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**A. President's Report -- President Loren Sachs:**

Facilities Committee: The committee focused on updates on construction projects, including the opportunities to finish off Measure M monies, and the starting of the 2030 Facilities Master Plan; some committee members may ask permission to speak to students to supplement their data gather from questioning students directly on the campus. .

Accreditation Coordinating Committee: As part of the accreditation evaluation site visit, the accreditation team can go into any classroom during their visit at OCC without permission; share this information with your division faculty, particularly part-time faculty who might not know.

District Consultation Council: Enrollment is down now approximately 3.5-4% and the DCC was discussing what can be done about it; suggestions included enhanced noncredit and new programming using existing resources. We know that the K-12 population is decreasing and if that is our population of the future, we need to make plans; w

Also, in Government Code 54953 the legislature specifically provided for attendance at a meeting by te

In response, Professor Hanlon suggested that the college would have to decide how to enforce, recommending a task force be created to support this initiative. A smoke-free campus means 100% smoke-free, including the parking lot. At CSULB there are trained student advocates who assist with enforcement by approaching students who are smoking or vaping to inform them of the policy and tell them about resources for help. The survey did not ask if the respondents preferred an area for smoking, as based on other campuses; it is confusing for students if there are some areas that allow it and others do not. Here, they could smoke on the public sidewalks off the campus, and we will have cessation support; w

MINUTES: First draft written by Ricky Goetz, Senate Administrative Secretary. Revision of first draft and Senate-approved drafts written by Senate Secretary, Marilyn Kennedy, who also distributes the final Senate-approved version to the Chancellor, Board of Trustees members and secretary, union presidents, GWC and Coastline Academic Senate presidents, OCC College President and faculty as per OCC Senate bylaws.

## Voting Tallies Chart

Motion 1	Motion 2	Motion 3	Motion 4	Senate Membership
Agenda	12-11-18 Minutes	1-29-19 Minutes	Consent	
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Aye	Aye	Aye	Aye	Barnes, Carol: Counseling Senator (2018-2021)
Aye	Aye	Aye	Aye	Blair, Jamie: Senator-at-Large (2018-2021)
Aye	Aye	Aye	Aye	Brown, Cameron: Athletics & Kinesiology Senator

# APPENDIX

## Re: Phone Call Follow-Up Questions Regarding Proxy Voting and Orange Coast College's Academic Senate

Tue, Feb 5, 2019 5:17 am

**Carl Piper** CPiper@ocde.us

To **ProfMKennedy** profmkennedy@aol.com

Hi Professor Kennedy: Feel free to share the email.

Carl

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From: ProfMKennedy <profmkennedy@aol.com>

Sent: Monday, February 4, 2019 10:05 PM

To: Carl Piper

Subject: Re: Phone Call Follow-Up Questions Regarding Proxy Voting and Orange Coast College's Academic Senate

Mr. Piper,

Thank you so much for your research and knowledge, and the clarity and depth of your explanations and citations. I will share this with our E-Board and Senate. Is the email confidential? I don't wish to violate any laws or your privacy, so let me know what is appropriate and legal in terms of my use of it (in regards to the legal interpretations.) .

Sincerely,



ProfMKennedy <profmkenney@aol.com>  
Monday, February 4, 2019 12:24 PM  
Carl Piper <CPiper@ocde.us>  
Phone Call Follow-Up Questions Regarding Proxy Voting and Orange Coast College's Academic Senate

Hello Mr. Piper,

Thank you for taking my phone call and offering to help in answering our academic senate executive board's questions regarding the Brown Act and proxy voting.

As per our phone call, a senator in our academic senate is proposing to add written proxy voting to our bylaws, allowing a senator to give his or her written proxy to another senator: "A valid proxy vote is one offered in writing, signed and submitted by a voting Senate member."

I had mentioned to you that our district's general counsel had advised that it is not disallowed, but he had recommended against it for our senate because it could lead to potential violations of the Brown Act, as senators could talk amongst themselves away from the public meeting about issues on the agenda for a vote or action. Some of the senators are unclear on what this means, so I was advised by the Board Secretary of our district to contact OCDE for clarification. The sections of the Brown Act that are most concerning in this regard are the ones cut and pasted below, 54953.c. (1) and (2). Our questions are these:

- Does the Brown Act prohibit or allow this type of written proxy voting?
- If not allowed or recommended, what would be the reason?
- If allowed, what are things to be observant and cautious of?
- If allowed, how are absences recorded and votes tallied for those absent but voting by written proxy?

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Professor Marilyn Kennedy  
Orange Coast College, Coast Community College District  
**Academic Senate Secretary**

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