

District Citizens' Oversight Committee Meeting (DCOC)

Date	Next Meeting	Start Time	Prepared By	Agency
2/19/10	5/14/10	12:00	Lynn Winter-Gross	Build-LACCD

Attended By:

Russell Hughes, Business Representative	Philip Cohen, East Los Angeles College
Donna Slamon, Pierce College	Trustee Mona Field, LACCD Board of Trustees
Elliot Alexband, West Los Angeles College	Dr. Tyree Wieder, Chancellor LACCD
Henry Porter, Southwest College	Larry Eisenberg, Exec. Director Facilities Planning, LACCD
Bob Courtney, Foundation Representative	Todd Cozolino, BuildLACCD
Isa Meksin, Senior Representative	Leisalee Wells, Bond Counsel, Fullbright & Jaworski
Rodney Robinson, Student Representative	Camille Goulet, General Counsel, LACCD
Kurt Tennyson, Los Angeles City College	Tom Hall, Director Facilities Planning, LACCD
Nancy Carson, Los Angeles Harbor College	

A. Opening: 12:10pm

In the absence of the Chair and Vice Chair, Committee member Henry Porter called the meeting to order. Self-introductions were made.

B. Approval of Minutes

Approval of minutes was postponed until there was a quorum.

Mr. Porter recommended switching items #3 and #4 on the agenda, since an understanding of the legal role of the DCOC would assist in the discussion of the Van de Kamp presentation.

C. Legal responsibilities of the members of the DCOC: Leisalee Wells.

Ms. Wells, who has served the LACCD as bond counsel for a number of years, described the history and function of General Obligation Bonds. These bonds are supported by taxes on all taxable property. People who own these bonds realize the principal and interest.

Until 1978, under Proposition 13, the state constitution mandated that bonds needed a 2/3 majority for passage; in the year 2000, under Proposition 39, the law changed so bonds needed only a 55% majority to pass. This led to a dramatic increase in the percentage of bonds approved, and applied to the District's three bonds: Propositions A and AA and Measure J. (Because these bonds are tax exempt, the district's cost of borrowing is low.)

According to the Education Code, after the passage of a bond, the District must appoint a Citizens Oversight Committee (COC) within 60 days. The committee must have a minimum of seven members but can include more. The District can build only projects approved by voters.

The COC is subject to the Brown Act and must issue an annual report to the taxpayers. It can only oversee and comment; it can make recommendations but can't order commencement or cessation of projects. It must post notice of meetings 72 hours prior and must give citizens the right to speak.

There is no need for the COC to conduct closed sessions; it can't take action on items not on agenda; it can ask staff questions and can request agenda items, but can't put items on the agenda for current meetings because of the need to publicize meeting agenda 72 hours in advance. Materials at meetings must be available to the public; the committee can not include anyone with a conflict of interest, i.e. employees of the LACCD, vendors, contractors, or immediate family in these categories.

Its purpose is to inform the public concerning the expenditure of bond revenues; all members must understand the project lists, are entitled and expected to ask questions, have a right to inspect college grounds and facilities where bond money is spent, a right to receive deferred maintenance plans, and review district efforts to reduce costs. The DCOC must be supported by the LACCD but can't be paid by bond proceeds.

Mr. Eisenberg was asked why a special meeting to discuss the Van de Kamp project was requested but not held. He explained the difficulty of getting a quorum; that a special meeting would require a vote of the committee, and that no vote was held. (Putting an item on the agenda doesn't require a vote of the committee, holding a special meeting requires committee to vote.)

Vice Chair Nancy Carson arrived and took over as the meeting Chair.

D. Approval of minutes:

The minutes were approved with the following correction: "a request was made for a special meeting to discuss the Van de Kamp project and that more materials be labeled and sent to members and labeled in advance."

E. Status of Van de Kamp Project

Senator Richard Polanco stressed the importance of moving forward with the project as originally intended with the \$3 million that was granted in 2000 to the LACCD under his leadership in the Senate. A community study had been commissioned which evidenced the need and desire for the people in the Northeast area to have a community college satellite similar to the one ELAC has in Southgate. The taxpayers supported the construction of a community college for educational programs but have been subjected to a "bait and switch." He said that LACCD in 2001 went on record supporting the project; now this facility, as leased to a charter school, is just "a revenue generator,"

He asked if money is available for this site to be used as a community college and said the students in the community need job training in the areas of nursing and child care that the college could offer. Mr. Polanco said that this current usage is contrary to the intention of what the money was supposed to be used for.

Mr. Courtney said he thought that Los Angeles City College could satisfy the demand of the community since it is so close and students could take the free buses to the main campus.

Scott Folsom, a private citizen and member of LAUSD oversight committee, said that the LAUSD has their own independent counsel, and recommended that the DCOC do the same. He commented that the District's purchase of land for this project is a misuse of bond funds as voted by the voters.

Mr. Hughes suggested that it is better to use the facility now and construct the buildings while the price is right. This is a good time to buy land and if there isn't the money to implement the programs, it is better to use them for something else, and get back to the original intention in five years.

Mr. Cohen suggested that the training needs can be met by other community colleges. He commented that he runs a hospital and most hospitals are downsizing.

Laura Gutierrez, member Van de Kamp Coalition, said that the community has been left out of the discussions; that they have no problem with a high school but not at that location.

Mickey Jackson, member Van de Kamp Coalition: said that the Coalition isn't in conflict with this committee; they see it as their best hope for a full investigation. She questioned who is writing the leases and why the chancellor cancelled the Center Status application.

Camille Goulet said that if the committee wants legal advice in responding to members of the community, it can make that request. Since there is litigation pending, she is reluctant in a public setting to provide answers.

Daniel E. Wright, Attorney, said there needs to be an engagement of the community through a normal CEQA process. He told the committee that it has more power than it is being told; it can request technical assistance, and independent legal counsel outside of the District, which Ms. Goulet represents. He added that there has been “serious stonewalling” of information and that massive amounts of public records request haven’t been forthcoming.

He questioned the sources of funding, the escalation of project cost; and requested documentation on how the \$3 million from the state had been spent; said some of the campus will be leased to unemployment programs to people not enrolled in the LACCD and asked whether the redesign for tenant needs might foreclose the possibility of the facility being used as a community college in the future.

Mr. Eisenberg reminded the committee that Van de Kamp has been separated from Los Angeles City College and in five years will be given the opportunity to reactivate it. Currently the property is a district wide resource to be used by all the colleges.

Although she can’t give a precise answer, Ms. Goulet said that the LACCD has an obligation to provide an appropriate and reasonable level of assistance to the committee. This committee doesn’t have separate legal capacity since it is a committee of the Board of Trustees and legally a part of the district.

Trustee Mona Field, President of the Board of Trustees, said she was a member of the Board when the proposition by Senator Polanco was brought to them. She appreciates that members of the committee are giving time to discuss this issues and said she remembers when the Board was heavily lobbied by Mr. Polanco’s staff to vote on this. They voted to accept \$3 from the state to renovate an aging building.

At that time, there was no focused support from Los Angeles City College; it was brought to them because the community wanted the building renovated. In retrospect, she is sorry the Board approved it: the building was rotten; it took years to clean it up, and it is not even finished. She said that Van de Kamp has been a “money pit,” The Board made a commitment to restore it as a cost significantly higher than the original money allocated. By the time the District got close to completing the building, it was clear that the college couldn’t operate the classes.

Since bond dollars can only be spent to build buildings, not to pay teachers, the Board wanted to use the facility for an educational use, including a Work Source center, ESL classes, and college classes for students dually enrolled in high school and community college.

Mr. Alexband said there are significant issues to be discussed: are there sufficient funds to operate a college at Van de Kamp; what was the intent of the bond measure; is it appropriate to use the money for other purposes; how would the DCOC pay for more advice if it can’t use bond funds and is there a misuse of tenant improvement funds?

Ms. Goulet said that it is inappropriate for the committee to look into budgetary priorities of the LACCD.

Mr. Porter said that it is not the committee’s responsibility to review how the LACCD decides to allocate its’ operating funds; the Board of Trustees has already entered into a contract with the charter school; the DCOC can’t override the Board, and by having this discussion, the committee is just prolonging the process. Mr. Courtney said that this discussion shows the community that the committee cares enough to at least address their issues.

The committee passed a motion to have these questions answered by the next meeting. They also voted to extend the meeting up to 30 minutes

F. Dashboard Report: Todd Cozolino, BuildLACCD

Members of the committee asked for the reports to be given in a different format, they want to see budgets vs. actual expenditures; be able to determine from the reports if there are problems; if the program is on schedule? Mr. Cozolino reported that these are progress status reports, not cost vs. budget comparisons.

Mr. Eisenberg said that at the moment, the program will probably run one year ahead of schedule. When CEQA is finished, it appears the program will conclude by 2013, Projects are opening well under budget; some colleges will build projects they didn't anticipate they could construct primarily, because the bidding and prices are 20-30% below estimates. By law, the District can't build anything in addition to project list, but don't have to build everything on the list. Projects aren't allowed to exceed the budget.

F. Upcoming Items:

Due to the fact that a few items on the agenda took longer than anticipated, the remaining agenda items were postponed until the next meeting, including the updated video tour of the colleges construction projects..

Los Angeles Mission College is having an event on February 20, and Los Angeles Trade Technical College an event the second week of April.

The committee also spoke of having a tour of Van de Kamp. If there is to be a special meeting, it will require a vote of the committee. A bus trip can be arranged.

Adjournment: 2:30pm