

# District Citizens' Oversight Committee Meeting (DCOC)

## Meeting Minutes

Date      Prepared By      Agency      Location  
6/24/2011      Laurelyn Johnson      LACCD      District

<b>Attended By:</b> <b>Committee Members</b>	
Elliot Axelband, WLAC Representative, Vice-Chair	Nancy Carson, LAHC Representative, Chair
Yvonne Chan, LAMC Representative	Isa-Kae Meksin, Senior Representative
Reginald Byron Jones-Sawyer Sr., At-Large Representative	Richard Slawson, Labor Representative
Donna Smith, LAPC Representative	Daniel Swartz, Taxpayer Representative
<b>Other Attendees:</b>	
Adriana Barrera, Deputy Chancellor, LACCD	Ed Burke
Arlene Castillo, LATTC Student	Tom Hall, Exec. Director Facilities Planning LACCD
Camille Goulet, LACCD	Cliff Dewey, LACCD OIG Office
Mona Garber, BuildLACCD	Colby King, MWW
Chancellor LaVista, LACCD	Christine Marez, LACCD Inspector General

### A. Opening: 12:03pm

Nancy Carson, the DCOC Vice-Chair, called the meeting to order. Self-introductions were made. There was not a quorum.

### B. Public Speakers:

Amber Barrero the Student Trustee to the District Board to Trustees addressed the committee stating they are planning to select a new DCOC Student Trustee at the student committee meeting.

The other public speakers requested to speak when Item No. 6 is called.

### C. Procedures and Memberships:

Tom Hall discussed the voting form that was distributed. He stated that the form was to record, attendance, time of arrival, and voting.

12:11pm Reginald Bryon Jones-Sawyer Sr. arrived. There is a quorum.

Motion was made by E. Axelband, seconded by R. Slawson to approve motion to use the voting form. The motion was approved. The committee agreed to use the form immediately.

T. Hall discussed membership terms which were outlined the handout distributed. He stated a member can serve two consecutive two year terms. Each college selects a representative that serves on the College Citizens' Committee to allow for that person to bring items forward to DCOC from the College Citizens' Committee. When a member's first term ends the President of the College makes a recommendation to the Board of Trustee's to re-appoint the member or appoint a new member. T. Hall stated there is discussion to possibly modify the term of the student representative to a one year appointment instead of a two-year appointment because students typically cannot serve longer than one year.

Y. Chan asked if there is delay in the College appointing a replacement DCOC representative can the current representative continue to serve in that position or will that position be vacated. T. Hall stated that when a member's second term ends and they cannot be re-appointed they would have to sit out before the College could appoint them again. He also stated that the Presidents have been notified

regarding the expiration dates of their representatives' terms and they have committed to finding replacements. N. Carson stated that they would like to have a temporary person until a formal selection is made. T. Hall stated that is not allowed and the appointment also has to go through the Board of Trustees. T. Hall responded to question from E. Axelband, that members that wish to be re-appointed provide a response to Laurelyn Johnson regarding their desire for re-appointment. N. Carson stated that Harvey Berg did not wish to continue to serve on the DCOC. R. Jones-Sawyer Sr. expressed concern regarding positions that are filled by the Board of Trustees; that the Board begin to look for a replacement since in the past there was a delay in filling those positions. T. Hall stated that he will handle notification of the Board of Trustees. Mona Field also stated she is aware of it.

E. Axelband discussed the annual report. He stated that the subcommittee needs to coordinate with the T. Hall's office to work on getting the report out in a timely fashion. L. Johnson stated she sent out requests for project lists and timelines to the College Project Manager's and expects a response in a couple weeks. N. Carson asked if additional people would like to serve on the Annual Report Subcommittee since Harvey Berg resigned and R. Jones-Sawyer Sr. volunteered.

**D. Approval of Minutes:**

Motion by E. Axelband, seconded by D. Swartz, to approve the minutes.

APPROVED: 7 Ayes 1 Abstentions – Ayes: E. Axelband, B. Courtney, R. Jones-Sawyer Sr., R. Slawson, D. Smith, D. Swartz, Y. Chan; Abstentions: N. Carson

**E. Upcoming Meeting Dates:**

N. Carson stated this is an informational item. L. Johnson discussed the members availability survey results that were distributed. There were six responses to the survey. Most of the members preferred Fridays. The members also preferred meeting from eleven to one or twelve to two. Members decided to keep the meeting from twelve to two, because the student representative would not be able to arrive promptly at eleven due to a conflicting meeting.

**F. Inspector General**

Christine Marez distributed a handout entitled the "OIG Update." She presented some of the accomplishments Inspector General's Office completed since February. The second phase of the Whistleblower program was completed and they have been receiving calls from a variety of sources. There are five on-going investigations based on whistleblower sources alone. There was a correction to item seven of the work plan, the Bond Program Fraud Risk Assessment program has begun and is about 20% complete. N. Carson suggested this information be used for the DCOC Annual Report.

E. Axelband asked if they're monitoring to see if construction is proceeding according to plan and schedule. He also asked if they're conducting an ethics audit and asked District counsel if that's a legitimate topic for DCOC. Kevin Jeter responded that the DCOC's charge is to review the program to ensure funds are expended in compliance with Proposition 39. He stated the ethics audit if done too broadly would go beyond that scope and he could assist the committee with preparing that scope. C. Marez stated audit item number 3 and 4 of her handout addresses some of the conflict interest issues. E. Axelband stated that does not address the issues of relatives being hired by contractors and asked if this area being investigated.

Richard Slawson asked if there was an ethics violation would that not be in the DCOC's scope if the funds were spent properly. K. Jeter responded that it would be a close call but based on the DCOC's scope that would be outside of their scope and would be an issue that the Board of Trustee's and District would handle. K. Jeter said he would assist the committee in requesting that the Board to look into items of concern related to direct hiring by contractors. K. Jeter stated that if the DCOC wanted investigations to be done by the Inspector General or Auditors they would need to make that request to the Chancellor and not the Board of Trustees. Chancellor LaVista responded that the Building

Program Review Panel will look into some of ethics issues as a part of their four charges and that report will be shared publicly and to this committee. E. Axelband asked if the DCOC should continue the investigation of issues after the Building Program Review Panel completes their investigation and issues a report. Chancellor LaVista responded that he expects the panel will provide recommendations for the Chancellor to consider at the conclusion of their report. He stated this subject can be revisited after the panel finishes their review and determines if further study is needed.

R. Jones-Sawyer Sr. stated that in consideration of the Inspector General's workload he hopes they have the flexibility and autonomy to search for issues that don't come to them even though they have a big workload. He said it's frustrating for the committee when issues arise and the committee is told they cannot do certain things and the committee would like to see that if the Inspector General comes up with issues they would like investigate that they are given the autonomy to do that. Chancellor LaVista responded that his primary responsibility is to ensure that the Inspector General's work is in line with the directives of the Board of Trustees. He said he understands the committee's interest and would like to align it with the work of the panel and if more work is needed they will look into that. C. Marez stated the annual work plan represents the audits what they will complete this year and with respect to investigations those will be prioritized based on the seriousness of the allegations.

C. Marez stated they delivered four preliminary investigation reports to the Chancellor and they plan to issue those findings to the Board of Trustees. This report can be presented to the DCOC at the next meeting.

E. Axelband stated that his understanding is that if the DCOC has an issue they would like to be investigated by the Inspector General, they can pass a motion and with the Chancellor's approval the Inspector General can investigate that item. The request by the committee would then likely cause the Inspector General to look at resources available to complete the investigation. He also stated that it seems based on prior discussions that the committee can request a lawyer in the future if they determine that they need one. Chancellor LaVista stated that his understanding was that those issues will be undertaken by the DCOC subcommittee.

C. Marez presented an overview on the Van de Kamp public report that she distributed. They found that the budget for this project was \$81,547.406 and the expenditures exceeded the total allocation by almost \$5 million. The project is currently in closed-out and there are still some additional costs (\$3,872,211) under negotiation. They found that all the costs were not being tracked at the BuildLACCD program and that property expenditures were paid out by the Office of the Chief Financial Officer. Thus, there lack of reconciliation between the expenditures attributed to the project exceeding the allocated project funds. BuildLACCD is putting together a process to address this issue. Most of the overruns were largely related to construction.

Isa-Kae Meksin requested more information regarding Van de Kamp change from being a community college to a worksource center and high school. Chancellor LaVista suggested that the committee could request a briefing about changes that were made and why they occurred. I. Meksin also requested information as to when and if Van de Kamp will be made into a community college. Chancellor LaVista stated that this also ties into the change in scope issue that I. Meksin mentioned earlier. C. Marez stated that in the snapshot section of her report there is information related to that topic as well.

R. Jones-Sawyer Sr. and Yvonne Chan requested a determination if the body that authorized the scope changes had the authority to make those changes. Chancellor LaVista stated some of this subject matter is currently in litigation and that they can respond to the issue of what caused the change but the other matter is a legal issue. Thus, they need confer with legal counsel to the extent matters can be discussed that are in litigation.

The members stated they would like a briefing at the next meeting by the Inspector General.

#### **G. Public Speakers:**

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

Ms. Jackson distributed handout entitled "Report of the Van de Kamps Coalition."

Chancellor LaVista expressed to the committee that any information that the committee requests he will take action to provide that information.

Mr. Wright distributed a handout that is an editorial that calls for the termination of LACCD General Counsel and distributed a handout of an email exchange between Laura Gutierrez and Jeffrey Greenman dated 6/22/10 regarding requests for the Capstone report.

#### **H. DCOC Advisory Subcommittee Report**

Richard Slawson distributed a document entitled "Recommendations for Committee Procedures and Advisory Correspondence with the LACCD Chancellor and the Board of Trustees." He stated the subcommittee met on June 10, 2011 and they reviewed the past processes of the DCOC. Based on that review they proposed seven (7) recommendations that were listed in the handout. These recommendations were for the DCOC to review and determine if they want to move forward with these recommendations. R. Slawson read each recommendation. Committee members discussed the manner in which they would review the strategic (facilities master) plans. T. Hall stated that the Steve Springer has been working on attaching all the strategic (facilities master) plans to the website and all except for two are posted. They are working on getting the remaining two posted.

R. Jones-Sawyer Sr. stated that with regard to recommendation three, it seems that the Chancellor would be the person to go to make requests for investigations to be completed by the Inspector General. R. Slawson stated the intent of that recommendation was to formulate a process to request investigations with Chancellor and the Board of Trustees. Chancellor LaVista stated that recommendation three would establish the framework for requests. R. Slawson clarified a question about recommendation six from R. Jones-Sawyer Sr., stating that the intention for these recommendations is to discuss them with the Board of Trustees to establish a process for implementation. Chancellor LaVista suggested that Board of Trustees Capital Construction meeting might be an appropriate meeting for DCOC members to attend if determined by the committee. He also stated that he could arrange a meeting between DCOC members and some of the Board members if the DCOC so requests. R. Slawson responded that he would like for the Chancellor to arrange that meeting.

I. Meksin requested they include a request for independent legal counsel in recommendation number three and include possible problems and issues in recommendation six. D. Swartz stated that subcommittee discussed hiring independent counsel and they came to conclusion that they would like to hire independent counsel but did not establish a particular charge for the person. They determined that as questions come up and they deem it necessary to hire counsel then they will make that request. I. Meksin stated that she would like to hire counsel to review the issue of Van de Kamp. R. Jones-Sawyer Sr. stated that if the District provides the appropriate people to answer questions as they arise then that could meet the needs of the request. N. Carson clarified that the legal counsel the members are requesting is a legal entity that may or may not be defined as issues arise.

Y. Chan state these recommendations will establish better channels of communication. She stated that if they don't have access to the website for information then putting the data on compact disk would also be sufficient. She said with regard to recommendation three she is not sure if they have a budget to hire independent counsel and that the existing in-house expertise maybe have to suffice until there is a means to hire independent counsel if determined necessary.

N. Carson suggested that the subcommittee meet again after this meeting to refine the recommendations based on the discussion and discuss further at the next DCOC meeting. R. Slawson stated they would outline an overall direction and the specifics would be undertaken by the whole committee to move forward. It was agreed that once it's refined and reviewed then it would be something that the DCOC committee could vote on.

R. Slawson stated that they need to move quickly on how they communicate with the Board of Trustees. He stated that the Board of Trustees makes decisions on bond expenditures and this committee should receive those items in writing to review and make recommendations on those items to the Board of Trustees. Trustee Field responded that all the items the Board votes on are in the Board of Trustees agendas and they are available on-line. This typically occurs once a month. She suggested that if committee members see something that concerns them they could individually send an email to the entire Board prior to the Board meeting, if they don't have an opportunity to convene with the entire committee. Then after the Board meetings there is a detailed summary of all the items. R. Slawson stated they are looking for something more formal that which would relate back to the strategic (facilities master) plans. The purpose is to show on record that the committee has reviewed those items and made a recommendation. He stated they would only want to review items that relate to changes in the overall strategic (facilities master) plan and not day to day operations items.

N. Carson requested DCOC College representatives inform the DCOC of items that arise at their campuses.

Motion by R. Slawson, seconded by E. Axelband to extend meeting fifteen (15) minutes.

APPROVED: 7 Ayes

#### **I. Program Update**

T. Hall distributed a memorandum to the Board of Trustees dated June 29, 2011. T. Hall stated that the general contractor J.D. Diffenbaugh defaulted on contracts due to inability to obtain bonding from the surety, which resulted in a request to the Board of Trustees to authorize to execute takeover agreements for three projects.

T. Hall also distributed a handout entitled "Recent Construction Bid Activity Status March 2011-June 2011." This document shows the projects that were bid and upcoming projects. Todd Cozolino stated that the information reflects the bid activity since the last meeting. T. Hall stated they are in process of revising this report and there will be more information provided on the next report.

Adjournment: There being no objection, the regular meeting was adjourned at 2:09pm.

Next meeting: August 26, 2011, starting at 12:00 p.m.