



## President's Report to the Board of Trustees



September 30, 2017

**Following is a compendium of email reports to the Board for the month of September.  
Copies of confidential communications are available on request.**

1. Attorney Sean Absher's initial report is [attached](#). My initial reactions to the two issues are as follows. As to a permanent moratorium on putting solar on the West Parcel, while I do not like this on principle, in reality it is very unlikely that a future Board of Trustees would choose to put solar on the site. AND they are not asking for a limitation on anything else we would put there--even in the near future? On approving the grading plans through the Planning Commission--no way! If they are open to over the counter vis 53097, that is our optimum position. If the settlement is "no solar ever" and "over the counter plan approvals" then that's enough in my opinion. 9/29/17
2. I met with David Hall, Rosanne Bader, and Jay Chen this morning. The major points from that discussion are [attached](#). 9/29/17
3. It appears that the Walnut City Council gave direction to Attorney Barbara Leibold that makes substantive progress toward a settlement. We will know more tomorrow afternoon when the three lawyers meet. An update from Attorney Sean Absher is [attached](#). 9/28/17
4. The link I sent you is not the web page that is linked to our Trustee web site. The web page with the current trustee information is: [www.mtsac.edu/maps/districtmap.html](http://www.mtsac.edu/maps/districtmap.html). The old page was still live but not linked to our Mt. SAC web site. It is being taken down. 9/26/17
5. Carol and Brigitte just completed the postcard notification to registered voters of our District notifying them of our change in election dates in coordination with the LA Registrar-Recorder, She thought you might find this information helpful. I agree! 9/25/17
  - Total District registered voters: 381,285
  - Trustee Area #1: 61,855
  - Trustee Area #2: 64,408
  - Trustee Area #3: 49,293
  - Trustee Area #4: 52,194
  - Trustee Area #5: 53,072
  - Trustee Area #6: 52,986
  - Trustee Area #7: 47,477
6. Mt. SAC has not received the Letter of Completion (promised no later than today by Rob Wishner) regarding the City of Walnut's analysis of our application to move dirt from the stadium area to the West Parcel. However....

Walnut City Attorney Barbara Leibold has reached out to Sean Absher ([attached](#)) to convey that she will be in closed session with the City Council this coming Wednesday 9/27 to discuss the issue and consider further mediation. Sean suspects that she recognizes the considerable concession by Mt. SAC to forego the solar project and will express a legal opinion that it is better for the City Council to settle the pending PEP actions and anticipated solar action by allowing dirt moving on the West Parcel. Ms. Leibold indicates, "If dirt to the west parcel is off the table for the City, I will notify you of that point."

Attorney Sean Absher's recommendations are available on request. 9/22/17

7. [Attached](#) is the article in the San Gabriel Tribune triggered by legal action this week by the City of Walnut. I explained to Steve Scauzillo that this legal action was AMENDING the existing lawsuit in response to the Board of Trustees approving the SUPPLEMENTAL Environmental Impact Report based on the EIR approved last year. These subtleties were obviously beyond his comprehension--or at least beyond what he was willing to write. That said, overall it is a more balanced piece than he has written before. Given where we stand in settlement negotiations, I'm not sure if this helps or hinders. 9/22/17
8. CSEA 262 ratification vote results are good news. Lee Jones, VP of CSEA 262, writes: "Please be advised that the tentative agreements which amended our CBA were ratified by CSEA 262 unit members on Wednesday 9/20/2017. The MOU for Public Safety and Discipline was also ratified." 9/22/17
9. Trustee Jay Chen asked, "Please provide some explanation of this 90,000-140,000 cubic yards that's in addition to the 140,000 designated for west parcel? Seems like we're jumping into the middle of a conversation that I am not up to speed on." Response provided:

This dirt moving is related to our parking plan. We are proposing that the first two parking structures be on Lot R and Lot S. Both are south of Temple so should not draw UTW opposition. Lot R is just to the west of the stadium and Lot S is on the northwest corner of Temple and Bonita. See the map below. I have attached the schematic drawings for [Parking Structure R](#) and [Parking Structure S](#). Lot R will have 693 spaces and will be two levels. Lot S will have 870 spaces and be three levels--but less than 35 feet tall to avoid City code problems. A year ago the two pieces of Lot R had 700 spaces but we have lost much to construction. Lot S now has only 268 spaces. The parking and circulation EIR is almost done and should be to the Board in October or so. These two parking lots will be the first that we build with the next facilities bond--hopefully in November 2018. The lots will be done in time for the Olympic Trials. 9/20/17



10. As Bill Lambert reports ([attached](#)), our faculty and staff have generously donated over \$10,000 to the Mt. SAC Foundation to provide emergency funds to enable DACA students to be assured that they have the financial recourses to pay the \$495 fee to renew their DACA status. This effort is particularly timely in that renewals are due no later than October 5th. 9/20/17
11. At the attorney level, communication continues on a settlement. UTW is reportedly talking to City of Walnut. Hold your breath. Attorney Sean Absher reports, "Craig Sherman called me this afternoon and I expect to hear back tomorrow whether the City will put West Parcel Grading on the settlement table so that we can get back with Judge Letteau for what hopefully would be a concluding mediation session." 9/19/17
12. Trustee David Hall asked, "When will our analysis of the Irwindale option that Pacheco is pushing be completed? We need that soon." Response from Gary Nellesen:  
After our call this afternoon, we feel confident that the earth export of 90,000 to 140,000 additional cubic yards of earth from the PEP site can be achieved without new significant environmental impacts. A limited review will be necessary, with Board of Trustees consideration in November. This export quantity is related to the proposed lot R parking structure, and will be in addition to the 140,000 CY planned for export to the west parcel. Should a settlement with the city and UWT be accomplished soon, the college will have two options for export this year, with the second move the following year. We do not recommend attempting to move both volumes concurrently. Should we continue with litigation, we will need more specific direction and legal advice before beginning either export effort. 9/18/17
13. Relationships work! Thanks to Trustee Jay Chen--DACA students will get much needed legal assistance. See the [attached email exchange](#) between Elmer Rodriguez, Dream Program Coordinator, and Regina Bory, Director of Operations/Human Resources, Law Offices of Scott Warmuth. 9/18/17
14. Attorney Sean Absher has sent the [attached email](#) to the attorneys for the City of Walnut and United Walnut Taxpayers with the proposed settlement agreement ([attached](#)) containing the terms we discussed in closed session. 9/17/17
15. Jill has provided the [attached summary](#) of last night's meeting of the City of Walnut's Mt. SAC Task Force. 9/14/17
16. Chancellor Oakley has distributed a memo to the field ([attached](#)) describing additional financial support being made available to California DACA students. 9/14/17
17. Responses to questions raised by constituent group leaders on tonight's Board Agenda are [attached](#). 9/13/17
18. We have received the [attached](#) Notice of Commencement of Action from the City of Walnut. Attorney Sean Absher's analysis is available on request. 9/13/17

19. The [attached](#) message was distributed to all on campus this morning. The specific call for financial support for DACA student costs to renew their status before October 5th has already resulted in several gifts, my own included. In addition, Cabinet discussed recommitting to the Presidents Statement of last fall. With the inspired writing of VP Audrey Yamagata-Noji, the updated statement ([attached](#)) will be presented to you this evening as part of the President's Report. I look forward to your input. 9/13/17
20. The United Walnut Taxpayers provided a list of settlement demands at the mediation on Friday. Copies are available on request. Please keep this confidential. This information may be of assistance in our closed session discussion today. 9/13/17
21. If you have not read the Fall 2017 edition of Board Focus ([attached](#)), I would encourage you to do so. Topics discussed are the Trustee's role in Guided Pathways, in Campus Safety, and in Emergency Response. In addition, our own Judy Chen-Haggerty is featured as a CCLC-endorsed candidate for the ACCT Diversity Committee. 9/13/17
22. In our ongoing efforts to have LA County make improvements on Temple between Mt. SAC and Cal Poly, we struggled with which supervisorial district contained this strip of land. Carol (The Sleuth) Nelson has now determined ([attached](#)) that this strip is part of West Pomona Islands and is in Area 5 (Kathryn Barger). Now the advocacy can be appropriately focused.
23. Sean Absher has prepared a summary of actual pending legal action and an estimate of likely future legal maneuvers. Copies are available upon request. This memo was requested to support the work our team will do in preparing for mediation on Friday. 9/7/14
24. Gary and his team have prepared the [attached](#) analysis of alternatives to the West Parcel location of the solar field. With this information and the items previously provided, I believe all the available information requested by the Board have been provided. We can discuss any unresolved issues about the available information when we meet on Thursday. 9/5/17
25. Attorney Sean Absher has provided additional information related to this Friday's mediation. Copies are available upon request. 9/5/17