



Trustees  
Mary Hornbuckle  
David Grant  
Lorraine Prinsky, Ph.D.  
Jerry Patterson  
Jim Moreno

Student Trustee  
Alex Parkin

Chancellor  
Andrew Jones, Ed.D.

August 7, 2014

The Honorable Glenda Sanders  
Presiding Judge  
Orange County Superior Court  
700 Civic Center Drive  
Santa Ana, California 92701

Re: Response of Coast Community College District to Grand Jury Report

Dear Judge Sanders:

This letter represents the Response of the Board of Trustees and of the Chancellor of Coast Community College District ("Coast District") to the Report issued by the Orange County Grand Jury titled "Community College Trustees: Responsibilities, Compensation, and Transparency" ("Report").

I.

### **INTRODUCTORY COMMENTS**

Prior to discussing our responses to the specific Findings and Recommendations that are set forth in the Report, we have some overall comments and concerns about the Report.

Our general reaction to the Report is that while we welcome transparency of District and Board of Trustees affairs, the Report, in large part, appears to be misleading, mean-spirited, and most importantly, detracting from the outstanding educational services that Coast District provides to the community.

We also point out that Rancho Santiago Community College District was intentionally not included in the Report. This frankly is somewhat astonishing when considering that the Rancho Santiago District has over a quarter of the population served by Orange County's four community college districts. So, at best, the Report is only a partial report, covering only 75% of the districts in the County.

Additionally, many of the issues discussed in the Report may apply only to one district or one trustee, yet are lumped together as if all districts and trustees were the same.

In terms of methodology, we also are troubled by the fact that no current Coast Trustees were interviewed by the Grand Jury. Indeed, had current Coast Trustees been interviewed by the Grand Jury, it would have been revealed that Coast Trustees are responsible individuals who are dedicated to serving their community and their constituents.

And the implication that Coast Trustees work “10 or fewer hours per week on college business” is disingenuous. The Grand Jury apparently arrived at this misleading conclusion by excluding many activities that Coast Trustees do at home, on the campuses, and in their office, seemingly only allowing the actual meeting times to count toward the “hours worked.” Not only do Coast Trustees regularly participate in Board, committee, and other formal meetings, and take time to read documents to prepare for these meetings, they also meet with constituency groups and members of the public, and attend various events throughout the District. Furthermore, because the Coast District consists of three Colleges, much of the work of the Trustees concerns “District business,” not directly “college business” as the Grand Jury erroneously suggests. In any event, we believe that Coast Trustees work on District business a minimum of 20 hours per week, and usually more.

With regards to travel expenses for attending conferences, Coast Trustees necessarily keep informed of new laws and best practices by their attendance at community college conferences and workshops. The Report is inaccurate with respect to its conclusions on trustee travel because the Grand Jury’s timeline dates all the way back to 2005; much reform has occurred since 2005, thus making the data in the Report seriously out-of-date. For example, recent policy changes have put limits on Trustee travel expenditures, and there has been turnover in Trustees since 2005.

## II.

### **RESPONSES TO GRAND JURY’S FINDINGS**

Pursuant to sub-section “a” of Section 933.05 of the Penal Code and the directions of the Grand Jury, the Coast District hereby responds to the following Findings set forth in the Report:

#### **Finding #3 (Basis of Governance)**

The Coast District agrees with Finding #3.

As a point of fact, Coast Trustees govern under guidelines, restraints, and recommendations provided by the California Legislature, by the State Chancellor’s Office, by accreditation commissions, notably the Accrediting Commission for

Community and Junior Colleges ("ACCJC"), and by professional membership organizations, notably the Community College League of California ("CCLC").

**Finding #6 (Ethics Training)**

The Coast District disagrees with the entirety of Finding #6.

There is no "lack of ethics training" among Coast Trustees, and there is sufficient oversight over Trustee travel expenses.

Coast Trustees participated in ethics training conducted by the District's General Counsel at the statewide CCLC meeting, and also have taken the AB 1234 Ethics course, even though not required by law.

Moreover, travel expenses of Coast Trustees are reviewed by the District's administration, with receipts being required. In fact, the Coast Board has limited reimbursable travel expenses to \$5,000 per year per Trustee, with the exception of Trustees who serve on national or state community college committees.

We are unclear as to what is meant, though, by the general statement within this Finding that "there is minimal oversight over [Trustees'] actions and behaviors." The Board of Trustees takes all of its actions at properly noticed public meetings, so accordingly, the public provides ultimate oversight for the actions and behaviors of the Board of Trustees.

**Finding #8 (Board Information on Website)**

The Coast District disagrees with the entirety of Finding #8.

Coast Trustees' "performance in office" is expressly evidenced by the Board of Trustees Agendas and Minutes which are posted on the District's website, along with information on Board Committees. Indeed, every subject discussed by the Board, and every action taken by the Board, are routinely posted on the District's website. The District also publishes various newsletters and announcements which highlight the performance in office by the Coast Trustees.

**Finding #9 (Transparency)**

The Coast District agrees with Finding #9, except pertaining to discussion and actions that take place in Closed Session.

The Coast District fully agrees that generally speaking, laws, regulations, guidelines, and ethics require Coast Trustees to be transparent in their actions, behavior, and performance.

But because some Board discussions and actions necessarily are conducted in Closed Session, as permitted under the Brown Act and the Education Code, the Coast Trustees cannot be “fully” transparent in “all” actions, behavior, and performance. Indeed, under the Brown Act, under certain circumstances as specified in law, such as to protect employee and student privacy, or to allow the Board to give direction to its labor negotiator, its real property negotiators, or its legal counsel, the Board conducts some of its business in Closed Session, but reports out such actions as required by law.

Nevertheless, we generally agree with the philosophy of U.S. Supreme Court Justice William O. Douglas who said “Sunlight is the best disinfectant.” All of our Board meetings are conducted in strict compliance with the Brown Act, and the District responds to all public records requests in a proper and timely manner.

### III.

#### **RESPONSES TO GRAND JURY’S RECOMMENDATIONS**

Pursuant to sub-section “b” of Section 933.05 of the Penal Code and the directions of the Grand Jury, the Coast District hereby responds to the following Recommendations set forth in the Report:

##### **Recommendation #1 (Ethics Training)**

As explained above, ethics training for the Coast Trustees and Chancellor, as set forth in Recommendation #1, already has been implemented. A record of this training has not yet been maintained on the District website, but this will be accomplished by December 2014.

##### **Recommendation #2 (Campaign Contributions)**

Recommendation #2 will not be implemented because it is not warranted and is not reasonable.

FPPC Form 460, cited in Recommendation #2, which pertains to campaign committees, already is an easily accessible public record. Thus, in our view, there is no need to increase public employee work time to duplicate this information on a community college website. Moreover, the District’s Chancellor has no involvement in Trustee campaign committees, or contributions to these committees, and should not be involved in maintaining campaign contribution information.

**Recommendation #3 (Conflicts)**

Recommendation #3 will require further analysis as to the meaning and operationalization of “potential conflicts of interest on district contracts involving campaign donors.” The estimated time frame is December 2014.

**Recommendation #5 (Travel Expenditures)**

Recommendation #5 will be implemented by December 2014.

**Recommendation #6 (Political Party)**

Recommendation #6 will not be implemented because it is not warranted and is not reasonable.

Coast Trustees hold non-partisan offices, and in our view, information regarding political party affiliation or activities of Trustees is not appropriately placed on the District website.

**Recommendation #7 (Trustee Compensation)**

Recommendation #7 will be implemented by December 2014.

**Recommendation #8 (Distribution of Report and Response)**

Recommendation #8 will be implemented by October 2014.

**Recommendation #9 (Posting Chancellor’s Employment Contract)**


Recommendation #9 will be implemented by October 2014.

IV.

**CONCLUSIONS**

Although we disagree with several of the Findings and Recommendations of the Grand Jury, and although we find fault with the methodology and emphasis of the Report, we fully appreciate and understand the importance of conducting all District business in an ethical, responsible, and transparent manner. We strive towards continuous self-improvement to further the District's mission of providing high quality educational services.

Sincerely,



Mary L. Hornbuckle  
President of the Board of Trustees,  
on behalf of the Board of Trustees



Dr. Andrew C. Jones  
Chancellor

cc: Orange County Grand Jury