

District Citizens' Oversight Committee Meeting (DCOC)

Meeting Minutes

Date Prepared By Agency Location
 4/29/2011 Laurelyn Johnson LACCD District

Attended By:	
Committee Members	
Elliot Axelband, WLAC Representative, Vice-Chair	Harvey Berg, LAVC Representative
Bob Courtney, Foundation Representative	Isa-Kae Meksin, Senior Representative
Lisa Munoz, Student Representative	Henry Porter, LASC Representative
David Rattray, Business Representative	Donna Smith, LAPC Representative
Richard Slawson, Labor Representative	Daniel Swartz, Taxpayer Representative
Kurt Tennyson, LACC Representative	
Other Attendees:	
Tom Hall, Exec. Director Facilities Planning LACCD	Camille Goulet, LACCD
Chancellor LaVista, LACCD	Christine Marez, LACCD Inspector General

A. Opening: 12:03pm

Elliot Axelband, the DCOC Vice-Chair, acting as Chair in the absence of Nancy Carson the DCOC Chair, called the meeting to order. Self-introductions were made. There was not a quorum. Public speakers requested that their time to speak be delayed from the initial part of the agenda to later in the agenda as one of their 3 members would be arriving late. The request was granted; see item E later in these minutes. The speakers addressed no. 5 on the agenda. (Laurelyn, please attach the meeting agenda to these minutes.)

B. Approval of Minutes:

B. Courtney and K. Tennyson arrived.

Motion by Dan Swartz, seconded by Bob Courtney, to approve the minutes.

APPROVED: 7 Ayes 2 Abstentions – Ayes: E. Axelband, H. Berg, B. Courtney, R. Slawson, D. Smith, K. Tennyson, D. Swartz; Abstentions: I. Meksin, H. Porter

C. Review Committee Bylaws and committee members liability:

C. Goulet provided three memos in advance of the meeting to committee members in response to requests from E. Axelband; the memos were regarding 1) Defense and Indemnity 2) the Brown Act and 3) formation of an advisory subcommittee. E. Axelband discussed the general content of the memos. He stated that, based on the briefing in the Brown Act memo, the Committee has two options if it wishes to devote more time to its DCOC duties: increase the frequency of the meetings or form an advisory subcommittee to research issues that require more time. I. Meksin asked whether there is a problem with this issue. E. Axelband responded that he raised this issue because he wanted legal counsel to provide clarification on the issue. The LACCD General Legal Consul stated that as long as the advisory committee only brought advice back to the DCOC committee that then decided in an open public meeting what portions of advice to accept by vote, the subcommittee could meet as frequently as it needed and could freely communicate amongst its members between public meetings to do its work. She later clarified that the subcommittee needed to be smaller than half the no. of members on the DCOC.

D. Discussion of Chancellor's Plans including a Bond Program Review Panel separate from the DCOC, and its relationship to the DCOC

Chancellor LaVista distributed a handout titled "Charge For LACCD Building Program Review Panel." The Chancellor discussed the LA Times articles and the Chancellor's response to the articles. He stated through the independent panel he wants to identify areas of the bond/building program that need improvement and affirm areas that are doing well and need to be sustained. The Chancellor stated the panel is short-term, intense, and focused on the primary themes from the Times articles and the District's own evaluative findings. The Chancellor stated that he hopes the eventual report from this panel will complement the work of the DCOC Committee. The panel is another opportunity for the District to execute its interest in continuous quality improvement in the bond/building program. The duration of the panel will be about three to four months, and the timing and frequency of meetings will be determined by the panel. Chancellor LaVista said the panel has been charged to bring forth good and bad news, to address ethics and cost containment among other items.

D. Swartz raised a question regarding the DCOC's responsibility to conduct in-depth tracking of bond program activities. C. Goulet responded and referred to the charter from the Board Rules, which are based on the Education Code. She also stated that prior to Mr. Swartz's appointment there were reports to the committee about these issues. I. Meksin stated that the LA Times articles didn't include anything about the Van de Kamp lawsuits and that the committee was not informed on this issue. I. Meksin stated that she is not aware of the Committee's responsibilities.

E. Axelband responded that there were items addressed in the LA Times that are not within the purview of the Committee. He stated the LA Times articles discussed ethics, which is not the charge of the Committee. He said the Committee's charge is to evaluate if the bond funds are being used properly. B. Courtney stated that the Committee needs honest information, including the highlights and lowlights of the program. He stated his sense is the quality of management wasn't there based on the information that was presented in past DCOC meetings.

E. Axelband said he doesn't want to rely on candor. He stated that it's proper for the DCOC to form subcommittees that act as advisors to the Committee and go beyond the reports that are presented at the regular meetings.

Chancellor LaVista responded referring to the Board Rules, which provide direction about the Committee's responsibilities. He suggested that the Committee form a smaller group (advisory subcommittee) to research D. Swartz's question and come back to the Committee with a response to the question.

I. Meksin stated that she sees a violation of use of funds at Van de Kamp and the Committee was not informed on the history of what was going on. B. Courtney stated that it's the District's responsibility to report information to the Committee. Chancellor LaVista responded that out of their discussions, staff will come to a better understanding of how to better inform the Committee.

R. Slawson summarized what he felt the charge of the Committee is based on his prior experience on serving on similar committees. He stated that he felt the committee members are to review the project information, any reports and audits related to the program, conduct site visits as necessary, and review deferred maintenance proposals and plans. Then the Committee would make recommendations to the Board of Trustees based on these reviews. He stated the committee should have a flowchart and authority chart of the structure of the program with regard to individuals involved, as well as roles and responsibilities. He also commented on the LA Times articles and requested copies of the District's response to the LA Times articles.

D. Rattray stated the Committee's responsibility to the voters is to ensure the funds are spent for the expected purpose. He stated the Committee should be more independent and needs to set its own agenda instead of letting others set the agenda. The Committee needs to have its own will and

assert itself more in a constructive way. The committee needs a staffing to support level that will allow it to be more independent.

E. Axelband stated the Committee has asked for staffing support in the past and did not receive it, and the members did not collaborate on the agenda in past. Past requests for staffing support were met by the LACCD Executive Director and his staff with cost concerns and promises to get back to the matter with specifics. This did not happen for the next two meetings but at the third meeting it was announced an IG had been hired and her work would support our interests. Chancellor LaVista assured us when he first met with the LACCD that if the DCOC tasked the IJ she was obliged to undertake our tasking, and at a subsequent meeting the IJ affirmed that statement and it was to be written into the minutes. Chancellor LaVista stated at this meeting that money now exists for extra staff if the DCOC wishes to have it.

E. Axelband stated that since his arrival, the Chancellor, Tom Hall, and the Chair and Vice Chair have collaborated on DCOC agendas.

The Committee ensued discussion on the time limit for public speakers. It was agreed that they would limit the time to five minutes for each of the three speakers.

E. Public Speakers:

The following individuals addressed the committee: Laura Gutierrez, Miki Jackson and Daniel Wright.

Ms. Gutierrez said the new panel should add a community member and community college people to its membership. Its work should be reviewed by an independent review team. The panel should also address this DCOC.

Ms. Jackson said that the new panel needs to act as though it were under the Brown Act, and deal with the Van De Kamp issue as one involving the improper use of bond money. She also questioned the adequacy of the IJ because her office is paid by LACCD, and therefore she is not independent as she should be. She also felt the IJ needed to talk more to external people.

Mr. Wright distributed the California Education code sections 15278 to 15282, and referred to it during his discussion. He also recommended that the DCOC needed an independent legal counsel and an analyst who could provide independent financial advice. He also called for the resignation of Nancy Carson whom he felt was biased by her close association with the Community Colleges... He also recommended that an executive committee of the DCOC set the agenda for these meetings. He asked that there be good communication between the DCOC and the new panel, that the new panel make recommendations to the DCOC re its operations, and that there be a complete professional independent audit undertaken.

There was some discussion of such an audit that had been recently done, but the results not publically released.

F. Discussion of Chancellor's Plans including a Bond Program Review Panel and relationship to DCOC (continued from previous discussion)

K. Tennyson stated that his campus oversight committee would like to see an independent audit instead of the panel, which would conduct a review longer than a few months. The campus committee thought the District would get better value out of that. The Chancellor responded that the panel consists of people with great technical expertise and the objectives are related to program improvement and reputation improvement.

D. Swartz stated he would like to see the panel give the Committee direction on areas that they should be addressing. The Chancellor responded that, based on the panel's charge, there should be areas that will address items related to the Committee's concerns.

I. Meksin commented that she would like to see going forward how the District plans to correct the problems at Van de Kamp.

H. Berg responded that he sent comments to the DCOC Committee's chair regarding auditing practices. He stated the Committee needs direct contact with bond counsel and wants the Committee represented on an audit committee. He also stated there should be an audit committee.

R. Slawson asked if there was a flowchart of the responsibilities of this Committee and recommended a sub-committee write out a process form (resolution) and submit it to the Board of Trustees for approval. Ms. Goulet responded that the Board Rule and the Committee bylaws that were adopted by this Committee outline the Committee's responsibilities.

D. Swartz said he was not clear on the process going forward and is concerned about how the Committee will move forward.

E. Axelband responded that a small advisory subcommittee group will work on something for the next meeting, if we vote to form one, and strongly expressed that we do this as this was the most important action we could take to make this committee more effective.

B. Courtney stated the Committee needs a way to be independent and the Committee needs to have their own minute taker. He also stated the Committee needs to get more information from the District regarding the activities of the program.

D. Rattray asked if the Chancellor if it is advisable to ask the panel for recommendations. The Chancellor agreed with that request.

Motion was made by D. Rattray, seconded by I. Meksin, to request that the Bond Program Review Panel apprise the DCOC of its conclusions as they emerge, and when the panel concludes, to advise the DCOC how it should proceed in their absence.

Motion to amend by B. Courtney, seconded by I. Meksin, that the committee have the ability to ask to the Bond Program Review Panel questions.

8 Ayes, 1 opposed, 1 abstention

D. Rattray stated he would like the Committee to have additional staff support which would include legal expertise and financial expertise. The Chancellor suggested that once the subcommittee determines the scope of the committee's work, then that plan would lead to the request for additional staffing as determined.

D. Swartz said it would be helpful for recommendations on how the Committee should be staffing itself.

I. Meksin said she would like to have an independent legal advisor to the committee and she would like to see a reversal on the Van de Kamp issue. R. Slawson responded that it is his understanding that the Board of Trustees has the responsibility to make a decision on that issue.

C. Goulet responded that the Committee doesn't have a separate legal capacity from the District, and the Committee doesn't have the authority to direct expenditure of bond funds. The Committee has the authority to make recommendations to the Board of Trustees.

C. Goulet responded to the request for counsel to present to the committee. She stated that when the committee defines the questions that to be addressed by counsel, she will then make contact with the appropriate counsel to address that issue, since the District has various attorneys handling different issues.

E. Axelband made call for volunteers for those who wish to work on an advisory subcommittee to clarify the work of the DCOC. The following people volunteered: H. Berg, D. Swartz, D. Smith, B. Courtney, and D. Rattray, and R. Slawson.

E. Axelband asked for one of those to volunteer to lead the advisory subcommittee. R. Slawson volunteered and is the leader. No one else volunteered

E. Axelband volunteered to join the group as it had not attained its allowed maximum of 7 members, as advised by C. Goulet.

G. Procedures and Memberships

E. Axelband stated that the meetings should start on time, asked for promptness from the members, and reminded the members of their need to sign the attendance sheet. He referred to the handout that was provided to the members regarding their terms on the committee, and referred to terms that will end soon and cannot be re-appointed because they have reached their limit (Committee members can only serve two consecutive terms), and terms that for members that have only served one term. These members can serve a second term if they elect to do so, but must state their intent to Laurelyn, and will only serve if the LACCD Board of Trustees agrees to allow this.

E. Axelband made call for volunteers who wish to work on a subcommittee for the annual report. The following people volunteered: H. Berg, N. Carson, B. Courtney, and E. Axelband. N. Carson as Chair of the DCOC, and E. Axelband as Vice-Chair, are obliged to serve.

D. Rattray suggested that the Committee does not rush the annual report and that the Committee have reporting information from the panel and sources before concluding the report.

Chancellor LaVista suggested that before the annual report subcommittee meets, that the Committee form the next agenda on June 24, 2011, with the scope of the annual report subcommittee in mind.

E. Axelband asked if the group would like to change the meetings to monthly and the members responded that they were not interested in doing that at this time.

E. Axelband asked if the group would like to extend this meeting beyond its 2 PM deadline, but too many of the group members had other obligations, negating this possibility.

C. Goulet responded to a question from B. Courtney regarding member's ability to teleconference into a meeting. In order to teleconference into the meeting, the place that the member would like to conference in from needs to be open to the public, and notice has to be posted 72 hours prior to the meeting.

Adjournment: There being no objection, the regular meeting was adjourned at 2:02pm.

Next meeting: June 24, 2011, starting at 12:00 p.m.

The agenda for this meeting is attached.



Board of Trustees

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

AGENDA

District Citizens' Oversight Committee Meeting (DCOC)

Meeting Agenda

Friday, June 24, 2011, 12:00pm - 2:00 pm
811 Wilshire Boulevard, Los Angeles CA 90017, 3rd Floor Hearing Room

DCOC Members:

Elliot Axelband, WLAC Representative, Vice-Chair
Nancy Carson, LAHC Representative, Chair
Philip Cohen, ELAC Representative
Isa Meksin, Senior Representative
Henry Porter, LASC Representative
Reginald Jones-Sawyer, At-Large Representative
Richard Slawson, Labor Representative
Kurt Tennyson, LACC Representative

Harvey Berg, LAVC Representative
Yvonne Chan, LAMC Representative
Bob Courtney, Foundation Representative
Lisa Munoz, Student Representative
David Rattray, Business Representative
Donna Smith, LAPC Representative
Daniel Swartz, Taxpayer Representative
Mark Wilson, LATTTC Representative

1. Opening Introductions, All – 12:00pm
2. Public Speakers - 12:05pm
3. Approval of Minutes from 4/29/11 meeting, N. Carson & E. Axelband – 12:20pm:
4. Procedures and Memberships, N. Carson, E. Axelband, T. Hall & Chancellor – 12:30
 - a. Voting Form & Quorum
 - b. Attendance – Signing In and Out
 - c. Membership
 - d. Annual Report
5. Upcoming Meeting Dates, N. Carson & E. Axelband– 12:45
 - a. Dates: 8/26/11, 10/28/11, 12/16,11, 2/24/12, 4/27/12, 6/22/12
 - b. Survey Results
6. Inspector General, C. Marez – Work plan, VDK, & Audits – 12:55
7. DCOC Advisory Subcommittee Report, R. Slawson (Advisory Chair) – 1:15
8. Program Update, T. Hall - 1:45
9. DashBoard Report Review (these reports are available online)*, questions about reports and presentation of successes and failures since the last meeting, T. Hall – 1:55pm:
10. Adjournment – 2pm

Documents Mailed to Members

Agenda for 6/24/11 DCOC meeting	Draft of meeting minutes from the 4/29/11 meeting with agenda from that meeting attached.
Voting Form	Membership Terms
Member Availability Survey Results	OIG Update Report
April 2011 Dashboard Reports	

*<http://www.laccdbuildsgreen.org/mediacenter/photogallery.php>,

*http://www.buildlaccd.org/resources/dashboard/monthly_dashboard.html