



Board of Trustees

Los Angeles Community College District
770 Wilshire Blvd., Los Angeles, CA 90017 (213) 891-2000

AGENDA

ORDER OF BUSINESS – SPECIAL MEETING

Saturday, June 13, 2015
9:00 a.m. – 12:00 p.m.

**Educational Services Center
Hearing Room – First Floor
770 Wilshire Blvd.
Los Angeles, CA 90017**

- I. Call to Order **(9:00 a.m.)**
- II. Requests to Address the Board Regarding Closed Session Agenda Matters
- III. 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 (Refer to Attachment "A" for Closed Session agenda).
- IV. Reconvene Special Meeting
- V. Report of Actions Taken in Closed Session – June 13, 2015
- VI. Public Speakers
- VII. Board Self-Assessment
 - Review Progress on 2014-15 Annual Goals
 - Review Outcomes from Self-Assessment Phase
 - Discuss Strategic Initiatives and Goals for 2015-16
- VIII. Notice Reports
 - BT/A. [Notice] Amend Board Rule Chapter XVII Article III – Bond Program Monitor
 - BT/B. [Notice] Amend Board Rule Chapter II Article V – Communications to the Board
- IX. Adjournment

**Next Regularly Scheduled Board Meeting
Wednesday, June 24, 2015
(Public Session scheduled for 3:30 p.m.)
Educational Services Center
Board Room – First Floor
770 Wilshire Blvd.
Los Angeles, CA 90017**

In compliance with Government Code section 54957.5(b), documents made available to the Board after the posting of the agenda that relate to an upcoming public session item will be made available by posting on the District’s official bulletin board located in the lobby of the Educational Services Center located at 770 Wilshire Boulevard, Los Angeles, California 90017. Members of the public wishing to view the material will need to make their own parking arrangements at another location.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, for whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

To make such a request, please contact the Executive Secretary to the Board of Trustees at (213) 891-2044 no later than 12 p.m. (noon) on the Friday prior to the Board meeting.



Board of Trustees

Los Angeles Community College District
770 Wilshire Blvd., Los Angeles, CA 90017 (213) 891-2000

AGENDA

ATTACHMENT A

SPECIAL MEETING CLOSED SESSION

Saturday, June 13, 2015

Educational Services Center
Hearing Room – First Floor
770 Wilshire Blvd.
Los Angeles, CA 90017

- I. **Public Employment**
(pursuant to Government Code section 54957)
 - A. Position: Chancellor



Board of Trustees

Los Angeles Community College District

NOTICE

June 13, 2015

Com. No. BT/A

Division

Board of Trustees

Action Date: June 24, 2015

Subject: **AMEND BOARD RULE CHAPTER XVII ARTICLE III – BOND PROGRAM MONITOR**

Amend Board Rule 17300 as follows:

17300 Retention of the Bond Program Monitor

The Los Angeles Community College District Board of Trustees and Chancellor authorizes the ~~retention of a consultant~~ **the Internal Audit Unit** to ensure that its capital program funded by Proposition A, Proposition AA, and Measure J ("Bond Program") is performing with the utmost integrity and in furtherance of that objective authorize the Bond Program Monitor to investigate and report on circumstances involving action or inaction by an employee, contractor, consultant, or Trustee that the Bond Program Monitor reasonably suspects may involve or aid and abet in the occurrence of misconduct constituting fraud, corruption, a violation of a non-discretionary law, rule or regulation, an abuse of discretion in the exercise of a right or authority granted under a discretionary law, rule, or regulation, gross mismanagement or other actions or inactions occurring in the context of an evident deliberate or reckless disregard of an actual or probable waste or abuse of District funds.

17300.1 Reporting

A. General Reporting

The **Director of Internal Audit shall serve as the** Bond Program Monitor, shall report directly to the Board of Trustees, but be directed and supervised on a day-to-day basis by the Chancellor **or designee**. To the extent that reports reflect matters under investigation for which a final determination has not been made, such reports shall be treated as confidential pursuant to the "deliberative process" exception of the California Public Records Act.

B. Executive Briefings

As determined by the District, the Bond Program Monitor shall provide periodic briefings and reports to keep executive management for the District apprised of important undertakings by the Bond Program Monitor, their outcomes, and other matters that warrant attention, including timely advice to the Chancellor if any employee, official, contractor, consultant or Trustee attempts to impede or obstruct any investigation or other activity of the Bond Program Monitor.

Chancellor and
Secretary of the Board of Trustees

By _____ Date _____

Eng _____	Pearlman _____
Field _____	Svonkin _____
Fong _____	Veres _____
Moreno _____	Vacant _____ Student Trustee Advisory Vote

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C. Semiannual Reports

The Bond Program Monitor shall make semiannual reports on its activities, which shall be available to the public and, not later than three days after issuance of any report that is publicly available, post that report on the Bond Program Monitor website. Such website shall include a service that allows an individual to request automatic receipt of information relating to any public report, or portion thereof, by means of electronic transmittal of the information, or notice of the availability of the information, without further request.

17300.2 Generally Authorized Activities

The Bond Program Monitor is authorized to interview witnesses, take testimony, and demand the production of any information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence the Bond Program Monitor deems material, relevant, and reasonably related to any investigation of misconduct related to the Bond Program.

17301 Powers and Duties

The Bond Program Monitor shall have the following powers and duties:

- A. to plan, direct, and monitor day-to-day operations of the Bond Program insofar as may involve the detection, prevention, occurrence, or report of misconduct, or the threat of misconduct, related to the Bond Program;
- B. to receive and with integrity, objectivity, independence, and confidentiality, investigate complaints concerning incidents of possible misconduct, related to the Bond Program; and
- C. to evaluate the policies and procedures governing the Bond Program, as well as where appropriate, the performance of work related to the Bond Program, in order to develop recommendations on revisions that would facilitate prevention and detection of possible misconduct related to the Bond Program;

17302 Whistleblower Hotline

The Bond Program Monitor is directed to maintain a toll-free "Whistleblower Hotline" and a post office box for anonymous reporting, for the purpose of receiving citizen and employee reports of misconduct related to the Bond Program. Unless the caller consents to disclosure, the identity of any individual providing such reports shall to the maximum extent allowed by applicable law be kept confidential and any persons involved in the reporting should not be alerted until an investigation is complete and a corrective action is recommended by the Bond Program Monitor and approved by the District. All reports received shall be prioritized and investigated according to the nature and urgency of the allegation

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and the credibility of the report. The hotline and post office box will be publicized in a manner reasonably designed to reach all employees, contractors, and consultants, including, without limitation, by posting informative notices at locations where employees congregate and providing links on the websites maintained by the District (including, without limitation, the Bond Program website) and the Bond Program Monitor. **The Bond Program Monitor shall follow the Whistleblower Complaint Process in Board Rule 7902, with membership for the Review Committee discrete from the membership for the Review Committee for operational matters.**

17303 Investigation Reports and Other Documentary Material

A. Public Summary

Upon conclusion of an investigation into possible misconduct, and in the interest of accountability, the Bond Program Monitor shall prepare a written report on the investigation as appropriate and such report shall be released to the public, subject to any redactions needed to protect witnesses. The Bond Program Monitor's investigation reports should be provided to the Chancellor and the Board of Trustees, and may also be provided to parties affected by or involved in the investigation, if appropriate.

B. Investigatory Materials

In light of the purpose of the Bond Program Monitor as stated in Board Rule 17300, the records of the Bond Program Monitor are presumptively deemed investigatory records exempt from disclosure under the California Public Records Act. However, materials provided to the Board of Trustees for a matter that will be discussed in public session must be made available contemporaneously to the public as required by the Ralph M. Brown Act. Materials that relate to potential or existing litigation, employee privacy or other matters exempt from disclosure or subject to a lawful closed session discussion shall not be subject to public disclosure except as required by law.

17304 Duty of Vigilance and Cooperation

It shall be the duty of every employee, contractor, consultant, and Trustee to extend full cooperation and all reasonable assistance to the Bond Program Monitor and his/her designees in connection with any Bond Program Monitor investigation, and all Trustees, employees, contractors, consultants are expected to be vigilant in preventing and reporting fraud, abuse, and corruption.

17305 Retaliation Prohibited

No employee, contractor, consultant, student or Trustee shall retaliate against, punish, or penalize any person for complaining to, cooperating with, or assisting the Bond Program Monitor in the performance of his or her duties. Any employee, contractor, consultant, student or Trustee who violates the provisions of this section shall be subject to disciplinary action, in accordance with the due process provisions associated with his or her position.

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17306 Referrals of Investigations

Upon making a preliminary determination that alleged misconduct may involve possible criminal conduct, the Bond Program Monitor, in consultation with the Chancellor, may refer complaints regarding such misconduct to the appropriate law enforcement authority. In the event that the Chancellor is the alleged wrongdoer, the Bond Program Monitor shall consult with the Board President.

17307 Conflicts of Interest

The Bond Program Monitor, and its staff members, must be free both in fact and appearance from person, external, and organizational impairments to its objectivity and independence. Consistent with the foregoing, all allegations against the Bond Program Monitor or its staff for violations of the provisions of these rules and any matters that the Bond Program Monitor determines cannot be objectively and independently investigated by the Bond Program Monitor shall be submitted directly to the Chancellor and, if appropriate, to proper law enforcement authorities. The Bond Program Monitor and its staff shall ~~submit to periodic background checks and shall~~ submit such conflict of interest disclosures and certifications as may be requested by the District in order to confirm compliance with this requirement.

17308 Legal Counsel

The Bond Program Monitor shall have available legal counsel, through an appropriate competitive selection process, retain, at the expense of the District, its own legal counsel, who shall not be a legal counsel contemporaneously retained by the District on any other **bond** matters, to advise the Bond Program Monitor on legal matters related to performance of its functions under these rules and who shall be free of any conflicts of interest. Such legal counsel is not retained to provide advice to the Bond Program Monitor on matters relating to the Bond Program Monitor's legal or contractual duties to the District or on questions that may arise between the District and the Bond Program Monitor relating to the adequacy of the Bond Program Monitor's performance. Such legal counsel shall be deemed to be in a direct and confidential client-attorney relationship with the District, and not with the Bond Program Monitor individually, and the District shall be deemed the holder of all related legal privileges.

17309 Internal Principles, Policies, and Procedures

The Bond Program Monitor and its staff shall act with integrity and exercise objectivity and professional skepticism and avoid circumstances that would cause a reasonable and informed third party to believe that the Bond Program Monitor or its staff is not capable of exercising objectivity and impartial judgment or that the Bond Program Monitor's work has been compromised. Consistent with the foregoing, the Bond Program Monitor shall (1) develop internal rules and procedures for conduct of investigations and for external quality assurance reviews of investigations and other activities of the Bond Program Monitor, (2) identify and assess threats to its independence of objectivity from both external and internal sources, (3) evaluate the significance of threats identified and prioritize them in a manner consistent with

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the Bond Program Monitor's obligations under these rules or as other directed by the Chancellor or Trustees, (4) apply safeguards as necessary to eliminate the threats or reduce them to an acceptable level, (5) not use confidential information for personal gain or in any other manner that is detrimental to the legitimate interests of the District, and (6) establish criteria for the conduct of investigations before commencing investigations, and (7) prepare an "Investigative Manual" that described the principles, policies, and procedures to implement and govern the Bond Program Monitor's performance of its duties and responsibilities under these rules.

17310 Auditing and Management Functions

It is not the function of the Bond Program Monitor to perform management functions, to give recommendations on management decisions, to evaluate budgets, to set policy, to design internal management controls affecting routine management functions, to perform functions assigned to the District's auditors performing financial or performance audits (internal or external), or to issue interpretations of or legal determinations on existing policies, rules, or regulations of or governing the Bond Program. Notwithstanding the foregoing, however, the Bond Program Monitor in performing the duties and obligations provided for under these rules shall review, assess, and recommend enhancements to the functions and duties of the District's auditors and to the District's program management policies and procedures that will facilitate the prevention, detection, and reporting of misconduct related to the Bond Program.

17311 Training Programs

~~The Bond Program Monitor shall develop and document special awareness and training initiatives designed to alert the District to systemic weaknesses in its programs or procedures that make them vulnerable to misconduct related to the Bond Program.~~

Background: In March 2010, the Board of Trustees directed that the establishment of an Office of Inspector General for the building program. In spring 2013, the Board revised the policy regarding the scope of the office and changed its title to Bond Program Monitor ("BPM"). The function was temporarily assigned to the Internal Audit Unit. During 2013 and 2014, the District issued two Requests for Proposal which yielded only one or two firms, and the projected cost of the program was high. Therefore, the Chancellor recommends that the BPM function be permanently assigned to the Internal Audit Unit.



Board of Trustees

Los Angeles Community College District

NOTICE

June 13, 2015

Com. No. BT/B

Division

Board of Trustees

Action Date: June 24, 2015

Subject: **AMEND BOARD RULE CHAPTER II ARTICLE V – COMMUNICATIONS TO THE BOARD**

Amend Board Rule 2501.10 as follows:

2501.10 General Procedures. Persons who wish to address the Board on District-sponsored agenda items or public agenda items may do so pursuant to the following rules:

- a. The person shall present a request to the Chancellor as Secretary of the Board or designee giving his/her name, address, and telephone number by 10:00 a.m. on the day of the Board meeting. The request shall include the name of the organization or group represented, if any, and a statement related to the agenda item to be addressed.
- b. During any single meeting, such persons may address the Board once on one or more District-sponsored agenda items and/or once on one or more agenda items sponsored by a member of the public pursuant to Board Rule 2407.12. He or she may speak for up to **five three** minutes maximum on all agenda items, whether District-sponsored and/or sponsored by a member of the public, plus any additional time to address collective bargaining matters as discussed in Board Rule 2501.11(e). At the discretion of the Board members, time may be extended. If there is not a majority to extend the time, the **five three** minute rule as specified above will apply.
- c. Individuals and/or groups wishing to lodge charges or complaints against officers and/or employees of the District shall sign such complaints under penalty of perjury and shall submit same in writing to the Board of Trustees through the Chancellor as the Secretary of the Board. Such charges or complaints may be considered by the Board of Trustees in closed sessions.
- d. A public speaker may be cautioned that **applicable due process rights apply to public employees, and that speakers are encouraged to focus on matters within the Board's jurisdiction, rather than private or unrelated matters. he/she may be personally liable for defamation, invasion of privacy or other matters for statements made while addressing the Board during open session.**
- e. No member of the audience may speak without the recognition of the President of the Board.
- f. Profanity, obscenity, and other offensive language **is are** not condoned and **shall may** be ruled out of order by the President of the Board or presiding officer. Physical violence directed towards any persons or property **are is** not condoned and shall be submitted to the **eCity Attorney's** or **dDistrict aAttorney's** office (whichever has jurisdiction) for investigation and possible prosecution.

Chancellor and
Secretary of the Board of Trustees

By _____ Date _____

Eng _____	Pearlman _____
Field _____	Svonkin _____
Fong _____	Veres _____
Moreno _____	Vacant _____ Student Trustee Advisory Vote

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- g. Nonscheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request or a majority of the Board authorizes the substitute speaker.
- h. Twenty minutes shall be the maximum time allotment for any one agenda item regardless of the number of speakers. At the discretion of a majority of the Board Members, the time may be extended. If there is not a majority vote to extend the time, the twenty minutes maximum rule will apply.
- i. ~~Five~~ **Three** minutes plus any additional time to address collective bargaining matters as discussed in Board Rule 2501.11(e) shall be the maximum time allotment for any one public speaker regardless of the number or types of items addressed. At the discretion of a majority of the Board members, the time may be extended.