negotiator as may be announced prior to closed session

(pursuant to Government Code section 54956.8)

- A. Property: Approximately 35,000 square feet at
Los Angeles Harbor College
District Negotiators: Los Angeles Unified School District
Negotiating Party: Marvin Martinez; Kevin Jeter
Under Negotiation: Terms and conditions of payment

VII. Conference with Legal Counsel – Anticipated Litigation

(pursuant to Government Code section 54956.9 (a))

- A. Construction Claims at Los Angeles Trade Technical College for the Child Development Center