

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT

Office of the Chancellor

To:	Board of Trustees	Date: November 12, 2013
Re:	Discussion of Community and Student Workforce Project Agreement Negotiations with Los Angeles-Orange County Building and Construction Trades Council/Craft Unions/Carpenters Union	
Action:	Request for Action	

BACKGROUND

After the successful passage of Measure Q for the Santa Ana School Facilities Improvement District in November of 2012, the District sought to move the planned Measure Q renovation, modernization, and construction projects forward in the most expeditious and effective manner. At its meeting of April 1, 2013 the Board authorized the Chancellor to negotiate a Project Labor Agreement (PLA) with the Los Angeles/Orange County Building and Construction Trades Council on behalf of the District. During discussion at the meeting, the agreement was renamed the Community and Student Workforce Project Agreement (CSWPA) and the Carpenters Union was added as a party to the negotiations.

The purpose of the CSWPA is to coordinate and standardize the various contracts and agreements, covering terms and conditions and other items, with the labor and trade unions involved in Measure Q projects. The benefits to the District are to: create job stability by providing a sufficient supply of skilled craft persons; promote the timely completion of projects by guaranteeing no strikes, no lockouts, and no work slowdowns or stoppages; and, ensure project cooperation and harmony by instituting binding and cost effective dispute resolution procedures. The community will benefit from the CSWPA because it provides primary preference to both local workers who live within the District boundaries and secondary preference to those who live outside the District boundaries, but within Orange County. It also creates opportunities for local small businesses to participate in Measure Q projects.

A number of bargaining sessions have been held with the representative of the Los Angeles/Orange County Building and Construction Trades Council. Other sessions will be scheduled. So far, there has been no agreement on the terms of the CSWPA.

ANALYSIS

Earlier in fall of 2013, information was presented to the Chancellor by one of the trustees concerning a challenge brought against a public agency in northern California concerning the discussion of PLA negotiations in closed session. It is a common practice for K-12 districts, community college districts, municipal governments, special utility districts, and other public agencies to discuss PLA negotiations in closed session.

Some recent examples of districts that have discussed PLA negotiations in closed session, include, Southwestern Community College District, Riverside Community College District, San Mateo Community College District, Contra Costa Community College District, Santa Ana Unified School District, Pasadena Unified School District, San Bernardino Unified School District, and San Diego Unified School District, among others. Although almost every public agency that has negotiated a PLA in California has discussed the negotiations in closed session, there has been no definitive case law to determine if it is legal to hold such discussions under the Brown Act. The Chancellor sought a legal opinion on this subject. As a result, at its October 14, 2013 meeting, the Board had a discussion about that legal opinion and gave the Chancellor direction to do two things. The first was to seek an advisory opinion on the Brown Act issue from the State Attorney General. The second was to suspend any discussion of the whole board in regard to the CSWPA negotiations in closed session.

The Chancellor, who is the chief negotiator for the District, will confer with the Board President if there are matters to discuss related to the negotiations. When an agreement is reached on a CSWPA, then that agreement will be presented to the Board for review and approval in open session.

RECOMMENDATION

It is recommended that the Board formally agree to refrain from any discussion of negotiations on the Community and Student Workforce Project Agreement in closed session unless or until more conclusive information is provided to clarify the legality of such discussions in closed session per the Brown Act.

Fiscal Impact:	N/A	Board Date:	November 12, 2013
Prepared by:	Debra Gerard, Executive Assistant to the Chancellor		
Submitted by:	Raúl Rodríguez, Ph.D., Chancellor		
Recommended by:	Raúl Rodríguez, Ph.D., Chancellor		

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT

Board of Trustees (Regular meeting)

Tuesday, November 12, 2013

2323 North Broadway, #107

Santa Ana, CA 92706

District Mission

The mission of the Rancho Santiago Community College District is to provide quality educational programs and services that address the needs of our diverse students and communities.

The mission of Santa Ana College is to be a leader and partner in meeting the intellectual, cultural, technological, and workforce development needs of our diverse community. Santa Ana College provides access and equity in a dynamic learning environment that prepares students for transfer, careers and lifelong intellectual pursuits in a global community.

Santiago Canyon College is an innovative learning community dedicated to intellectual and personal growth. Our purpose is to foster student success and to help students achieve these core outcomes: to learn, to act, to communicate and to think critically. We are committed to maintaining standards of excellence and providing accessible, transferable, and engaging education to a diverse community.

Americans with Disabilities Acts (ADA)

It is the intention of the Rancho Santiago Community College District to comply with the Americans with Disabilities Acts (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance, the Rancho Santiago Community College District will attempt to accommodate you in every reasonable manner. Please contact the executive assistant to the board of trustees at 2323 N. Broadway, Suite 410-2, Santa Ana, California, 714-480-7452, on the Friday prior to the meeting to inform us of your particular needs so that appropriate accommodations may be made.

A G E N D A

1.0 PROCEDURAL MATTERS

4:30 p.m.

1.1 Call to Order

1.2 Pledge of Allegiance to the United States Flag

1.3 Approval of Additions or Corrections to Agenda

Action

1.4 Public Comment

At this time, members of the public have the opportunity to address the board of trustees on any item within the subject matter jurisdiction of the board. Members of the community and employees wishing to address the board of trustees are asked to complete a "Public Comment" form and submit it to the board's executive assistant prior to the start of open session. **Completion of the information on the form is voluntary.** Each speaker may speak up to three minutes; however, the president of the board may, in the exercise of discretion, extend additional time to a speaker if warranted, or expand or limit the number of individuals to be recognized for discussion on a particular matter.

Please note the board cannot take action on any items not on the agenda, with certain exceptions as outlined in the Brown Act. Matters brought before the board that are not on the agenda may, at the board's discretion, be referred to staff or placed on the next agenda for board consideration.

1.5 Approval of Minutes – Regular meeting of October 28, 2013

Action

1.6 Approval of Consent Calendar

Action

Agenda items designated as part of the consent calendar are considered by the board of trustees to either be routine or sufficiently supported by back-up information so that additional discussion is not required. Therefore, there will be no separate discussion on these items before the board votes on them. The board retains the discretion to move any action item listed on the agenda into the Consent Calendar. **The consent calendar vote items will be enacted by one motion and are indicated with an asterisk (*).**

An exception to this procedure may occur if a board member requests a specific item be removed from the consent calendar consideration for separate discussion and a separate vote.

- 6.2 Adoption of Resolution No. 13-41 in Honor of Lorenzo A. Ramirez Action
It is recommended to adopt Resolution No. 13-41 in honor of Lorenzo A. Ramirez.
- 6.3 Adoption of Resolution No. 13-42 to Reaffirm Board Policy 2200 Board Duties and Responsibilities Action
It is recommended to adopt Resolution No. 13-42 to reaffirm BP 2200 Board Duties and Responsibilities.
- 6.4 Review of RSCCD Board of Trustees Self-Evaluation Information
It is recommended the Board of Trustees review the evaluation responses and complete the self-evaluation process for 2013.
- 6.5 Board of Trustees Express Interest in Board Officer Positions Information
The board president shall solicit expressions of interest from board members regarding service as president, vice president, and clerk for 2013-2014.
- 6.6 Discussion of Community and Student Workforce Project Agreement Negotiations with Los Angeles-Orange County Building and Construction Trades Council/Craft Unions/Carpenters Union Action
It is recommended that the board formally agree to refrain from any discussion of negotiations on the Community and Student Workforce Project Agreement in closed session unless or until more conclusive information is provided to clarify the legality of such discussions in closed session per the Brown Act.
- 6.7 Reports from Board Committees Information
• Orange County Community Colleges Legislative Task Force
- 6.8 Board Member Comments Information

RECESS TO CLOSED SESSION

Conducted in accordance with applicable sections of California law. Closed sessions are not open to the public. (RSCCD)

Pursuant to Government Code Section 54957, the Board may adjourn to closed session at any time during the meeting to discuss staff/student personnel matters, negotiations, litigation, and/or the acquisition of land or facilities. (OCDE)

The following item(s) will be discussed in closed session:

1. Public Employment (pursuant to Government Code Section 54957[b][1])
 - a. Full-time Faculty
 - b. Part-time Faculty
 - c. Classified Staff
 - d. Student Workers
 - e. Educational Administrator Appointments
 - (1) Administrative Dean
 - (2) Associate Dean
 - (3) Director
 - (4) Vice President
 - f. Other Educational and Classified Administrators