

LOS ANGELES COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES – REGULAR MEETING

Wednesday, December 7, 2011 • 12:30 p.m.

Los Angeles City College

12:30 p.m. – Faculty and Staff Center

3:30 p.m. – Camino Theatre

855 N. Vermont Avenue • Los Angeles, California 90029

The regular meeting of the Board of Trustees of the Los Angeles Community College District (LACCD) was called to order at 12:34 p.m. with First Vice President Tina Park presiding.

On roll call the following members were present: Mona Field, Tina Park, Nancy Pearlman, Scott J. Svonkin, and Steve Veres. Absent: Kelly Candaele (arrived at 12:40 p.m.) and Miguel Santiago (arrived at 12:40 p.m.). Student Trustee Amber I. Barrero was not present.

Chancellor Daniel J. LaVista was present.

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

None.

RECESS TO CLOSED SESSION

Ms. Camille Goulet, General Counsel, stated that the Board will not be discussing Van de Kamps Coalition v. LACCD or FTR International v. LACCD.

Trustee Veres requested that Ms. Goulet provide a brief update regarding both of these items during Closed Session.

Motion by Trustee Veres, seconded by Trustee Field, 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).

APPROVED: 5 Ayes

The regular meeting recessed to Closed Session at 12:35 p.m.

(Trustees Candaele and Santiago arrived at 12:40 p.m.)

RECONVENE REGULAR MEETING

The regular meeting of the Board of Trustees of the LACCD reconvened at 3:34 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. Student Trustee Amber I. Barrero was not present.

Chancellor Daniel J. LaVista was present.

Trustee Svonkin led the Pledge of Allegiance to the Flag.

WELCOMING REMARKS BY JAMILLAH MOORE, PRESIDENT, LOS ANGELES CITY COLLEGE

President Santiago introduced Dr. Jamillah Moore.

Dr. Moore welcomed the Board members to the College. She acknowledged the faculty, classified staff, and administrators from Los Angeles City College (LACC) who were in attendance.

APPROVAL OF MINUTES

Motion by Trustee Svonkin, seconded by Trustee Field, to approve the following minutes:

Regular Meeting and Closed Session – November 2, 2011
Regular Meeting and Closed Session – November 16, 2011

Student Trustee Advisory Vote: Absent (Barrero)
APPROVED: 7 Ayes

REPORTS FROM REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS AT THE RESOURCE TABLE

Mr. Jaden Ledkins, ASO President, LACC, and Student Representative at the Resource Table, expressed his concern that the Compliance Officers are being relocated from the campuses to the District Office.

Chancellor LaVista indicated that he would gather the appropriate administrative staff to meet with the ASO/ASU leadership in early 2012 to explain this decision. He stated that it is his view that these changes will enhance the issues that Compliance Officers normally address.

PUBLIC AGENDA REQUESTS (Category A)

Oral Presentations

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

Mr. James Butler-Zetino addressed the Board regarding the importance of endorsing a non-smoking policy on all of the LACCD campuses.

Trustee Pearlman indicated that the Board will be provided a report from each campus with respect to where the designated smoking areas are located.

Proposed Actions

None.

REQUESTS TO ADDRESS THE BOARD OF TRUSTEES – MULTIPLE AGENDA MATTERS

None.

* * *

President Santiago entertained a motion to take out of order Com. No. HRD2. Approval of Agreement with the Los Angeles College Faculty Guild, Local 1521 and Com. No. HRD3. Approval of Master Benefits Agreement and to adopt Com. No. HRD2.

Motion by Trustee Field, seconded by Trustee Park, to take Com. Nos. HRD2. and HRD3. out of order and adopt Com. No. HRD2.

Com. No. HRD2. Approval of Agreement with the Los Angeles College Faculty Guild, Local 1521

The Board members and Chancellor LaVista expressed their appreciation to representatives of the LACCD and the Los Angeles College Faculty Guild for their efforts in negotiating this agreement.

ADOPTED: 7 Ayes

Com. No. HRD3. Approval of Master Benefits Agreement

Motion by Trustee Svonkin, seconded by Trustee Field, to adopt Com. No. HRD3.

Trustee Field expressed her appreciation to all of the parties involved for their efforts in the negotiation process.

Dr. Susan Aminoff, Chair, Joint Labor Management Benefits Committee (JLMBC), expressed her appreciation to Trustees Field and Svonkin for attending the JLMBC meetings. She recognized Dr. A. Susan Carleo, President, Los Angeles Valley College (LAVC) for her participation as the Management Representative and acknowledged the management and labor members of the JLMBC who were in attendance. She discussed the agreement with respect to the benefits package that was approved.

President Santiago expressed his appreciation to Chancellor LaVista for his participation in the negotiation process.

ADOPTED: 7 Ayes

The following individuals expressed their appreciation for the successful negotiation process that resulted in the approval of the Master Benefits Agreement:

Ms. Joanne Waddell, President, Los Angeles College Faculty Guild; Dr. Armida Ornelas, Chief Negotiator; and Dr. Rose Marie Joyce, Consultant.

Dr. Ornelas introduced the members of the Faculty Guild Negotiating Team.

Dr. Joyce introduced the members of the LACCD Negotiating Team.

A signing ceremony was conducted.

* * *

REPORTS AND RECOMMENDATIONS FROM THE BOARD

The following reports to the LACCD governing board, 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 – December 7, 2011

President Santiago 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 accepted a settlement with Turner Construction Company to effectuate a termination for convenience of its College Project Manager Agreement effective February 1, 2012, with a stipulation that the firm will not seek or accept work from the District through June 2015. A copy of the agreement may be obtained from the General Counsel. The vote was unanimous.

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

Reports of Standing and Special Committees

Trustee Svonkin reported on the morning's Finance and Audit Committee meeting.

Com. No. BT1. Resolution – District Classified Employees Retirement

Motion by Trustee Park, seconded by Trustee Svonkin, to adopt Com. No. BT1. 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
October 1, 2011 – October 31, 2011

LAST NAME	FIRST NAME	JOB CLASSIFICATION	YEARS OF SERVICE	LOCATION
1 Gaytan	Christina	Food Services Supervisor	40	East
2 Powell III	Amos E.	Custodial Supervisor	15	City
3 Estroff*	Ronald M.	Research Analyst	10	Trade Tech

*Due to late processing, the following employee was not listed on the previous report; Estroff, Ronald M. – Effective date of September 30, 2011

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

Com. No. BT2. Make Finding and Amend Lease Agreements for Van de Kamp Innovation Center

Motion by Trustee Santiago, seconded by Trustee Park, to adopt Com. No. BT2. as follows:

The following resolution is presented by Trustees Santiago and Park:

- WHEREAS, The Board of Trustees of the Los Angeles Community College District (LACCD) has supported the efficient use of its facilities; and
- WHEREAS, The LACCD Van de Kamp Innovation Center (Center) was established to provide educational opportunities in the northeast area of Los Angeles; and
- WHEREAS, The Board of Trustees approved the Second Addendum to the Los Angeles City College Northeast Campus Project (renamed as the LACCD Van de Kamp Innovation Center) Final Environmental Report for the Center on September 19, 2007; now, therefore, be it
- RESOLVED, That the Board of Trustees
 - A. Find that the First Amendments to Real Property Leases are within the scope of the previously certified Final Environmental Impact Report (EIR). In compliance with California Environmental Quality Act (CEQA) Guidelines section 15162 to 15164, and on the basis of substantial evidence in light of the whole record, the Board finds that no additional CEQA analysis or documentation is required and finds as follows:

1. The First Amendments to Real Property Leases are not a substantial change to the Los Angeles City College Northeast Campus Project (also known as the Van de Kamp Innovation Center) that will require major revisions to the Final EIR or
 2. the Second Addendum due to new, significant environmental effects or a substantial increase in the severity of impacts identified in the Final EIR, nor do they require any other changes or additions that would require the preparation of a Supplemental EIR or an Addendum.
 3. Substantial changes have not occurred in the circumstances under which the First Amendments to Real Property Leases will be undertaken that will require major revisions to the Final EIR to disclose new, significant environmental effects or a substantial increase in the severity of new impacts identified in the Final EIR, nor are any other changes or additions that would require the preparation of a Supplemental EIR or an Addendum.
 4. There is no information of substantial importance known at the time the Board certified the Final EIR or adopted the Second Addendum that shows any of the following:
 - a. The First Amendments to Real Property Leases will have any significant impacts not discussed in the Final EIR or the Second Addendum;
 - b. There are impacts that were determined to be significant in the Final EIR or the Second Addendum that will be substantially increased;
 - c. There are additional mitigation measures or alternatives that would substantially reduce one or more significant impacts identified in the Final EIR or Second Addendum; or
 - d. There are additional mitigation measures or alternatives that were rejected by the District that are considerably different than those analyzed in the Final EIR or the Second Addendum that would substantially reduce any significant impact identified in the Final EIR or Second Addendum.
- B. Amend Lease Agreement with City of Los Angeles (“the City”) to include restrictions on its afternoon use of the Van de Kamp Innovation Center (“Center”) to restrict the number of traffic trips to and from the Center between the hours of 4:00 p.m. – 6:00 p.m. each day. In addition, the City will end permitted use activities by 3:00 p.m. each week day and will not schedule appointments that will require its invitees to arrive or depart by private vehicle between 3:30 p.m. and 6:00 p.m. The City will provide the District with information necessary to accurately account for required reduction of permitted use and traffic activities. The City shall require its subtenants to comply with the use and traffic restriction requirements.
- C. Amend Lease Agreement with Alliance for College-Ready Public Schools (“Alliance”) to include restrictions on its afternoon use of the Van de Kamp Innovation Center (“Center”) to restrict the number of traffic trips to and from the Center between the hours of 4:00 p.m. – 6:00 p.m. each day. In addition, Alliance shall complete its regular school day activities no later than 3:30 p.m., as well as require students and staff participating in afterschool activities to leave the Center not later than 3:45 p.m. Alliance shall enforce a permit system to ensure that no more than (50) private vehicles are allowed to drop-off or pick up students from the facility between the hours of 4:00 p.m. and 6:00 p.m. In order to support this reduction in vehicle use, Alliance shall schedule some or all of its afterschool programs and activities to non-school days. Alliance will provide District with information necessary to accurately account for the reduction of permitted use and traffic activities.

Background: The Los Angeles Community College District, on November 11, 2007, as lead agency pursuant to the provisions of the California Environmental Quality Act ("CEQA"), adopted the Second Addendum to the Los Angeles City College Northeast Campus Project to the Final Environmental Impact Report ("EIR") (State Clearinghouse No. 99041030) prepared for the Los Angeles City College Northeast Campus Project. The Second Addendum also included a "Revised Mitigation Monitoring Program Addendum," as Appendix "B." The First Amendments to Real Property Leases between the District and the City of Los Angeles and the Alliance for College-Ready Schools for the current use of the buildings at the Los Angeles City College Northeast Campus Project, now known as the Van de Kamp Innovation Center, incorporate the traffic trip mitigation measures included in the Revised Mitigation Monitoring Program Addendum that were previously adopted by the District. Since the District's considerations of the First Amendments to Real Property Leases are discretionary approvals, the District must comply with CEQA as part of the decision-making process.

CEQA Guidelines section 15162 requires the preparation of a Subsequent EIR if there are substantial changes to the project, or substantial changes in circumstances or new information that was known or should have been known at the time of a prior CEQA determination that would result in new impacts, substantially more severe impacts or changes to mitigation measures. Likewise, if any of the conditions described in section 15162 have occurred and only minor changes would be necessary to make the previous EIR adequately apply to the project in the changed situation, a Supplemental EIR may be prepared pursuant to CEQA Guidelines section 15163. Conversely, if none of the conditions described in Section 15162 have occurred, but some minor changes or additions to the EIR are necessary, an Addendum to an EIR may be prepared pursuant to CEQA Guidelines section 15164. Finally, if no changes or additions are required to be made to the prior CEQA documents, then the District may determine that the prior CEQA documents are adequate, and that no additional analysis is required.

The First Amendments to Real Property Leases do not substantively amend the underlying leases, other than incorporating the traffic trip mitigation measure included in the Revised Mitigation Monitoring Program Addendum. Specifically, the mitigation measures restrict the number of traffic trips to and from the District Facility between the hours of 4:00 – 6:00 p.m. each day, also known as the "Afternoon Trip Cap." The number of vehicle trips allowed under the Afternoon Trip Cap must be shared by the City (and its subtenants) and the District facility's other users (including the District itself) and tenants. Since the First Amendments to Real Property Leases merely incorporate a provision from the prior CEQA documents, no further changes or additions are required. Accordingly, the District will not need to prepare a Subsequent EIR, Supplemental EIR or an Addendum, and the District may make the determination that no additional CEQA analysis is required.

The following individuals addressed the Board regarding Com. No. BT2.:

Ms. Laura Gutierrez, Ms. Miki Jackson, Mr. Daniel Wright, and Mr. John Walsh.

Mr. Wright requested that the record reflect that prior to today's meeting, as noted in writing by the Board's Secretary on the front page, he submitted to the Board of Trustees and into the record two letters. One is a letter by his clients to the District Attorney and Civil Grand Jury asking for an investigation of an ongoing pattern and practice of LACCD to inappropriately use Closed Sessions to consider matters beyond the scope of such Closed Sessions permitted under The Ralph M. Brown Act.

Chancellor LaVista discussed the background section of Com. No. BT2. with respect to CEQA Guidelines section 15162.

Ms. Camille Goulet, General Counsel, introduced Mr. Kevin Randolph, Attorney, Gresham Savage. She indicated that Mr. Randolph is the District's counsel on the Van de Kamps Coalition litigation and recommended that questions regarding the matter be answered by Mr. Randolph.

In response to Mr. Wright's comments, Mr. Randolph indicated that his firm is responding to a comment that the Court made during the CEQA trial. This comment was that there were no measures in place to address the traffic mitigation issues at the Van de Kamp Innovation Center during the afternoon hours. In response to this comment by the Judge, his firm has prepared amendments with the Alliance School and the City of Los Angeles. These matters will be presented to the Court for the Judge's approval. He explained the amendments. He stated that the only discretionary action before the Board at this time is the approval of the two lease amendments, which do nothing more than impose trip limitations. The Board is not being asked to readdress the project as a whole.

A question and answer session was conducted regarding the amendments to the lease agreements for the Van de Kamp Innovation Center, specifically the traffic mitigation measures during the hours of 4:00 p.m. to 6:00 p.m. each day, also known as the "Afternoon Trip Cap."

Trustee Veres indicated that public comments were made that attempted to state that he has a conflict of interest in this matter. For the record, he indicated that he has no conflict of interest in this matter.

Student Trustee Advisory Vote: Absent (Barrero)

ADOPTED: 6 Ayes (Candaale, Field, Park, Pearlman, Santiago, Svonkin)

1 No (Veres)

REPORTS FROM THE CHANCELLOR

Comments from the Chancellor Regarding District Activities and Upcoming Issues

Chancellor LaVista commended LACC for its excellent Theatre Academy program. He highlighted the following additional programs that assist students in achieving both artistic and technical development:

2011 "SummerFest" at LAVC, which provides music, theatre arts, and dance students the opportunity to excel and also provides faculty in these disciplines the opportunity to integrate theatre, dance, and music in the SummerFest productions

"Vectorworks" program at Pierce College, which teaches students to use technology to learn about lighting, scenery, sound, and costume design

Communication, Entertainment, and Media Arts Division at West Los Angeles College (WLAC)

Technical Stage Production at East Los Angeles College (ELAC)

Theatre Arts at Los Angeles Mission College (LAMC)

Presentation by the Los Angeles City College Theatre Academy

Chancellor LaVista deferred to Dr. Moore, who presented an overview regarding the LACC Theatre Academy. She introduced Mr. Kevin Morrissey, Chair, Theatre Arts Department, LACC.

Mr. Morrissey indicated that the LACC Theatre Academy has received numerous awards. The most recent award was received for the performance of "Anton's Uncles" at the Kennedy Center in Washington, DC. He presented four students from the LACC Theatre Academy who performed a song from a recent production entitled "Lost and Unsung—Cut Songs from Great Musicals and Great Songs from Flops." The students performed a song entitled "Big Fat Heart," which was cut from the musical "Seesaw."

Two of the students—Ms. Sarah Fontenot and Ms. Tara Collins—discussed their experiences in the LACC Theatre Academy.

* * *

Trustee Park announced that the Committee of the Whole will be utilizing a new approach commencing in January 2012. This approach will provide the LACCD community an opportunity to work closely with the District's strategic partners from the areas of education, business, and the arts in an effort to better serve the District's students.

CONSENT CALENDAR

Matters Requiring a Majority Vote

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

Motion by Trustee Field, seconded by Trustee Veres, to adopt the Consent Calendar on Matters Requiring a Majority Vote.

The Trustees discussed the following Consent Calendar Items:

Com. No. BF1. Budget Revisions and Appropriation Transfers

Com. No. BF2. 2011-2012 Categorical Program Flexibility

Com. No. BSD1. Ratifications for Business Services

Com. No. BSD2. Business Services Routine Report

With respect to Roman Numeral I. Authorize Service Agreement as it relates to an agreement with News Publishers' Press for printing of the student newspaper, *The Collegian*, for LACC, Trustees Svonkin and Pearlman requested that discussion be held regarding the possibility of the District utilizing one vendor for all of the campus newspapers.

Chancellor LaVista indicated that this issue would be discussed at the Finance and Audit Committee meeting scheduled for January 11, 2012.

(Trustee Candaele left at 4:55 p.m.)

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

Com. No. FPD2. Authorize Master Procurement Agreements

Com. No. FPD3. Equipment Exchange Amendment for Certain Master Procurement Agreements

Com. No. HRD1. Personnel Services Routine Actions

Com. No. HRD2. Approval of Agreement with Los Angeles College Faculty Guild, Local 1521

Com. No. HRD2. was taken out of order and adopted earlier during this meeting.

Com. No. HRD3. Approval of Master Benefits Agreements

Com. No. HRD3. was taken out of order and adopted earlier during this meeting.

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

Com. No. ISD2. Approve Expulsion: Pierce College

Com. No. PC1. Personnel Commission Action

Correspondence

The Student Trustee's vote shall not apply to HRD1, ISD2, PC1, and the Correspondence.
Student Trustee Advisory Vote: Absent (Barrero)
ADOPTED: 6 Ayes

Matters Requiring a Super Majority Vote

Com. No. FPD4. Authorize Lease Agreement

Motion by Trustee Field, seconded by Trustee Park, to adopt Com. No. FPD4.

Student Trustee Advisory Vote: Absent (Barrero)
ADOPTED: 6 Ayes

President Santiago relinquished the gavel to First Vice President Park.

(Trustee Santiago left at 5:16 p.m.)

RECOMMENDATIONS FROM THE CHANCELLOR

The following reports to the LACCD governing board, 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 Chancellor LaVista and action taken as indicated.

Com. No. CH1. Approve Los Angeles Harbor College Mission Statement

Motion by Trustee Veres, seconded by Trustee Svonkin, to adopt Com. No. CH1.

Trustee Veres indicated that the Institutional Effectiveness Committee unanimously supports the Los Angeles Harbor College (LAHC) Mission Statement and recommends its adoption by the full Board.

Student Trustee Advisory Vote: Absent (Barrero)
ADOPTED: 5 Ayes

NOTICE REPORTS AND INFORMATIVES

None.

ANNOUNCEMENTS AND INDICATIONS OF FUTURE PROPOSED ACTIONS

Chancellor LaVista announced that President Santiago will be appointing Trustee Field as the Alternate to the Finance and Audit Committee.

Trustee Svonkin announced that the Pierce College Women's Volleyball Team won a record 33 straight games this past season. He requested that the Team be recognized at a future Board meeting.

Dr. Kathleen Burke-Kelly, President, Pierce College, announced that the Pierce College Women's Volleyball Team was undefeated this past season with a record of 33 and 0. This is the first time in state history that a college team has won more than 30 games. The team won the State Championship for the second year in a row. She will plan for the Team to be introduced to the Board of Trustees at a future Board meeting.

ADJOURNMENT

There being no objection, the regular meeting was adjourned at 5:20 p.m.

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

By: _____
Laurie Green
Assistant Secretary to the Board

APPROVED BY THE BOARD OF TRUSTEES:

Date _____