ORDER OF BUSINESS - REGULAR MEETING
Wednesday, January 30, 2013
Public Session 1:00 p.m.
Closed Session
(Immediately Following Adjournment
of Capital Construction Committee)

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

I. Roll Call (1:00 p.m.)

II. Flag Salute

III. Reports from Representatives of Employee Organizations at the Resource Table

IV. Announcements from College Presidents

V. Public Agenda Requests
   A. Oral Presentations
   B. Proposed Actions

VI. Reports and Recommendations from the Board
   • Reports of Standing and Special Committees
     BT1. Amend Chapter II, Article III of the Board Rules
     BT2. Trustee Absence Ratification/Conference Authorization
     BT4. Resolution – Satellite and District Bond Contingency Fund

VII. Reports from the Chancellor
   • Reports from the Chancellor regarding District activities or pending issues
     ○ Remarks by Chancellor Brice W. Harris

VIII. Consent Calendar
   Matters Requiring a Majority Vote
     BF1. Adopt Non-Resident Tuition
     FPD1. Revise Scope of Office of Inspector General
     HRD1. Authorize Contract for College President

   Matters Requiring a Super Majority Vote – None

IX. Recommendations from the Chancellor – None

X. Recess to Capital Construction Committee
   A. Roll Call
   B. Public Speakers
   C. Presentations/Initiative Reviews
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1. Proposed Non-LEED™, Renovation or Infrastructure Projects – Presentation and Approval
   - Los Angeles Trade-Technical College, Substation, Design-Build, $5.2 Million

2. Presentation/Initiative Reviews
   - KPMG 2011-2012 Bond Program Performance Audit Report
   - District Citizens’ Oversight Committee (DCOC) Propositions A/AA and Measure J 2011-2012 Annual Report
   - Program Manager Process Oversight Ad Hoc Committee Update
   - Assets Management Ad Hoc Committee Update
   - Energy Program Ad Hoc Committee Update

D. New Business
E. Adjourn Capital Construction Committee

XI. Reconvene Regular Meeting of the Board of Trustees

XII. Roll Call

XIII. Notice Reports and Informatives
   HRD/A. [Notice] Reopen Agreement with the Los Angeles College Faculty Guild, AFT Local 1521 Regarding Compensation Issues
   HRD/B. [Notice] Reopen Agreement with the Los Angeles/Orange Counties Building and Construction Trades Council Regarding Compensation Issues
   PC/A. [Notice] Amend Board Rule, Chapter XI, Personnel Commission

XIV. Announcements and Indications of Future Proposed Actions

XV. Requests to Address the Board of Trustees – Closed Session Agenda Matters
   Location: Board Room

XVI. 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. Location: Hearing Room

XVII. Reconvene Regular Meeting Location: Board Room

XVIII. Report on Actions Taken in Closed Session – January 30, 2013

XIX. Adjournment

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Next Regularly Scheduled Board Meeting
Wednesday, February 6, 2013
(Public Session scheduled for 2:00 p.m.)
West Los Angeles College
9000 Overland Avenue
Culver City, CA 90230

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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 Tuesday prior to the Board meeting.
CLOSED SESSION
Wednesday, January 30, 2013

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

I. Public Employee Evaluation
   (pursuant to Government Code section 54957)
   A. Position: Executive Assistant to the Chancellor
   B. Position: CFO/Treasurer
   C. Position: Executive Director of Facilities, Planning and Development

II. Conference with Labor Negotiator
    (pursuant to Government Code section 54957.6)
    A. District Negotiators: Adriana D. Barrera
       Michael Shanahan
       Employee Unit: Building and Construction Trades
    B. District Negotiators: Adriana D. Barrera
       Michael Shanahan
       Employee Unit: Faculty

III. Public Employee Discipline/Dismissal/Release/Charges/Complaints
     (pursuant to Government Code section 54957)
IV. Conference with Legal Counsel - Existing Litigation  
(pursuant to Government Code section 54956.9(a)

A. Phyllis Norwood v. LACCD
B. Simon Kingsley v. LACCD
C. Nu Tran v. LACCD
D. PCN3, Inc. v. LACCD
E. Pacific Coast Cabling v. FTR International, LACCD, et.al
F. Versatile Coatings v. Sinanian Development, Inc, LACCD et.al
G. LVI Facility Services v. Sinanian Development, Inc. LACCD, et.al
H. Stock Building Supply v. Koam Construction, LACCD, et.al

V. Conference with Legal Counsel - Anticipated Litigation  
(pursuant to Government Code section 54956.9(b)

A. Potential litigation – 1 matter
B. Potential claims against contractor creditor and stop notice claimants at Los Angeles Pierce College (2 matters)
C. Construction claim at Los Angeles City College

VI. Other litigation matters as may be announced prior to the closed session  
(pursuant to Government Code section 54956.9)
AMEND CHAPTER II, ARTICLE III OF THE BOARD RULES

Amend Chapter II, Article III of the Board Rules as follows:

2300. POWERS AND DUTIES GENERALLY.
The Board of Trustees may execute any powers delegated by law to it or the District of which it is the governing board, and shall discharge any duty imposed by law upon it or upon the District of which it is the governing board. The Board is an independent policy-making body that reflects the public interest in Board activities and decisions.

2300.10 Statement of Ethical Values and Code of Ethical Conduct.
The Board of Trustees of the Los Angeles Community College District consists of seven members elected at large and one Student Representative selected by the associated student organizations. In the performance of their governance responsibilities, individual members of the Board shall adhere to the following principles:

Statement of Ethical Values

The Board of Trustees of the Los Angeles Community College District endorses the following statement of ethical values, and asks each member of the Board to commit to adhering to these values:

Trustworthiness. As a Trustee, I will strive to earn the trust of others. Being trustworthy requires honesty, integrity, reliability, and loyalty.

- Honesty: I will be sincere, truthful, and straightforward.
- Integrity: I will be consistent in decision making and behavior and base decisions on a core set of values.
- Reliability: I will keep my promises.
- Loyalty: I will promote and protect the interests of the District and its colleges.

Respect. As a Trustee I will treat others with respect, even in disagreement, and do my best to earn the respect of others. Being respectful requires civility and courtesy, as well as tolerance for legitimate differences and a willingness to acknowledge that reasonable people can respectfully hold divergent views. Without becoming adversarial, confrontational or hostile.
Board of Trustees
Los Angeles Community College District

Responsibility. As a Trustee I am willing to make decisions and choices and I will be accountable for them. I will do the best I can by being careful, prepared, and informed. I will finish tasks that I have promised to do. I will lead by example.

Fairness. As a Trustee, I will use open and impartial processes for gathering and evaluating information so that those who disagree with a decision can understand how it was made. I will avoid favoritism or prejudice.

Caring. As a Trustee, I am genuinely concerned about the welfare of others. As public officials, we care about the common good and welfare of the communities and constituencies we serve.

Citizenship. As a Trustee, I will obey the Law, contribute to the community through service and leadership, advocate for the common good and the welfare of the communities we serve, and act in ways that manifest concern for the environment.

Integrity. As a Trustee, in keeping with the provisions of Education Code section 72530, I will not promote the award of contracts or employment on the basis of campaign contributions or in exchange for other things of value.

Integrity. As a Trustee, I will conform to the provisions of the Education Code as they relate to the award of contracts and employment. I will be consistent in decision-making and behavior and base decisions on a core set of values.

Code of Ethical Conduct

As a Trustee:

- I recognize that governing authority rests with the entire Board, not with me as an individual. I will give appropriate support to all policies and actions taken by the Board at official meetings.

- I recognize that I do not have the authority as an individual Trustee to direct staff or to seek detailed, research-based information privately from staff and that all such requests should go through the Chancellor.

- I recognize that the Chancellor is the Trustees' sole employee; I pledge to work with the Chancellor in gathering any information from staff directly that is not contained in the public record.

- I will consider all relevant facts and perspectives in making decisions.

- I will participate in the development of policy and the approval of strategy for the District and respect the delegation of authority to the Chancellor and Presidents to administer the institution. I will avoid involvement in day-to-day operations.

- I will maintain confidentiality about issues discussed in Closed Session.
Trustee Sanctions

2300.11 Sanctions

A. Bases for Sanctions – Any Trustee of the Los Angeles Community College District may be sanctioned on the following bases:

1. Violation of District rules and regulations, including but not limited to the Statement of Ethics and the Standards of Conduct on Campus articulated in Chapter 9 of the Board Rules;
2. Violation of state or federal law;
3. Conduct likely to create liability for the District; or,
4. Any other conduct incompatible or inconsistent with the position of Trustee.

B. Forms of Sanction – Sanctions of a Trustee may be imposed in the following forms:

5. Reprimand;
6. Censure;
7. Requirement for the repayment of District funds;
8. Bar from reimbursement for expenses with District funds;
9. Removal from an officer position; or,
10. Withholding of pay.

B. Votes required:

1. Five affirmative votes shall be required for the imposition of a sanction on a Trustee;
2. Notwithstanding any annual confirmation regarding the authority of the Student Trustee, the Student Trustee is not eligible to move, second or vote upon the imposition of a sanction on a Trustee. However the Student Trustee maintains the right to participate in the discussion of a potential sanction;

C. Procedure:

1. Presentation of Initiating Motion

a. Prior to the consideration of a motion for the imposition of a sanction on a Trustee, a motion must be presented and adopted that articulates the charges.
upon which the sanction will be based and the proposed sanction, called an Initiating Motion.

b. The adoption by the Board of an Initiating Motion is not the imposition of a sanction. The adoption is a determination that the charges, if proven to be true, would warrant the imposition of the proposed sanction.

c. In preparing an Initiating Motion, any regular Trustee shall be entitled to the reasonable assistance of staff for the ministerial function of preparing the motion, and the reasonable assistance of staff for information in support of that motion. Information in support of the motion shall be requested and supplied through the Chancellor.

d. In keeping with Board Rule 2409.11, any such information will be provided to all Trustees, and it shall be provided no later than the time the Trustees are presented with the posted agenda that includes the proposed motion. Inasmuch as the consideration of a sanction is a matter of public record, such information will also be treated as a public record, except that the materials made available to the public may be redacted to protect the rights of privacy of students or employees, or to protect the privileges for attorney-client communications or attorney work-product.

e. Witnesses or other evidence shall not be presented in support of or in opposition to the Initiating Motion.

2. Presentation of Sanctions Motion

a. If a majority of the Board adopts the Initiating Motion, the moving Trustee may then place a motion on the agenda for consideration of the charges and proposed sanction, called a Sanctions Motion.

b. A Sanctions Motion shall be heard only upon a minimum of ten calendar days' written notice, served by regular first class mail, upon all the Trustees. The responding Trustee shall be entitled to a postponement to the next Board meeting following the Board meeting in which the Sanctions Motion was first posted.

c. In the preparation of the Sanctions Motion, the moving Trustee shall be entitled to the assistance of staff for the ministerial function of preparing the motion, and the reasonable assistance of staff for information in support of that motion. Information in support of the motion shall be requested and supplied through the Chancellor.

d. In the preparation of a response to the Sanctions Motion, the responding Trustee shall be entitled to the reasonable assistance of staff for the ministerial function of preparing any written response to the motion, and the reasonable assistance of staff for information in support of that response. Information in support of the motion shall be requested and supplied through the Chancellor.
In keeping with Board Rule 2409.11, any such information will be provided to all Trustees, and it will be provided no later than the time the Trustees are presented with the posted agenda that includes the proposed motion. Inasmuch as the consideration of a sanction is a matter of public record, such information will also be treated as a public record, except that the materials made available to the public may be redacted to protect the rights of privacy of students or employees, or to protect the privileges for attorney-client communications or attorney work-product.

If the moving Trustee or responding Trustee seeks to present witnesses on the hearing of the sanctions motion, the applicable Trustee shall submit a request to the Chancellor no later than four business days prior to the hearing date of the motion. The Chancellor may direct employees or invite other witnesses as the Chancellor deems reasonable and appropriate.

Legal counsel — Any opinions or advice of legal counsel regarding the Initiating Motion or the Sanctions Motion must be provided to all regular Trustees. Therefore, any individual Trustee who seeks advice confidential from other Trustees, or representation before the remainder of the Board regarding the motions, must obtain it at his or her personal expense.

A Trustee who is the subject of an Initiating Motion or a Sanctions Motion shall be given a reasonable amount of time to respond to the motion, but in no event less than fifteen (15) minutes. In the event witnesses will be presented by either the moving Trustee or responding Trustee, five minutes will be allocated to each witness. The remaining Trustees will be given an opportunity to ask questions of each witness. The time allocation enumerated for this procedure is a discrete allocation from a public speaker's exercise of his or her rights to address the Board.

The Board of Trustees shall establish rules and regulations not inconsistent with the regulations of the Board of Governors and the laws of this State for the government and operation of the community colleges in the District and delegate appropriate authority to officers, employees, or committees of the District, the college, or the governing board.

Each Fall, the Board of Trustees will perform a self-evaluation. The Board's self-evaluation process may include a formal survey of stakeholders and constituents such as senior District management, College Presidents, the District Academic Senate President, representatives of collective bargaining units, and others. The Board will conduct its annual self-evaluation during a public session during which the Board will review the results of any data collection or survey process, assess its performance during the preceding year, and establish new annual goals.

The Board of Trustees is responsible for growth in both academic and physical areas.

Plans for Growth and Development. The Board shall establish policies for and approve current and long-range educational plans and programs and promote orderly growth and development of the community colleges within the District.
2302.11 Master Plans. The Board shall establish policies for and approve academic master plans and long-range master plans for facilities. The Board of Trustees shall submit such master plans to the Board of Governors for review and approval.

2303. EDUCATIONAL PROGRAMS. The Board of Trustees shall establish policies for educational programs.

2303.10 Total Educational Program. The Board shall establish policies for and approve the total educational program of the community college or colleges in the District.

2303.11 Submission to Board of Governors. The Board shall establish policies for and approve all educational programs and submit such programs to the Board of Governors for approval. For purposes of this subsection, "educational program" is defined as a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education.

2303.12 Individual Courses. The Board shall establish policies for and approve individual courses without referral to the Board of Governors.

2303.13 Classes for Adults-Noncredit Education. The Board shall approve all classes for adults noncredit education and shall submit such classes as are eligible for state apportionments to the Board of Governors for approval.

2303.14 Programs Under Various Acts. The Board shall approve and provide such classes, programs, and facilities under the provisions of the Community Services Act 6321, the Civic Center Act, and the Recreation Act special acts as deemed appropriate.

2303.15 All Other Programs and Services. The Board shall establish policies for and approve all other programs and services of the community college except as provided by the Education Code.

2303.16 Adoption of Instructional Materials. The Board shall establish policies for and approve procedures for the adoption of instructional materials after appropriate consultation with the Academic Senates.

2304. COLLEGE CALENDAR. The Board of Trustees shall determine which holidays it will observe and on what days it will observe them within the framework of providing the necessary number of days of instruction to qualify for state apportionments.

2304.10 School Holidays. Colleges and offices of the Los Angeles Community College District shall be closed on the following holidays:

New Year's Eve Day
New Year's Day
Martin Luther King Day
Lincoln Day
Washington Day
Cesar Chavez Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Eve Day
Christmas Day

Veterans Day shall be observed on November 11, unless an action of the Board of Trustees provides for a different day as provided in Education Code Section 79020 (f), (g) and (i).

Lincoln Day shall be observed on the Friday immediately preceding Washington Day, unless an action of the Board of Trustees provides for a different day as provided by Education Code Section 79020 (f) and (j).

If a holiday falls on Saturday, colleges and offices will be closed on the preceding Friday.

If a holiday falls on Sunday, colleges and offices will be closed on the Monday immediately following.

However, as to the Christmas and New Year's Days consecutive holidays, if Christmas Day and New Year's Day fall on Saturdays, those holidays will be celebrated on the following Mondays.

If Christmas Eve Day and New Year's Eve Day fall on Sundays, those holidays will be celebrated on the preceding Fridays.

2304.11 Other Holidays. The Board of Trustees may declare other days school holidays and close the colleges and offices thereon when good reason exists.

Under provisions of this rule, Admission Day is declared a school holiday and all District colleges and offices shall be closed. Admission Day shall be observed the Tuesday after Labor Day or another date so specifically declared by the Board of Trustees.

The afternoon of the Friday of Spring break, as determined by the academic calendar, shall be considered a holiday and all District colleges and offices shall be closed.

2304.12 Closing of Colleges by Chancellor or College President. The Chancellor or College President may direct the closing of any college whenever, in the Chancellor's or College President's discretion, such a closure appears necessary to insure the health and safety of the students or when the Governor of the State or the President of the United States declares a legal holiday. Any such action by the Chancellor shall be submitted to the Board for confirmation at its next regular meeting. The reopening of any school so closed shall be authorized when the Chancellor determines that the conditions that necessitated the closing have ceased to exist.
2305. ACADEMIC STANDARDS. The Board of Trustees shall establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the Board of Governors after appropriate consultation with the Academic Senate.

2306. BUDGET. The Board of Trustees shall determine and control the District's operational and capital outlay budgets and shall submit the budgets to such agencies as required by law present the budgets to county authorities for the purposes of establishing the District tax rates. The Board of Trustees shall determine the need for elections for override tax levies and bond measures and request that such elections are called.

2307. DISTRICT PROPERTY. The Board of Trustees shall manage and control District property. The Board may contract for the procurement of such goods and services as authorized by law.

2308. GIFTS, GRANTS, SCHOLARSHIPS. The Board of Trustees may receive and administer gifts, grants, and scholarships.

2309. FEES. The Board of Trustees may establish such student fees as it is authorized to establish by law.

2309.10 Reduction of Fees for Senior Citizens. All fees, except nonresident fees, associated with any college activities are to be reduced by fifty percent for senior citizens or retired persons who have purchased a senior citizens' discount card from any District College at $5.00 per card. (A senior citizen is defined as a person who is 60 years of age or older and retired.)

2309.20 International Student Application Processing Fee. The Board of Trustees authorizes collection of a Foreign Student Application Processing Fee pursuant to Education Code Section 76142. This section allows the District to charge an application fee not to exceed the lesser of the actual cost of processing application documents or one hundred dollars ($100).

No processing fee shall be charged to an applicant who is eligible for an exemption from non-resident tuition pursuant to California Education Code Section 76140, or who can demonstrate economic hardship.

Fees collected will not be refundable and will be used to support the operating budgets of college foreign student offices.

2309.30 International Student Medical Insurance Fee.

Effective for beginning with the Fall 2007 semester, International students attending a college in the Los Angeles Community College District under an F or M visa shall be charged a medical insurance fee equal to the cost of medical insurance purchased by the District on the student's behalf.
In exchange for the International Student Medical Insurance fee, international students will be provided with a medical insurance policy with the following minimum coverage:

1. medical benefits of at least $50,000 per accident or illness;
2. repatriation of remains in the amount of $7,500;
3. expenses associated with the medical evacuation of the student to his or her home country in the amount of $10,000, and;
4. a deductible not to exceed $500 per accident or illness.

Effective only for the Spring and Summer 2007 terms, international students attending a college in the Los Angeles Community College District under an F or M visa shall be required to demonstrate that they have medical insurance equal to or better than the above coverage, or be required to purchase medical insurance from a vendor selected by the Los Angeles Community College District. All international students with F or M visas will be charged the international student medical insurance fee starting the Fall 2007 semester.

2310. PERSONNEL. The Board of Trustees shall employ and assign all personnel consistent with the minimum standards adopted by the Board of Governors. The Board of Trustees shall establish employment practices, salaries and benefits for all employees consistent with the laws of this state.

2311. AUXILIARY SERVICES. The Board of Trustees shall provide such auxiliary services as deemed necessary to achieve the purpose of the community college.

2312. STUDENT CONDUCT. The Board of Trustees shall establish rules and regulations governing student conduct.

2313. FEDERAL FUNDS. The Board of Trustees is authorized to apply directly to federal agencies or state agencies operating federal programs in order to obtain federal funds in accordance with general policies established by the Board of Governors.

2314. STUDENT EQUITY PLANS

In order to promote student success for all students, a Student Equity Plan shall be immediately adopted by each of the colleges in the Los Angeles Community College District as required by law. Each plan shall be adopted in consultation with the various college constituencies in keeping with the college's shared governance policy. Each college's Student Equity Plan must contain the following information:

1. Campus-based research as to the extent of student equity in goals for access, retention, degree and certificate of completion, English as a Second Language (ESL) and basic skills completion and transfer and the determination of what activities are most likely to be effective;

2. Goals for access, retention, degree and certificate of completion, English as a Second Language (ESL) and basic skills completion, and transfer, for the overall student population and for each group of students, as appropriate. Where significant underrepresentation is found to exist as defined by Title 5 of the
California Code of Regulations, the college president will be responsible for making an appropriate recommendation to the Chancellor who will make an appropriate recommendation to the Board for addressing the disparity;

3. Implementation activities designed to attain the sources of funds for the activities in the plan;

4. Schedule and process for evaluation;

5. Sources of funds for the activities in the plan;

6. An executive summary that includes, at a minimum, the groups for whom goals have been set, the goals, the initiatives that the college will undertake to achieve these goals, the resources that have been budgeted for that purpose, and the college official to contact for further information.

2314.10 The college plans should be developed with the active involvement of all groups on campus as required by law, and with the involvement of appropriate people from the community.

2314.20 The college plans should be submitted to Chancellor or designee for approval. The Chancellor or designee will be responsible for forwarding copies to the State Chancellor's Office.

2314.30 For purposes of this Board Rule, the following definition applies:

"Each group of students" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks, Hispanics, Whites, men, women and persons with disabilities. A person shall be included in the group with which he or she identifies as his or her group.

2315. ASSOCIATE IN ARTS AND ASSOCIATE IN SCIENCE DEGREES. The Board of Trustees of the Los Angeles Community College District shall confer degrees of associate in arts or associate in science upon one who has satisfactorily completed prescribed courses.

The Board of Trustees may also grant honorary associate in arts and associate in science degrees from a District community college to honor an individual who has made a contribution to society that is generally recognized and esteemed.

Background: This change is to amend the Board Rules to reflect standing practices and expectations, as well as changes in law.
Subject: TRUSTEE ABSENCE RATIFICATION/CONFERENCE AUTHORIZATION

A. That the Board of Trustees of the Los Angeles Community College District hereby compensate Student Trustee Daniel Campos at the Special Board meeting of January 14, 2013 despite his absence pursuant to Board Rule 2104.14.

Background: The Special Board meeting of January 14, 2013 was Closed Session only. The Student Trustee does not attend Closed Session.

B. Authorize without payment of necessary expenses for Scott J. Svonkin, member of this Board of Trustees, to meet with the Los Angeles County Congressional Delegation February 24-28, 2013 in Washington, D.C.

Background: Trustee Svonkin has opted to pay for his expenses associated with the Los Angeles County Congressional Delegation meetings.
RESOLUTION IN SUPPORT OF A COMPREHENSIVE FEDERAL AND STATE OF CALIFORNIA BAN ON ASSAULT WEAPONS AND REGULATION OF AMMUNITION

The following resolution is presented by Trustee Svonkin:

WHEREAS, Gun violence has been escalating for many years, with devastating mass shootings occurring throughout the nation, reaching notoriety at Columbine High School (CO) and Virginia Tech and, more recently, seeming commonplace with occurrences in Aurora, Colorado and Newtown, Connecticut; and

WHEREAS, There is a proliferation of and easy access to assault weapons and high-capacity ammunition magazines at gun shows and shops; and

WHEREAS, Assault weapons and high-capacity ammunition magazines are often procured without any or the appropriate background checks; and

WHEREAS, A number of these mass shootings have occurred at schools and colleges; and

WHEREAS, School and college administrators are responsible for providing a safe and suitable environment for students to learn; and

WHEREAS, A comprehensive ban on assault weapons and high-capacity ammunition magazines would increase the probability that mass shootings, should they occur, result in far fewer deaths and far less bodily harm; and

WHEREAS, The Board of Trustees of the Los Angeles Community College District stands with the living victims and with the families who have lost loved ones to gun violence; now, therefore, be it

RESOLVED, That the Board of Trustees of the Los Angeles Community College District strongly supports the federal legislation, Assault Weapons Ban 2013 (Feinstein), which would place a ban on both assault weapons and high-capacity ammunition magazines; and be it further

RESOLVED, That the Board of Trustees of the Los Angeles Community College District strongly supports SB 47 (Yee) pertaining to assault weapons; and be it further

RESOLVED, That the Board of Trustees of the Los Angeles Community College District strongly supports SB 53 (De Leon) which would require a permit for the purchase, acquisition or possession of ammunition and place certain prohibitions on the sale of ammunition; and be it further

Chancellor and
Secretary of the Board of Trustees

By ___________________________ Date ____________
RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby encourages California K-12 school districts, community college districts, and both of our UC and CSU system partners to join us in supporting the foregoing legislation; and be it further

RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby urges members of the United States Congress and the California Legislature to support the respective legislation.
RESOLUTION – SATELLITE AND DISTRICT BOND CONTINGENCY FUND

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

WHEREAS, The Los Angeles Community College District adopted and voters approved in 2008 Measure J, which included a list of proposed projects; and

WHEREAS, The Measure J project list included potential satellite campus sites for Los Angeles Mission College, Los Angeles Valley College, West Los Angeles College, East Los Angeles College, the Health Careers Academy at County General Hospital, and the Firestone factory building in the city of South Gate; and

WHEREAS, The District and colleges identified potential satellite campus sites at Sunland/Tujunga (Los Angeles Mission College), Burbank (Los Angeles Valley College), LAX (West Los Angeles College), and the Health Careers Academy at County General Hospital (East Los Angeles College); and

WHEREAS, The Los Angeles Community College District (LACCD) based the feasibility of developing each of the satellite projects on the funding and enrollment at the time; and

WHEREAS, A subsequent Districtwide evaluation of the available operations and maintenance funding and projected student enrollment needed to support the need for all planned bond construction projects that a sufficient reduction in state funding and projected student enrollment determined that it would be in the best interest of the District and the voters who approved Measure J to evaluate the continuation of development of the satellite projects; and

WHEREAS, The Board of Trustees of the LACCD established the Ad Hoc Committee on Assets Management to evaluate the best course of action related to the satellite projects; now, therefore, be it;

RESOLVED, That the Ad Hoc Committee on Assets Management determined that it is best, at this point, to suspend further development of planned satellite projects, including Sunland/Tujunga (Los Angeles Mission College), Burbank (Los Angeles Valley College), LAX (West Los Angeles College), and the Health Careers Academy at County General (East Los Angeles College); and be it further

RESOLVED, That the funding for those projects be transferred into the District bond contingency fund; and be it further
RESOLVED, That the Ad Hoc Committee on Assets Management determined that development of the Firestone factory building project proceed with a reduced scope; and be it further

RESOLVED, That the Ad Hoc Committee on Assets Management determined that any remaining funds at the completion of the Firestone satellite project be transferred into the District bond contingency fund.
Subject: ADOPT NON-RESIDENT TUITION

Adopt non-resident tuition for the 2013-14 fiscal year of $190 per semester unit for students attending the District colleges who are non-residents of the State, and a capital outlay fee of $22 per semester unit for foreign students.

Background: Education Code Section 76140 requires each district Board to establish a non-resident tuition fee no later than February 1 of each year for the succeeding fiscal year. District may use any of the following options for establishing the fee:

1. The statewide average cost per FTES calculated for FY2013-14, including projected increase in U.S. Consumer Price Index (USCPI), is $184 per semester unit; or

2. LACCD's cost per FTES calculated based on the above formula, is $184 per semester unit; or

3. Rate not higher than District's average cost with 10% or more non-credit FTES; or

4. Any one of a contiguous district's rate as permitted under SB 646, Chapter 317, Statutes of 1983; or

5. Rate not higher than District's cost, nor lower than the statewide average cost as provided by Chapter 985, Statutes of 1989 (SB 716).

6. Highest Years Statewide Average Tuition. Use the greater amount of statewide non-resident tuition from 2009-10 through 2013-14, which is from 2009-10 at $190 per semester unit or $126 per quarter unit; or

7. No more than 12 Comparable States Average Tuition. No greater than the 2011-12 average non-resident tuition fee of public community colleges in a minimum of 12 states comparable to California in cost of living. This average is calculated to be $368 per semester unit or $245 per quarter unit.

Recommended by: Adriana D. Barrera, Deputy Chancellor
Approved by: Daniel J/LaVista, Chancellor

Chancellor and Secretary of the Board of Trustees

By ______________________ Date ______________________
Additionally, the District, pursuant to ECS 76141 (enacted by AB 2055, Chapter 853, Statutes of 1991), has the capacity to charge foreign students an amount not to exceed District’s capital outlay per FTES for the preceding year. This additional fee cannot exceed fifty percent (50%) of non-resident fees established by the District and must be expended for capital outlay purposes. The District’s capital outlay cost per FTES is $122 per semester unit.

The current fiscal year 2012-13 non-resident tuition rate is $190 plus a $22 non-resident capital outlay fee for a total of $212. The District’s calculated cost for fiscal year 2012-13, using actual base year (FY2010-11) FTES, was $179.

Staff recommends that the District adopt the non-resident tuition fee of $190 per semester unit based on option 6 which is Highest Years Statewide Average Tuition. Staff also recommends that the District adopt the non-resident capital outlay fee of $22 per semester unit which is lower than the District’s cost per FTE’s.

The FY2013-14 calculated costs for the following contiguous districts are: Cerritos - $169 El Camino - $189 Glendale - $178 Long Beach - $189 Mt. San Antonio - $196 Pasadena - $176 Rio Hondo - $105 Santa Monica - $194 and Ventura - $179. Refer to Exhibit I for a comparison of non-resident tuition and capital outlay fees.
## Exhibit I

**LOS ANGELES COMMUNITY COLLEGE DISTRICT**

**LACCD’S CONTIGUOUS DISTRICTS NON-RESIDENT TUITION AND CAPITAL OUTLAY RATES (NOT ADOPTED BY BOARD)**

**Notes:**
- (A) Excludes Bond funds for Capital Outlay Rate
- (B) Includes Bond funds for Capital Outlay Rate
- N/A: No comment received whether Bond funds for Capital Outlay Rate is included or not
- *: District has not provided a proposed Tuition and Capital Outlay rate as of 1/9/13

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<th>FY 2013-14 Proposed Rate</th>
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Notes:

(A) Excludes Bond funds for Capital Outlay Rate
(B) Includes Bond funds for Capital Outlay Rate
N/A: No comment received whether Bond funds for Capital Outlay Rate is included or not
*: District has not provided a proposed Tuition and Capital Outlay rate as of 1/9/13
Subject: REVISE SCOPE OF OFFICE OF INSPECTOR GENERAL


Background: The ongoing re-competition of the Building Program Manager (PM) contract presents an opportunity to reevaluate a variety of Building Program-related functions. Among them is the Office of the Inspector General (OIG), which was authorized by the Board of Trustees in March 2010. Since its inception, the office has been filled by Policy Masters, Inc., which received a contract to perform the duties of the office starting in October 2010. Since then, the Building Program has seen substantial change, and one of the primary changes of policy to be effectuated by the new PM contract is a centralization of management and authority. That contract is currently under negotiation, and it is expected to include the addition of a quality assurance function. After review, it has been determined that the current structure of the OIG contract should be reevaluated and recast in light of the new scope of the PM contract, without artificially constraining that assessment with incumbent contractual commitments. Thus, the staff recommends that the Board terminate the current OIG contract and authorize the development and issuance of a new RFP for the OIG. Staff recommends that the current contract with Policy Masters be terminated for convenience, effective April 30, 2013.

While it is the intention of staff to complete the RFP process and have a contractor in place by April 30, 2013, delays beyond that date are possible. In such a case, staff proposes to make arrangements with current staff or a Program contractor to administer the Whistleblower Hotline and other time sensitive functions until such time as the contractor is in place to execute the new OIG functions.

Recommended by: Adriana D. Barrera, Deputy Chancellor
Approved by: Daniel J. LaVista, Chancellor
SUBJECT: AUTHORIZE CONTRACT FOR COLLEGE PRESIDENT

Authorize contract with Mr. Marvin Martinez as President of East Los Angeles College for the period of July 1, 2013 through June 30, 2016. Mr. Martinez will be placed on Step 8 of the salary schedule for College Presidents, with $1530 per month for local transportation expenses.

Background: Mr. Martinez was selected as President of East Los Angeles College as the result of a nationwide search. The college selection committee screened and interviewed the applicants and forwarded the list of finalists for the Board and the Chancellor to consider.

Recommended by: Michael Shanahan
Sr. Associate Vice Chancellor
Human Resources

Recommended by: Adriana D. Barrera, Deputy Chancellor

Approved by: Daniel J/LaVista, Chancellor
SUBJECT: REOPEN AGREEMENT WITH THE LOS ANGELES COLLEGE FACULTY GUILD, AFT LOCAL 1521 REGARDING COMPENSATION ISSUES

Pursuant to Government Code Section 3547 and Board Rule 101400, the Los Angeles Community College District proposes that representatives of the District and agents of the Los Angeles College Faculty Guild, Local 1521, CRT/AFT, AFL-CIO re-open the Agreement between the Los Angeles Community College District and the Los Angeles Faculty Guild dated July 1, 2011 through June 30, 2014 for the purpose of renegotiating compensation issues.

Background: Government Code Section 3547 and Board Rule 101400 require the District to inform the public of the issues to be negotiated with an employee organization by presenting any proposed reopening at a public meeting of the Board. The matter is being noticed on January 30, 2013, with an expected adoption date of February 6, 2013. The public will have an opportunity to comment on February 6, 2013, before the parties begin formal bargaining.

Recommended by: Michael Sharahan
Sr. Associate Vice Chancellor
Human Resources

Recommended by: Adriana D. Barrera, Deputy Chancellor
Approved by: Daniel J. LaVista, Chancellor

By _____________________________ Date ______________
SUBJECT: REOPEN AGREEMENT WITH THE LOS ANGELES/ORANGE COUNTIES BUILDING AND CONSTRUCTION TRADES COUNCIL REGARDING COMPENSATION ISSUES

Pursuant to Government Code Section 3547 and Board Rule 101400, the Los Angeles Community College District proposes that representatives of the District and agents of the Los Angeles/Orange Counties Building and Construction Trades Council re-open the Agreement between the Los Angeles Community College District and the Los Angeles/Orange Counties Building and Construction Trades Council dated July 1, 2011 through June 30, 2014 for the purpose of renegotiating compensation issues.

Background: Government Code Section 3547 and Board Rule 101400 require the District to inform the public of the issues to be negotiated with an employee organization by presenting any proposed reopening at a public meeting of the Board. The matter is being noticed on January 30, 2013, with an expected adoption date of February 6, 2013. The public will have an opportunity to comment on February 6, 2013, before the parties begin formal bargaining.
Subject: **AMEND BOARD RULE, CHAPTER XI, PERSONNEL COMMISSION**

The following motion is presented by Karen Martin:

Amend Board Rule, Chapter XI, Personnel Commission as follows:

**CHAPTER XI**

**ARTICLE I**

**PERSONNEL COMMISSION**

**FINANCING PERSONNEL COMMISSION OPERATIONS**

11101. **SOURCE OF FINANCIAL SUPPORT.** The expenses of the Personnel Commission shall be paid out of the general funds of the District.

EC 88063, 88073

Adopted 12-23-69
Amended 10-15-80
Reissued 1-XX-13

11102. **PERSONNEL COMMISSION'S BUDGET.** The Personnel Commission shall prepare an annual budget for its own office which, upon the approval of the County Superintendent of Schools, shall be included by the Board of Trustees in the regular budget of the District.

The Board is furnished a copy of the Commission's proposed budget and is invited to a public hearing by the Commission during the month of May. The Personnel Commission shall hold a public budget hearing no later than May 30th of each year. The Chancellor or his designee shall be furnished a copy of the Personnel Commission's proposed budget and invited to attend the public hearing. The Personnel Commission must fully consider the views of the Board Chancellor or his/her designee, but the authority to approve or reject the Personnel Commission's budget is vested with the County Superintendent of Schools.

Chancellor and Secretary to the Board of Trustees

By ___________________________ Date ____________
The expenditure of funds appropriated for the operation of the Personnel Commission in accordance with this section shall be at the sole direction of the Personnel Commission.

EC 88073

Adopted 12-23-69
Amended 1-XX-13

11103. OFFICE ACCOMMODATIONS. The Board of Trustees shall provide the Personnel Commission with suitable office accommodations.

EC 88072

Adopted 12-23-69
Reissued 1-XX-13

11104. SALARY SCHEDULES. The Personnel Commission shall recommend to the Board of Trustees salary schedules for the Classified Service. The Board of Trustees may approve, amend, or reject Personnel Commission recommendations for salary schedules and classes in the Classified Service.

No amendment to salary schedules shall be adopted by the Board of Trustees until the Personnel Commission is first given a reasonable opportunity to make a written statement of the effect of the amendments. No changes shall operate to disturb the relationship which compensation salary schedules bear to one another, as the relationship has been established in the classification made by the commission.

Salary adjustment recommendations for the Classified Service will be presented to the Board of Trustees once each fiscal year in accordance with procedures adopted May 3, 1979, and reaffirmed and readopted by the Personnel Commission on February 28, 1980. Salary recommendations for classes in represented units will not be presented if written requests are made to the Personnel Commission by the District administration and the exclusive representative of the affected employee unit to withhold salary recommendations.

EC 88087
LEGAL COUNSEL. The General Counsel of the Board of Trustees shall, upon written request, aid and represent the Personnel Commission in all legal matters.

The General Counsel shall refuse to represent the Personnel Commission in circumstances in which the Counsel knows, or has reason to know, that at the time the request is made a conflict exists between the interests of the Personnel Commission and the interests of the Board of Trustees or the Los Angeles Community College District.

If its counsel refuses or does not respond to a request for representation within 15 working days of receipt, the Personnel Commission may employ its own attorney and the reasonable cost thereof shall constitute a legal charge against the general funds of the District.

EC 88132

ARTICLE II

CLASSIFIED PERSONNEL EMPLOYED BY THE BOARD OF TRUSTEES

EMPLOYMENT OF CLASSIFIED PERSONNEL. The Board of Trustees shall employ, pay, and otherwise control the services of persons in classified positions in accordance with the merit system rules as established by the Personnel Commission.

The Board of Trustees shall fix and prescribe the duties to be performed by all persons in the Classified Service and other positions not requiring certification qualifications, except those persons employed as a part of the Personnel Commission staff.

EC 88009, 88061, 88084
11202. REMOVAL OF POSITION FROM CLASSIFIED SERVICE. No governing board. The Board of Trustees shall not remove a position from the Classified Service by title assignment or otherwise require an incumbent to be credentialed if such position is not required to be designated certificated by the Education Code, unless the position is one for which minimum qualifications have been established by the Board of Governors pursuant to Education Code Section 87356.

EC 87356, 88061

11203. MERIT SYSTEM RULES GOVERNING MERIT SYSTEM FOR CLASSIFIED EMPLOYEES. Personnel Commission rules which are necessary to ensure the efficiency of the merit system for classified employees and the selection and retention of classified employees upon a basis of merit and fitness shall be binding on the Board of Trustees.

EC 88080, 88081

Personnel Commission rules shall determine the procedure to be followed by the Board of Trustees as they pertain to the Classified Service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classifications, job analyses and specifications, performance evaluations, public advertisement of examinations, rejections of unfit applicant without competition, and any other matters necessary to carry out the provisions and purposes of the merit system for the classified employees.

Personnel Commission rules which pertain to matters which are subjects of negotiation under the provisions of Section 3543.2 of the Government Code shall be in accordance with the applicable negotiated agreement.

The Personnel Commission Rules shall apply to all employees except where the subject of the rule is addressed in a collective bargaining agreement. In such cases, the provisions of the collective bargaining agreement shall be applicable to unit employees.

EC 88080, 88081
REASSIGNMENT OF CLASSIFIED EMPLOYEES DUE TO ILLNESS OR INJURY.
The Board of Trustees may reassign a regular classified employee who is determined
to be incapable of performing the duties of his/her class because of illness or injury.
The position to which he/she is assigned shall be subject to classification by the
Personnel Commission.

EC 88098

Adopted 12-23-69
Amended 1-XX-13

LAYOFF OF CLASSIFIED PERSONNEL BY THE BOARD OF TRUSTEES. The Board
of Trustees may lay off persons in the classified service for lack of work or lack of
funds. They may not, however, demote or remove a person permanent employee in
the permanent Classified Service except for reasonable cause designated by rule of
the Personnel Commission as detrimental to the efficiency of the service.

EC 88121 88127

Adopted 12-23-69
Amended 1-XX-13

SUSPENSION AND DISMISSAL OF A CLASSIFIED EMPLOYEE. The Board of
Trustees may suspend for a period of not more than 30 days, demote, or dismiss a
classified employee for reasonable cause. In such case, the Director of
Employer/Employee Relations Chancellor or his/her designee shall within 10 days of
the suspension, demotion, or dismissal file written charges with the Personnel
Commission and give to the employee or deposit in the United States registered mail
with postage prepaid, addressed to the employee at his last known place of address, a
copy of the charges.

Whenever an classified employee of a school district is charged with the commission
of any sex offense as defined in Section 42942 87010, or any narcotics offense as
defined in Section 42942.5 87011, or a violation of Subdivision 1 of Section 261 of the
Penal Code, Sections 11530 to 11532, both inclusive, 11540, or 11910 to 11915, both
inclusive insofar as said sections relate to subdivision (c) of Section 11901, Sections
11357 to 11361, inclusive, 11363.
11364, or 11377 to 11382, inclusive, insofar as such sections relate to any controlled substances in paragraph (4) or (5) of subdivision (b) of Section 11056, or any controlled substances in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision of the Health and Safety Code by complaint, information, or indictment filed in a court of competent jurisdiction, the Board of Trustees may immediately suspend the employee for a period of time extending for not more than 10 days after the date of the entry of the court judgment, provided that the Board of Trustees gives notice within such 10-day period that it will dismiss the employee 30 days after the service of the notice, unless he/she demands a hearing.

An employee in the permanent Classified Service who has been suspended, demoted, or dismissed, may appeal to the Personnel Commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges.

The Personnel Commission shall investigate the matter on appeal and may require further evidence from either party, or may order a hearing. A hearing shall be ordered upon the request of an accused employee. The accused employee shall have the right to appear in person or with counsel and to be heard in his/her own defense. The decision shall not be subject to review by the Board of Trustees.

EC 88123, 88124, 88125

Adopted 12-23-69
Amended 1-XX-13

11207.

POWERS OF PERSONNEL COMMISSION IN CONDUCTING HEARINGS AND INSPECTING RECORDS OF BOARD OF TRUSTEES. The Personnel Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the Board of Trustees that may be necessary to satisfy itself that the procedures prescribed by the Personnel Commission have been complied with. Hearings may be held by the Personnel Commission on any subject to which its authority may extend as described by law.

EC 45314, 88130
Board of Trustees
Los Angeles Community College District

Adopted 12-23-69
Amended 1-XX-13

11208. NO DISCRIMINATION FOR POLITICAL ACTS, OPINIONS OR AFFILIATIONS:
LIMITATION ON POLITICAL ACTIVITIES. No person who is in the Classified Service
or whose name appears on any eligibility list shall be appointed, demoted, or
removed, or in any way discriminated against because of his/her political acts,
opinions, or affiliations.

No person in the Classified Service shall engage in political activities during his/her
assigned hours of employment.

No member of the Board of Trustees shall directly or indirectly solicit or be concerned
in soliciting any assessment, contribution, or political service of any kind whatsoever
for any political purpose from any person who is in the Classified Service or whose name appears on any eligibility list.

No officer or employee of the District shall directly or indirectly coerce or attempt to
c coerce or in any way bring pressure or attempt to bring pressure upon any other such
officer or employee, to support or refrain from supporting any political group for any
political purpose whatever.

EC 7055, 7056, 7057
ARTICLE III

PERSONNEL COMMISSION MEMBERS

11301. PROHIBITION OF MEMBERSHIP ON THE PERSONNEL COMMISSION. No member of the Board of Trustees or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Personnel Commission.

EC 45244, 88064

11302. EMPLOYMENT BY COLLEGE DISTRICT OF PERSONNEL COMMISSION MEMBERS. No member of the Personnel Commission may, during his or her term of service, be an employee by the Los Angeles Community College District.

EC 45244, 88064

Background:
Administrative Regulation C-12, Chancellor Review of Board Rules, Administrative Regulations and Procedural Guides, has recently been revised and released by the Office of General Counsel. The regulations require a triennial review of such rules, regulations, and guides to include policy considerations, titles, operational changes, and legal and regulatory changes. These amendments are being done to bring Chapter XI into compliance with this requirement.
Chapter XI of the Board Rules addresses Personnel Commission operations. The sections included in this chapter address basic functional areas where the roles and authorities of the Personnel Commission and Board of Trustees converge. The proposed changes are in large part necessitated by changes in the Education Code or legal decisions that have occurred over the years. The other changes are intended to bring greater clarity by correcting language and construction.

The proposed amendments have been widely shared for review and comment with District administration.