



November 13, 2014

The Honorable Glenda Sanders
Presiding Judge of the Superior Court
700 Civic Drive West
Santa Ana, CA 92701

RE: Supplemental Response to Grand Jury Report on Community College Trustees – Recommendation #4

The Honorable Glenda Sanders:

We received today from Mindy Mahal with the 2014-2015 Orange County Grand Jury a fax indicating that our initial response to the Grand Jury's report from last year titled "Community College Trustees: Responsibilities, Compensation, and Transparency." Please excuse our oversight; we had no intent or desire to not respond to Recommendation #4 and we do so now. We appreciate having this matter called to our attention.

Recommendation #4 reads as follows:

R4. The district board should develop a policy for the rotational selection of officers of the board. (F.1., F.3., F.6., F.8., F.9.)

The District responds to recommendation 4 as follows:

Education Code section 72000 (c)(2)(C) provides as follows:

(c) Meetings of the governing board shall be held as follows:

(2)(C) At the annual meeting, the governing board of the community college district shall organize by **electing** a president, from its members, and a secretary. (Emphasis added.)

Thus, the Education Code requires that community college districts, at their annual meeting, elect a president, and no alternative method of selection is authorized.

Consistent with Education Code section 72000(c)(2)(C), the District's Governing Board has adopted Board Bylaw 105 which provides in pertinent part as follows: "The board shall organize by electing from among its members a president, a vice president, and a clerk." In the South Orange County Community College District the Chancellor also serves as the secretary to the Board. As a result, the Board elects a clerk in lieu of a position entitled "secretary" in order to avoid confusion.

As authorized by Penal Code section 933.05(b)(4), this recommendation will not be implemented because it is not warranted or reasonable. The recommendation is contrary to State law, i.e., Education Code section 72000(c)(2)(C).

If you have any further questions or concerns, please do not hesitate to contact the undersigned, or the District's Chancellor, Mr. Gary Poertner.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T.J. Prendergast', written in a cursive style.

T.J. Prendergast, President
South Orange County Community College District
Governing Board

cc: Ms. Mindy Mahal – 2014-2015 Orange County Grand Jury
Mr. Gary Poertner, Chancellor, SOCCCD