

FIRST 5 LA

SUMMARY ACTION MINUTES
Commission Meeting
December 15, 2011

COMMISSIONERS PRESENT:

Commissioners:

Nancy Au
Jane Boeckmann
Jonathan Fielding [Vice Chair]
Neal Kaufman
Alma Martinez
Marvin (Marv) Southard
Antronette Yancey
Zev Yaroslavsky [Chair]

Ex-Officio Commissioners:

Patricia (Trisha) Curry
Duane Dennis
Deanne Tilton

STAFF PRESENT:

Craig Steele, Interim Chief Executive Officer
Yolanda Bosch, Chief Administrative Officer
Antonio Gallardo, Chief Program Officer
Tracey Hause, Director of Finance
Elizabeth Iida, Director of Program Development
Maggie Martinez, Director of Human Resources
Maria Romero, Executive Assistant

LEGAL COUNSEL:

Craig Steele, Attorney-at-Law

CALL TO ORDER / ROLL CALL:

1. Supervisor Zev Yaroslavsky called the meeting to order at 2:09 pm. Quorum was present.
2. Introduction of New Ex-Officio Commissioner

Interim CEO Steele announced that Commissioner Harriette Williams has taken an extended medical leave. In the time that Commissioner Williams is recuperating, Patricia Curry is going to serve as the ex-officio member of the Commission on behalf of the Los Angeles County Commission for Children and Families. A couple of get well cards addressed to Commissioner Williams were circulated for Commissioners to sign.

Commissioner Curry was welcomed by the Commissioners. Interim CEO Steele commented that he looked forward to working with her.

Supervisor Yaroslavsky announced and welcomed the appointment of Craig Steele as Interim Chief Executive Officer. He thanked Interim CEO Steele for his willingness to accept the appointment in addition to his other responsibilities with Richards, Watson & Gershon.

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3. Election of the Commission Chair

Nominations were opened for the position of Commission Chair. Supervisor Zev Yaroslavsky was nominated by Commissioner Jonathan Fielding. There were no other nominations.

**M/S (Jonathan Fielding / Neal Kaufman)
UNANIMOUSLY APPROVED AS RECOMMENDED**

4. Election of the Commission Vice Chair

Nominations were opened for the position of Commission Vice Chair. Commissioner Jonathan Fielding was nominated by Commissioner Jane Boeckmann. There were no other nominations.

**M/S (Jane Boeckmann / Alma Martinez)
UNANIMOUSLY APPROVED AS RECOMMENDED**

Upon the election of the Vice Chair, Chair Yaroslavsky thanked his colleague and predecessor, Supervisor Antonovich. The past year was not an easy year for First 5 LA. He and everyone else came through very well and worked hard for this organization. Chair Yaroslavsky publicly acknowledged Supervisor Antonovich and his staff for their work.

Secondly, Chair Yaroslavsky acknowledged the members of the Commission because the Commission stepped up and did some very difficult things over the last year. The Commission took a position to move forward and, from his prior experience on the Commission, he knows how difficult this can be. Frankly speaking, Chair Yaroslavsky stated that he watched from not too far away what was going on, obviously having an interest in what was going on since he was stepping into the leadership of the Commission. Chair Yaroslavsky stated that he was proud of each and every one of the Commissioners for dealing with the issues they had to deal with and for resolving differences. He said that this was not to be taken for granted and it also had not gone unnoticed.

Chair Yaroslavsky commented the Commission was entering into a new era and made a few comments tone-wise about what he hoped would be the experience going forward not only this year but in the future years. This Commission is committed to first and foremost, focusing on the interests of the kids who are the Commission's responsibility—the kids who are zero to five. This has been the primary and exclusive focus of this agency and it has to continue to be the focus of this agency. The Commission has to do this with transparency, with integrity, with openness, with respect for differences of opinion, and for differences of opinion to not be discouraged either at the Commission level or at the staff level. Chair Yaroslavsky commented that he encouraged it and once a decision is made, everyone was march together to execute that decision.

Chair Yaroslavsky stated that he expected every member of the staff, from top to bottom, not to be intimidated or dissuaded from speaking their minds in a constructive way toward the goal of serving kids. Chair Yaroslavsky stated that no

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one should be punished for speaking their minds and making constructive suggestions for what needs to be done. The Interim CEO will encourage this type of interaction and when the permanent CEO is found, this will be one of the criterions and characteristic that will be sought.

Chair Yaroslavsky commented that First 5 LA needed to be both literally and figuratively an open organization where people can feel free to give and take. He said that he wanted the staff to hear this loud and clear. Furthermore, Chair Yaroslavsky said there have been some concerns at the staff level in terms of the direction the Commission was going to take with the Board of Supervisors motion of a few weeks back. His expectation was that the Board of Supervisors would approve a set of guidelines and recommendations that largely mirror, if not entirely, the Rose audit recommendations.

Chair Yaroslavsky did not anticipate that the County will take over the agency. He said that he did not support this position and also had a sense that there was not any support for it, at all, from the Board of Supervisors. Chair Yaroslavsky stated that the Board of Supervisors was interested in basically what he had just articulated—this organization is to operate in a more conventional fashion than it has in the past as far as its relationship between staff and the Board and amongst staff. He did not think that there would be a revolution in terms of the County side of things because the work that has been done at First 5 LA and the actions that the Commission has taken has inspired a belief that this organization can move forward and that it is going to adopt all or most of the recommendations contained in the Rose audit report. Chair Yaroslavsky said he believed this was a good outcome.

Chair Yaroslavsky said that he wanted to put everyone's mind at ease. No one was moving to another organizational payroll or have their professional life be turned upside down. The other side is that this is a very well paid staff and the expectation is that every member of the staff would be working their derrières off to do what needed to be done and to work collaboratively with each other, with the CEO and with the Commission. To extent that staff did this, they would have a long life at First 5 LA. To the extent that staff did not do this, then such staff did not belong at First 5 LA. This is a new day where First 5 LA is starting from scratch. Everybody is going to be judged on their merits, on their work performance, and on all the characteristics that are good of an employee. Staff will make their own bed and will go from there. Chair Yaroslavsky said that there were a lot of competent people on staff and he wanted to liberate staff to do what staff came here to do in the first place. He hoped this would be the case.

Lastly, Chair Yaroslavsky said one of the items to be discussed in closed session after the conclusion of the open session is the search process for a new Executive Director. The search will be broad with no limitations in terms of geography. The search will be national to find the best person for the job. Chair Yaroslavsky said he had not doubt that the Commission would find a pool of people who were top notch to pick from. This is a choice job and it is an organization with a lot of potential.

Regarding transparency, Chair Yaroslavsky said it was critical for the Commission to have enough information upon which to make informed decisions. One of the things that the Rose audit report showed was that there was a gap between what

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the Commission knew and what they should have known. For a Commission of this type, which meets once a month, to make an informed decision, it has to have more information, not less information upon to make informed decisions—especially this Commission which is made up of extremely talented, intelligent and experienced people in their own fields. These are people who do this sort of thing in their own jobs for a living. The Commission needs to be sure that financial information and contract information is not only made known to Commissioners but also to the public. It is the public who is represented on the Commission as Commissioners are agents of the public. Chair Yaroslavsky said that he wanted to ensure that there was a process in place going forward. First 5 LA should operate on process and not on whim or perceived whim as sometimes decisions are made by people because they think certain people want certain things.

First 5 LA needs to be a process-oriented organization that protects everybody's right to have a seat at the table, every RFP is viewed objectively and comprehensively, and that everyone who comes to the Commission for funding gets a fair shake. Although not everybody is going to get what they want but at least, they would get a fair shake. This is part of the transparency objective that the Commission needs to achieve. This will be set up in a way that it will last beyond his term as Chairman and every member of this Commission. The organizational culture to be created will be one that has honesty, integrity, transparency and merit associated with it. Fortunately, as a result of the Commission's decision to bring in Harvey Rose Associates, the Commission has the time to do this. The Commission has positioned itself in a very good way to make the turn that has to be made.

Chair Yaroslavsky stated that he wanted to be accessible to anybody in the staff, public and Commissioners. He said that he had an email address and did read all his emails. Chair Yaroslavsky encouraged all to email him directly. He also said that his Child Welfare Deputy, Lisa Mandel, was equally accessible. He asked that the access not be abused but asked that no one hesitate to let him or Lisa know anything they needed to know. Chair Yaroslavsky also cautioned for anyone to be discouraged from reaching out to him.

Chair Yaroslavsky also announced that Commissioner Angie Stockwell has retired from the Commission. He thanked Commissioner Stockwell, in absentia, for her service to the Commission for the past five years. The LACOE Superintendent is preparing to nominate a replacement for Commissioner Stockwell to the Board of Supervisors. Hopefully, the new appointee will be on board for the January Commission Meeting.

CONSENT CALENDAR: (Items 5-7)

5. Approval of Closed Session Meeting Minutes – Wednesday, November 16, 2011

Commissioner Yancey stated that she was not in attendance at the meeting. The minutes will be amended to show her correct attendance.

**M/S (Marv Southard / Alma Martinez)
UNANIMOUSLY APPROVED AS AMENDED**

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6. Approval of the Monthly Financial Statements for the Month Ending October 31, 2011

Director Hause reported that staff has historically provided monthly financial reports for the Commission's approval. In an effort to ensure transparency of the financial status of the Commission, more detailed financial information is being provided for the month ending October 31, 2011. Additional schedules outline expenditures in the programmatic activities. For an additional level of oversight, bank registers show all the checks that have been processed by the Commission for the months of October and November, 2011. These bank registers will be added to the monthly financial reporting information and will be presented at each Commission meeting. Staff is continuing to enhance the report for easier cross referencing to the monthly financial reports. As a result, the Commission will see these reports continuing to evolve in future months. Information related to the quarterly investment activities for the month ending October 31, 2011 is also provided. A similar update will be included in the future on a quarterly basis.

Commissioner Dennis asked if the \$1.3 billion allocation was over the term of the strategic plan. Director Hause responded that the \$1.3 billion allocation was since the inception of the Commission.

Commissioner Martinez asked if adjustments were made based on the recommendations by the Rose audit report with respect to reporting the fund balance on a monthly or quarterly basis. Director Hause said that currently, information was presented on a cash basis, which is how it has been done historically. She also said that she was in the process of taking the recommendations from the Harvey Rose audit report and coming up with recommendations for implementation to both the Chief Administrative Officer (CAO) and the Interim CEO; and anticipated feedback within the next month or two. Director Hause said it was important to point out that if the Commission was to move forward with a straight accrual basis as recommended by the Harvey Rose audit, additional resources would be required. She recommended that discussions initially take place with the CAO and Interim CEO as far as implementation of the recommendations.

Commissioner Martinez stated that when Director Hause reached the point where a new system would be developed, she asked that it be part of the monthly financial presentation. Director Hause responded that she would be working on these changes within the next few weeks and would have recommendations on revised policies in those areas to the CAO and Interim CEO by December 30, 2011.

Commissioner Au asked if it would be possible to contextualize the financial report in a way that could be quickly seen where the Commission is in terms of implementing those recommendations made by the Harvey Rose audit report. Specifically, Commissioner Au asked for a status report.

Interim CEO Steele said that at the January Commission Meeting, a number of policies for adoption and amendment would be presented. Some of the policies are existent and are the first steps in implementing the Rose audit report recommendations. There will be a number of items for consideration. In addition to

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this, there will be a spreadsheet that staff has created listing every one of the Rose audit report recommendations, the Commission recommendation for implementing those new policies, and the timeline. It may take the Commission a couple of months to get through all of the items but a timeline will be provided in January to show what is the plan to get there.

M/S (Nancy Au/ Marv Southard / Alma Martinez) UNANIMOUSLY APPROVED AS RECOMMENDED

7. Approve New Contracts and Proposed Amendments for Existing Contracts and Grant Agreements in Support of Initiatives Approved as Part of the FY 2011-12 Programmatic Budget for the Period of December 1, 2011 to December 31, 2011 and Authorize Staff to Complete Final Contract Execution Upon Approval from the Board

CPO Gallardo reported that as part of the monthly practice that was started in November, for Item 7, there is a list of new contracts for execution and existing contracts and grant agreements for amendment that staff is seeking Commission approval to execute. Information about all of the contracts and grant agreements including the scope of work and budgets is available to the Commission and public and can be easily accessed on the website.

Chair Yaroslavsky asked how many contracts needed approval. Staff responded that there were 12 contracts for approval. Of the programmatic contracts, Chair Yaroslavsky asked if the contracts were all within the established categorical budget approved by the Commission. He also asked how many were new contracts and how many were renewals. CPO Gallardo referred Chair Yaroslavsky to the tables provided in the meeting packet.

Commissioner Martinez asked for clarification on how contract award information was presented. She also said that she previously raised concerns about the hospitals being funded by the Commission that were not receptive to the County when asked to do contracts for indigent care. Commissioner Martinez did not recall what the answer was for this issue and asked for this information again. CPO Gallardo said that he could not remember what the answer was to her concern but would be happy to follow up. Commissioner Martinez commented that perhaps Commission funding could be used to leverage participation by these hospitals in indigent care work. She asked that this be considered when awarding Commission funding to hospitals.

Interim CEO Steele recalled this issue being addressed at a roundtable meeting. He said that the minutes of those meetings would be reviewed and then an answer would be provided to Commissioner Martinez.

Commissioner Kaufman asked if the Baby Friendly Hospitals would be sunseting in July and would no longer receive funding unless something different was done given the three-year relationship. Commissioner Kaufman said that there has been a past sunseting policy where the Commission assesses the work that has been done by the grantee.

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Director Iida reminded Commissioner Kaufman that there are three, three-year funding cycles and this was the end of the first funding cycle.

In referencing the tables provided, Commissioner Kaufman said it would be helpful to have another column with the expected end date for the entire relationship with the grantee such as “Board Approval Until Date.”

Vice Chair Fielding said that the funding to hospitals should be time limited as the intent of the funding was for hospitals to become baby friendly.

Commissioner Au said her understanding was that the Baby Friendly Hospital Project was to assist hospitals in becoming baby friendly hospitals by providing them with additional resources for these hospitals to then apply for baby friendly status. Imbedded in this understanding was that these hospitals would continue to maintain the baby friendly status but the Commission’s investment was to help the hospitals begin to move toward this outcome. Regarding the Commission’s continual support, she believed there was a sunset period. If the hospitals did not achieve the baby friendly status within a particular frame of time, the support of the Commission would no longer continue. She said that this was not an open ended form of support. Director Iida commented the original allocation was for \$10.5 million over a five-year period beginning in 2009. Each of the hospitals would need to achieve baby friendly status within three years.

Commissioner Kaufman commented that this is the second year of funding for a three-year cycle. He asked if the Commission should expect an evaluation even if it was a one-year evaluation prior to approving continued funding.

Interim CEO Steele said that the evaluation process comes at different points in each contract and in each initiative. What can be attempted to be done is to provide the progress reports in conjunction with the information posted on the website, just recognizing that there will be progress reports at different stages for different kinds of programs. The scope of work, budget and contract are all available on the website as the Commission requested for each one of the individual contracts. A current progress report can be added if this would be helpful.

Vice Chair Fielding said the type of information needed at the Commission level was exception reports of those grantees that are not meeting milestones and accomplishments expected at certain times. Interim CEO Steele said that he would have a discussion with staff and come up with recommendations.

**M/S (Nancy Au/ Marv Southard)
UNANIMOUSLY APPROVED AS RECOMMENDED**

COMMISSION: (Items 8 – 14)

8. Interim Chief Executive Officer’s Report

Interim CEO Steele apologized for the problem with the meeting audio.

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In addition to the written report, the following items were highlighted.

- **New Report Format:** Staff contacts are now being included for each item in the CEO Report in case Commissioners have any questions on the information being provided. Interim CEO Steele encouraged Commissioners to contact staff with any questions.
- **AB 99 Lawsuit Ruling:** A favorable ruling was issued by Judge Kasanjian in favor of the First 5 Commissions regarding the legality of AB 99. The ruling invalidated AB 99 which called for the take away of First 5 funds by the state. The Counties have all voluntarily agreed to dismiss all other causes of action that were not ruled upon by Judge Kasanjian. These were causes of action that were in the complaint to deal with the possibility that the ruling would be in part unfavorable to the County Commissions. Based on the ruling, these causes of action were dismissed without prejudice. These causes of action can also be filed again the future should the need arise. The final ruling will be filed prior to Christmas at which time, the 60-day time period for filing an appeal begins for the state. There is no indication from the Attorney General that the state will be appealing the ruling.
- **Website Upgrade:** Interim CEO Steele commented that the website will be upgraded to provide more information to the public. In the coming month, each item on the agenda will become linkable and clickable with the corresponding staff report and documentation. Also, agendas and minutes will be archived in a manner that is more readily accessible to the public on the website.

Interim CEO Steele commented that in the current period of transition, the staff from top to bottom has handled this transition with grace, professionalism and good humor. Referencing baseball, staff has really kept their eyes on the ball. Staff is working hard to do the good work of the Commission and this will be more visible as time goes by.

Commissioner Kaufman asked if the state could still take the money away with a two-thirds vote of the legislature, if done correctly. Interim CEO Steele stated that the judge ruled that the redirection of funds generated from Proposition 10 for purposes of the legislature designated required vote. The judge did not say specifically that the legislature can never redirect these funds without voter approval. However, what Judge Kasanjian did say was that the legislature's argument for the purpose of these funds was disingenuous.

Commissioner Martinez also commented that funding opportunities should be highlighted on the website as it current difficult to find them.

9. Announcements by the Commission Chair

Chair Yaroslavsky suggested reinstituting standing committee of the Commission— (1) the Operations Committee, and (2) an Audit Committee.

Commissioner Dennis asked if the Operations Committee would be in lieu of the existing Executive Committee or in addition to. Chair Yaroslavsky commented that

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based on what he has gleaned from individuals who have served over the last four years, the Executive Committee has operated as the Operations Committee. His understanding is that the existing committee is an ad hoc committee. He felt that there should be a standing committee subject to the Brown Act. Whether it is called an Operations Committee or an Executive Committee makes no difference. Having a standing committee of the Commission to delve into issues with more detail would be useful for the whole Commission. This will be a working committee.

Commissioner Yancey drew attention to the autism reporting of the LA Times. She reminded Commissioners that the Commission had an autism project which she hoped to hear back about in the new year. The LA Times report highlighted the issues that the Commission had brought forward through the staff report concerning the disparity of funding for services.

Chair Yaroslavsky commented that the LA Times reported on the economic inequities that are generally in society which manifest themselves in health care in general and in autism, in particular. In his supervisorial district, there are great agencies providing care for autistic kids who have a tremendous amount of charitable support from the community in addition to whatever government funding is available. Not every community has this kind of charitable infrastructure or resources. The LA Times report was quite powerful.

In response to Commissioner Yancey's comments, Interim CEO Steele commented that staff was taking notes on the points made by her and that the report on the autism project would be on the agenda for the February Commission Meeting.

Vice Chair Fielding suggested having focus groups to obtain input for the redesign of the website. He felt it would be useful to have a cross-section of the users on the focus groups—contractors, grantees, parents, etc.

Commissioner Tilton suggested that in addition to the Executive Committee, other standing committees could be reinstated such as the Public Affairs Committee.

Chair Yaroslavsky commented that the standing committees of the Commission would be the Executive Committee, Audit Committee, and Program & Planning Committee.

Chair Yaroslavsky asked Interim CEO Steele to prepare a staff report for discussion at the January Meeting regarding the necessary amendments to the bylaws to establish these standing committees.

10. Authorize Staff to Issue an RFQ for an Executive Search Firm to Conduct a National Search to Fill the Chief Executive Officer Position at First 5 LA

HR Director Martinez reported that following the resignation of the former CEO, staff is seeking authorization to issue an RFQ for an executive placement firm to assist the Commission in a national search for a Chief Executive Officer. With Commission approval, the RFQ will be structured in such a way as to identify agencies that have substantial experience in doing executive placements for non-profit organizations, public entities and also foundations, whether public or private.

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A process for moving forward will be discussed in a closed session. Upon approval, the RFQ document will be completed and shared with Commissioners.

Chair Yaroslavsky asked for the criteria that the Commission was seeking in the search firm. HR Director Martinez responded that preliminarily, the Commission was looking specifically for firms that have substantial experience in placing CEO positions for either public entities, non-profit organizations and also foundations.

Commissioner Martinez asked if a focus would be placed upon search firms that offered diversity candidates. HR Director Martinez said this would be one of the criteria that would be clearly outlined in the RFQ.

Commissioner Au asked if there was going to be a process by which the Commission could ascertain, specifically, what kind of person it would be interested in having as candidates. She asked if there would be an input process.

Chair Yaroslavsky commented that such process would be discussed during the closed session.

Chair Yaroslavsky stated that any input that needed to be provided for the RFQ after the closed session would be funneled through Interim CEO Steele to be incorporated into the RFQ.

Commissioner Martinez asked if there will be an allocation for this RFQ. Interim CEO Steele responded that typically search firms charges are based on a percentage of position salary. The budget allocation for this RFQ would be coming forward to the Commission in February.

Chair Yaroslavsky commented that it would be well less than \$100,000. The County is currently undergoing several searches and the average search costs between \$25,000 and \$50,000. In this particular case, the selection should be the best that can be attained and the search firm should be able to cast a wide net and be sensitive to issues such as diversity and experience.

Commissioner Kaufman asked about a timeline for the search. Chair Yaroslavsky said that he had a suggestion regarding the timeline that would be discussed in the closed session. He further said that after hearing feedback from Commissioners, he would be making the executive decision.

Interim CEO Steele said that the approval of the RFQ was a decision that the Commission needed to make in open session. The process would be discussed in the closed sessions.

M/S (Jonathan Fielding/ Marv Southard) UNANIMOUSLY APPROVED AS RECOMMENDED

11. Approve Execution of Contract with the County of Los Angeles Department of Public Health for the Access to Substance Abuse Services for High Risk Parents and Caregivers Project in the Total Amount of \$1,852,778 for FY 2011-12

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NOTE: Due to a conflict of interest, Vice Chair Fielding recused himself from participating in the discussion and vote of this item.

Director Iida reported that staff was seeking approval to execute a contract with the County of Los Angeles Department of Public Health in the amount of \$1.8 million for FY 2011-12 to initiate the implementation of the access to substance abuse services for the High Risk Parents and Caregivers Project. The project amount estimated to implement activities associated with the first year of this project was well within the \$15 million, three-year budget approved by the Commission. The amount requested added \$1.3 million to the \$500,000 approved by the Commission at the September 8, 2011 Commission Meeting as part of the Commissioners FY 2011-12 programmatic budget. Project staff from the Department of Public Health as well as from First 5 LA has worked together in determining what work can actually be done during the first year of the project.

Commissioner Kaufman expressed his support for this project. He asked if staff could speak to the Department of Public Health about whether they would be using internet-based counseling programs for substance abuse. There are some programs in existence and given the age of the target population, this may be something worth looking into.

Commissioner Yancey spoke on the balance of issues that the Commission is seemingly doing a good job of addressing health issues. She asked that for a future meeting, the balance between health and education investments be further discussed.

Commissioner Dennis commented that as screenings for substance abuse are conducted through the project, that early childhood settings not be forgotten. These settings are venues through which children as well as parents can be identified who may need services.

Commissioner Tilton commented that the Commission needs to focus on the treatment of these families. She agreed with Commissioner Yancey in looking at the balance of investments and resources between health and early education investments.

Commissioner Au commented that there needs to be a comprehensive approach and that a silo approach is not created. She asked if on the County level, was there a mechanism for the Department of Public Health to be working in coordination and in alliance with the work of the Department of Mental Health because substance abuse is something that permeates a lot of these issues not only in the child abuse arena but also in homelessness area as well. Commissioner Southard said is why this proposal was developed—due to the long standing partnership between both County departments, specifically in substance abuse issues.

**M/S (Nancy Au / Marv Southard)
UNANIMOUSLY APPROVED AS RECOMMENDED**

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12. Approve Agreement with Richards, Watson & Gershon to Provide Legal Services and Interim CEO Services Effective December 1, 2011

Chair Yaroslavsky asked that this item be continued to the January Commission Meeting due to a logistical administration issue.

13. Public Comment for Items Not on the Agenda

Ruth Schwartz, Shelter Partnership

Commissioner Yancey reminded the Commission about the recently adopted Activity Break Policy and mentioned that all meetings longer than one hour in duration are to have an activity break.

14. Adjourn to Closed Session

Public Employee Appointment Pursuant to Government Code Section 54957
Position: Chief Executive Officer

The Commission adjourned to a Closed Session at 3:16 pm.

ADJOURNMENT:

The next regularly scheduled Commission meeting will be on:

January 12, 2012 at 1:30 pm
First 5 LA
Multi-Purpose Room
750 N. Alameda Street
Los Angeles, CA 90012

Meeting minutes were recorded by Maria Romero.