AGENDA

1. Call to Order and Roll Call in Room 1503
2. Consideration of a motion to close the meeting to the public for the purpose of the following:
   ▪ collective negotiating matters
   ▪ consider the appointment, employment, compensation, discipline, performance or dismissal of employees
   ▪ pending litigation
3. Consideration of a motion for adjournment
4. Adjournment

Regular Meeting – Open Session
7:30 p.m.
Board Room - 1506

AGENDA

Call to Order and Roll Call
Pledge of Allegiance

V Approval of Minutes of August 15, 2006, Meeting
Statement by the President
Report to the Board – Ethics Review
Comments by the Chairman
Public Participation

NEW BUSINESS
CONSENT AGENDA

9/06-1
V a. Approval of Adoption of Consent Agenda Items 9/06-2 through 9/06-6
R b. Approval of Consent Agenda Items

V 9/06-2 Ratification of Payment of Bills for August 2006

V 9/06-3 Acceptance of Treasurer's Report for August 2006

V 9/06-4 Ratification of Actions of Alliance for Lifelong Learning Executive Board

V 9/06-5 Ratification of Board of Trustees Scholarships for 2006-2007

V 9/06-6 Approval of Clinical Practice Agreements

OTHER ITEMS

R 9/06-7 Public Hearing and Adoption of Budget for Fiscal Year 2006-2007
b. Adoption of Budget for Fiscal Year 2006-2007

R 9/06-8 Authorization to Approve September Purchases:
a. Software Licensing/Support
b. Lighting Equipment for the Photography Program
c. Information Technology Services
d. Catering Services for the Employee Recognition and Appreciation Dinner

V 9/06-9 Approval of Grants
a. Illinois Community College Board Student Success Grant
b. Illinois Community College Board P-16 Initiative Grant
c. Illinois Community College Board Career and Technical Education Strand Grants
d. Illinois Community College Board Tech Prep Support Grant
e. Department of Commerce and Economic Opportunity Grant
f. Illinois Arts Council Presenters Grant
g. Illinois Arts Council Visual Arts Grant

R 9/06-10 Authorization to Pay Professional Personnel, Fall 2006

R 9/06-11 Authorization to Approve the Two-Year Agreement between the Oakton Community College Board of Trustees and the Classified Staff Association for Fiscal Year 2006-2007 through Fiscal Year 2007-2008

R 9/06-12 Approval of Administrative Salary Adjustment and Reclassification
STRATEGIC CONVERSATION FOR THE BOARD: Community Colleges—State Agencies or Units of Local Government

As a result of the Board retreat in August, 2005, the Trustees of Oakton Community College agreed to devote time during each meeting to Board conversations concerning issues that are important for Board members to discuss in their role as the governing body of the community college, a role that entails stewardship on behalf of all of the constituencies the College serves. (The Chairman has prepared and distributed a document entitled Some Notes on Strategic Conversations for the Board: 2005-2006 that provides an explanation of the initiative.)

Among the most pressing issues for Oakton Community College, indeed for all community colleges in Illinois, are consequences of an opinion expressed by the Illinois Attorney General ruling that community colleges are subject to the state ethics law as state agencies, rather than as units of local government. As units of local government, community college districts elect their own trustees, levy their own taxes, establish policies, enter into contracts with employee groups, and are structured and operate in order to carry out their mission and purposes.

The Illinois Community College Trustees Association is coordinating an effort to demonstrate community college support for the Ethics Act and its application to units of local government. Community Colleges throughout Illinois are currently in compliance with provisions of the Ethics Act that apply to units of local government. However, the Illinois Inspector General is requiring that community colleges come into compliance with the Ethics Act as it applies to state agencies and state employees.

The ICCTA has prepared a series of talking points regarding this issue.

- **What is the State Officials and Employees Ethics Act?**

  The 2003 State Officials and Employees Ethics Act revised Illinois laws regulating the ethical conduct, political activities, and giving and receiving of gifts by public officials and employees. The Act also established an enforcement structure (including criminal penalties) to ensure compliance with the new laws.

  One section of the Act specifically applies to "units of local government" and requires them to adopt ethics regulations. Every community college district in Illinois has complied with the local government provisions of the Act and established their own ethics codes and commissions. This was done because Illinois community college districts are described as units of local government in the Illinois Constitution of 1970 and in numerous citations throughout the Illinois Compiled Statutes. A different section of the Ethics Act applies to state agencies and state employees.
• **What is at issue?**

On October 5, 2005, the Illinois Attorney General issued a legal opinion that community college districts fall within the definition of *state agencies* (rather than "units of local government") and that their employees are *state employees* (rather than employees of local units of government) for purposes of the Ethics Act.

This opinion conflicts with the well-established description of community colleges as units of local government and allows for potential state interference into local matters. Community colleges have long been considered local entities governed by locally elected board members. In addition, each district has already approved its own ethics codes and officers, who should have local jurisdiction over local matters.

**Local control** – not ethics – is the real issue. Illinois’ community college districts support strong ethical standards and training and will continue to embrace and comply with the Ethics Act as it pertains to local units of government. They believe that community colleges are appropriately covered under the local government provisions of the Act.

• **Why does it matter whether community colleges are state agencies or units of local government?**

In order to comply with the legal opinion, community colleges will find it necessary to follow the ethics requirements for state agencies and state employees, as well as the state personnel policies established by the Illinois Community College Board, instead of the local ethics requirements and local personnel policies adopted by their own boards of trustees.

In addition, the section of the Ethics Act dealing with state agencies is not compatible with the operations of community colleges, which are locally-governed, locally-controlled entities. The legal opinion also places community colleges under the jurisdiction of the State Inspector General, who has the authority to investigate state agencies for ethics violations and respond to complaints from state employees. It adds another layer of bureaucracy that allows a state entity (the State Inspector General) to supercede locally adopted ethics codes and personnel policies.

In effect, the opinion singles out and treats community colleges differently than any other unit of local government, such as municipalities, townships, and common school districts.

• **What is being done to clear up the confusion?**

The Illinois Community College Trustees Association and the Illinois Presidents Council are working together on several options to clarify the intent and application of the Ethics Act.

ICCTA and the Presidents Council will seek a *legislative* clarification when the Illinois General Assembly convenes. This will involve amending state law to clearly state that community colleges are "units of local government" rather than state agencies.
However, because of the uncertainty of the legislative process – and the immediate need to address this issue – Illinois community colleges have agreed to seek *judicial* clarification of the status of community colleges in regards to the Ethics Act and its impact on other long-time statutory references. This will involve filing a civil lawsuit in a state circuit court, in which the State Inspector General would be named as a defendant.

**For the Oakton Community College Board of Trustees:**

- *What are the implications for us in carrying out our responsibilities as elected trustees?*

- *What do we need to know about this issue?*

- *What can and should we be doing in response?*