

LOS ANGELES COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES – REGULAR MEETING

Wednesday, January 30, 2013 • 1:00 p.m.
Educational Services Center • Board Room
770 Wilshire Boulevard • Los Angeles, California 90017

The regular meeting of the Board of Trustees of the Los Angeles Community College District (LACCD) was called to order at 1:07 p.m. with President Steve Veres presiding.

On roll call the following members were present: Kelly Candaele, Mona Field, Tina Park, Nancy Pearlman, Scott J. Svonkin, and Steve Veres. Absent: Miguel Santiago (arrived at 1:08 p.m.). Student Trustee Daniel Campos was present.

Chancellor Daniel J. LaVista was present.

Trustee Park led the Pledge of Allegiance to the Flag.

(Trustee Santiago arrived at 1:08 p.m.)

* * *

There being no objection, Reports from the Chancellor was taken out of order.

REPORTS FROM THE CHANCELLOR

Comments from the Chancellor Regarding District Activities or Pending Issues

Remarks by Chancellor Brice W. Harris

Chancellor LaVista introduced Dr. Brice W. Harris, Chancellor, California Community Colleges, and discussed his leadership background.

Dr. Harris discussed the positive impact that the passage of Proposition 30 is expected to have for community college students throughout California. He indicated that the prevailing goals of restoring access and improving success would require a great deal of focus. He introduced Mr. Geoffrey L. Baum, Vice President, California Community Colleges (CCC) Board of Governors (BOG), and indicated that Mr. Baum and his colleagues on the BOG, along with himself and the CCC staff, would be taking a serious look at Governor Brown's proposal regarding online education.

President Veres initiated a question and answer session regarding Dr. Harris's presentation.

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REPORTS FROM REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS AT THE RESOURCE TABLE

None.

ANNOUNCEMENTS FROM COLLEGE PRESIDENTS

Dr. Roland J. Chapdelaine, President, Los Angeles Trade-Technical College (LATTC), announced that LATTC would be hosting the Skills USA Region III competition on Saturday, February 2, 2013. He indicated that 56 students from LATTC would be competing. He distributed a document with the details of this competition.

Ms. Velma Butler, President, AFT College Staff Guild, reminded everyone that Wednesday, February 6, 2013 is "Go Red" Day in the LACCD and encouraged everyone to wear red.

PUBLIC AGENDA REQUESTS

Oral Presentations

None.

Proposed Actions

None.

REPORTS AND RECOMMENDATIONS FROM THE BOARD

Reports of Standing and Special Committees

Trustee Candaele reported on the morning's Legislative Committee meeting.

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

Com. No. BT1. Amend Chapter II, Article III of the Board Rules

Motion by Trustee Svonkin, seconded by Trustee Park, to adopt Com. No. BT1.

(Trustee Candaele left at 1:50 p.m.)

Student Trustee-Advisory Vote: Aye (Campos)

ADOPTED: 6 Ayes Absent: Trustee Candaele

Com. No. BT2. Trustee Absence Ratification/Conference Authorization

Motion by Trustee Park, seconded by Trustee Field, to adopt Com. No. BT2.

Student Trustee Advisory Vote: Aye (Campos)

ADOPTED: 6 Ayes Absent: Trustee Candaele

Com. No. BT3. Resolution in Support of a Comprehensive Federal and State of California Ban on Assault Weapons and Regulation of Ammunition

Motion by Student Trustee Campos, seconded by Trustee Santiago, to adopt Com. No. BT3. as follows:

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
- 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.

(Trustee Candaele returned at 1:52 p.m.)

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

Com. No. BT4. Resolution – Satellite and District Bond Contingency Fund

Motion by Trustee Santiago, seconded by Trustee Park, to adopt Com. No. BT4. as follows:

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.

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

REPORTS FROM THE CHANCELLOR

Comments from the Chancellor Regarding District Activities or Pending Issues

Remarks by Chancellor Brice W. Harris

This item was taken out of order and conducted earlier in the meeting.

CONSENT CALENDAR

Matters Requiring a Majority Vote

President Veres entertained a motion to adopt the Consent Calendar on Matters Requiring a Majority Vote as amended. He requested that Board members identify items about which they had questions.

There were no items identified for which the Board members had questions.

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

President Veres indicated that the Student Trustee's vote would not apply to HRD1.

Com. No. BF1. Adopt Non-Resident Tuition

Com. No. FPD1. Revise Scope of Office of Inspector General

Com. No. HRD1. Authorize Contract for College President

For the record, Trustee Svonkin noted that he supports the selection of Mr. Marvin Martinez as the President of East Los Angeles College but objects to the monthly car allowance.

Student Trustee Advisory Vote: Aye (Campos)

ADOPTED: 7 Ayes

Matters Requiring a Super Majority Vote

None.

RECOMMENDATIONS FROM THE CHANCELLOR

None.

RECESS TO CAPITAL CONSTRUCTION COMMITTEE

There being no objection, the regular meeting recessed to the Capital Construction Committee at 2:17 p.m.

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

For the record, Trustee Santiago noted that all of the Board members were present.

Public Speakers

None.

Presentations/Initiative Reviews

Proposed Non-LEED™ Renovation or Infrastructure Projects – Presentation and Approval

Los Angeles Trade-Technical College, Substation, Design-Build, \$5.2 Million

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

Mr. James D. O'Reilly, Executive Director, Facilities Planning and Development, introduced Dr. Chapdelaine, who presented an overview regarding the project.

Dr. Chapdelaine introduced Mr. R. L. (Rick) Rye, Project Director, Anil Verma Associates, Inc.; Mr. Bill Smith, Director of College Facilities, LATTC; and Mr. James Sink, Project Designer, HMC Architects.

A document entitled "LATTC Electrical Substation & EPS Recycling Center" was distributed.

Mr. Rye and Mr. Sink gave a PowerPoint presentation and discussed the document with respect to the existing facilities, project statistics, the 2009 Campus Master Plan, the site plan, program areas, and design features.

Trustee Santiago initiated a question and answer session regarding the LATTC Electrical Substation project.

Motion by Trustee Field, seconded by Student Trustee Campos, to approve the LATTC Electrical Substation project.

Student Trustee Advisory Vote: Aye (Campos)

APPROVED: 7 Ayes

Presentation/Initiative Reviews

KPMG 2011-2012 Bond Program Performance Audit Report

The following documents were distributed:

“Performance Audit of Los Angeles Community College District Proposition A, Proposition AA, Measure J Bond Programs”

“Los Angeles Community College District Presentation to the Board of Trustees”

Mr. O'Reilly introduced Ms. Tracy Hensley, Partner, KPMG LLP, who in turn introduced Mr. Clay Gilge, Principal, KPMG LLP; Ms. Pamela Stowers, Manager, KPMG LLP; and Ms. Erika Alvord, Director, KPMG LLP.

Ms. Hensley discussed the “Presentation” document with respect to the objectives of the performance audit, the scope of engagement, and key initiatives of Build—LACCD during 2012.

Mr. Gilge discussed the document with respect to the high priority items, the medium priority item, and the low priority items.

Trustee Santiago initiated a question and answer session regarding the Performance Audit Report.

With respect to the process for ratifying executed change orders, Trustee Svonkin inquired if tracking systems or processes are in place to address each of KPMG's findings.

Mr. O'Reilly indicated that he would research this and provide a response.

Motion by Trustee Veres, seconded by Trustee Park, to accept the KPMG Bond Program Performance Audit Report as presented.

Student Trustee Advisory Vote: Aye (Campos)

APPROVED: 6 Ayes (Candaele, Field, Park, Pearlman, Santiago, Veres)

1 No (Svonkin)

District Citizens' Oversight Committee (DCOC) Propositions A/AA and Measure J 2011-2012 Annual Report

A document entitled “Propositions A/AA & Measure J – 2011-2012 Annual Report” was distributed.

Chancellor LaVista introduced Ms. Nancy Carson, Past Chair, DCOC; Dr. Elliot Axelband, Chair, DCOC; and Mr. Daniel Swartz, Vice Chair, DCOC.

Ms. Carson discussed the document with respect to the District bond programs audits, reports, and LACCD responses; and the DCOC 2011-12 year in review.

Trustees Field and Veres expressed their appreciation to Ms. Carson for her leadership and her service to the DCOC.

Dr. Axelband discussed the function and responsibilities of the DCOC with respect to the LACCD bond program.

Program Manager Process Oversight Ad Hoc Committee Update

Trustee Field and Mr. O'Reilly reported on the Program Manager Process Oversight Ad Hoc Committee meeting of January 16, 2013.

Assets Management Ad Hoc Committee Update

Trustee Santiago and Mr. O'Reilly reported on the Assets Management Ad Hoc Committee meeting of January 17, 2013.

Energy Program Ad Hoc Committee Update

Trustee Veres and Mr. O'Reilly reported on the Energy Program Ad Hoc Committee meeting of January 10, 2013.

New Business

There was discussion regarding the need to conduct performance evaluations for the College Project Managers (CPMs).

Adjourn Capital Construction Committee

There being no objection, the Capital Construction Committee meeting was adjourned at 3:40 p.m.

Trustee Santiago relinquished the gavel to President Veres.

RECONVENE REGULAR MEETING OF THE BOARD OF TRUSTEES

The regular meeting of the Board of Trustees of the LACCD reconvened at 3:40 p.m. with President Steve Veres presiding.

For the record, President Veres noted that all of the Board members were present.

Chancellor Daniel J. LaVista was present.

NOTICE REPORTS AND INFORMATIVES

Com. No. HRD/A. [Notice] Reopen Agreement with the Los Angeles College Faculty Guild, AFT Local 1521 Regarding Compensation Issues

Com. No. HRD/B. [Notice] Reopen Agreement with the Los Angeles/Orange Counties Building and Construction Trades Council Regarding Compensation Issues

Com. No. PC/A. [Notice] Amend Board Rule, Chapter XI, Personnel Commission

Noticed by Chancellor LaVista.

ANNOUNCEMENTS AND INDICATIONS OF FUTURE PROPOSED ACTIONS

President Veres indicated that a short-term ad hoc committee is being created to deal with public art in the construction program. He stated that he has asked Trustees Candaele and Field to serve with him on the Public Art Ad Hoc Committee.

Trustee Svonkin requested that the Board meeting be adjourned in the memory of the mother of Sheriff Leroy Baca.

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

None.

RECESS TO CLOSED SESSION

There being no objection, the regular meeting recessed to Closed Session in accordance with The Ralph M. Brown Act, Government Code sections 54950 et seq., and the Education Code to discuss the matters on the posted Closed Session agenda pursuant to Government Code section 54954.5 (see Attachment A).

The regular meeting recessed to Closed Session at 3:43 p.m.

RECONVENE REGULAR MEETING

The regular meeting of the Board of Trustees of the LACCD reconvened at 4:56 p.m. with President Steve Veres presiding.

For the record, President Veres noted that all of the Board members were present.

Chancellor Daniel J. LaVista was present.

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

President Veres 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 voted unanimously to authorize legal counsel to file two interpleader lawsuits against East West Bank and various stop notice claimants on the North of Mall and Stadium ADA construction projects at Pierce College.

The Board voted unanimously, with Trustee Svonkin absent, to accept the settlement offer of \$128,750 made by the plaintiff in the lawsuit filed by Phyllis Norwood.

The Board voted by a 6 to 1 vote (Svonkin voted "no") to accept the settlement of a builder's risk claim filed by S. J. Amoroso Construction Company in the amount of \$79,063.88.

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

ADJOURNMENT

There being no objection, the regular meeting was adjourned at 4:58 p.m. in the memory of Sheriff Leroy Baca's mother, and Mr. Rees Hawkins Kimble, the brother of Ms. Bobbi Kimble.

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

By: Laurie Green
Laurie Green
Assistant Secretary to the Board

APPROVED BY THE BOARD OF TRUSTEES:

Steve Veres
Steve Veres
President of the Board

Date March 6, 2013



Board of Trustees

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

AGENDA

ATTACHMENT A

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)