

SOLANO COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD

UNADOPTED MINUTES
December 2, 2009

APPENDIX A

Board President Young recognized Mr. David R. Brannen (Student), who requested to comment on the minutes from the Board meeting held November 18, 2009, and the SCCD Executive Reorganization Proposal.

“I come to you tonight deeply concerned regarding our College’s adherence to its own standards of policy and procedure, as well as to the law of the land. On November 18th, 2009, the Board, with all members present, held a study session at 6:30pm to discuss the re-prioritization of Measure G Bond Projects and a first review of the administration’s Reorganization Plan.

This Study Session constituted an open meeting of the Governing Board of Trustees, as more than four trustees were present and business pursuant to the Board’s jurisdiction was discussed. However, this meeting was neither properly noticed nor agendized. According to the unofficial minutes of the regular meeting scheduled for later that evening on said date, the properly noticed meeting was called to order at 7:30 p m.

I am given to understand that the Superintendent/President claims to be in possession of a legal opinion sanctioning the method by which the Study Session was convened; however, over the past twenty-four hours I have reviewed a number of legal opinions proffered by other boards within our state which directly contradict that supposition. Moreover, I have taken the liberty to provide you with the applicable provision of the Ralph M. Brown Open Meeting Act of 1953 (as amended), which definitely makes clear the fact that the Study Session indeed qualifies as a meeting of the Board, subject to all laws and regulations governing such meetings.

During the quite possibly improperly-convened Study Session meeting, the reorganization plan was discussed. At the subsequent properly-noticed regular meeting, the Superintendent/President failed to hear agenda item 10 (e), the Solano Community College Reorganization Proposal, announcing that “the reorganization plan was adequately presented and discussed during the Board Study Session held prior to the beginning of the regular meeting.” In fact, the business has never been properly brought before this Board for information; it now sits before the Board for action this evening- in direct contravention of the provisions laid forth in the Brown Act.

Friends, we are better than this. Anything worth doing is worth doing right. The reorganization proposal may be the best solution for our District, but its implementation arguably has not followed either the District’s policies or legal processes. I have provided you with a legal advisory from the California Community College Chancellor’s Office which delineates in great detail how the reorganization plan must accord with established Shared Governance procedures. Friends, the Academic Senate was not primarily relied upon with regard to the formation of this reorganization plan, nor was the plan mutually agreed upon between the administration and the Academic Senate. The Academic Senate President confirmed to me earlier this evening that, in fact, the Academic Senate has not even had the opportunity to establish a position on this plan.

Dr. Laguerre's thesis attributes a quote to the late U.S. President Theodore Roosevelt, wherein he states, 'the best thing you can do is the right thing, the next best thing is the wrong thing, and the worst thing you can do is nothing.' Friends, I submit to you today that we should **NEVER**- and I repeat- **NEVER** do the **WRONG** thing. It is far better to do nothing, than to sully our great institution by befouling it with wrongful decisions and their consequent repercussions. I urge you this evening to remove this item from the agenda and properly bring it forth according to legal practice and shared governance procedures. Doing so will allow it the opportunity to rise or fall on its own merits, without question."