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Testimony on SB 478 – Community College Good Governance

Colleagues,

I am proud to be a chief sponsor of SB 478 with the -1 amendment. This bill contains common-sense reforms, many of which simply clarify what is already statutorily expected of community college boards. However, I have heard concerns that I want to address.

I have heard the concern that the bill contains mandates not prescribed to any other governing body in the state. First of all, it would be inappropriate to compare special districts to city councils, county commissions, or even the legislature. **The nature of special districts in Oregon is that they do not get uniform statutes.** Just in the last few sessions, I have passed bills related to rural fire protection districts and water and soil conservation districts. Certainly, community college districts shouldn't be dealing with annexing land up to seven road miles from a fire station, or college campus, because the nature of fire protection is very different than the nature of community college instruction. To serve on a soil and water conservation district, a director must own or manage 10 acres of land unless they live in a highly-populated county – I don't think it would make sense to consider this requirement for community college board members. **To treat all of our special districts exactly the same in statute would not only be contrary to the very purpose of having "special" districts, it would result in institutional dysfunction across the board and would not represent the kind of deliberate policymaking we should aspire to in the legislature.** These districts have different purposes and have statutes to match. The board of a special district gets direction from the legislature in accordance with their own needs and concerns that we recognize. I am not interested in one-size-fits-all policymaking in this area.

Likewise, I have heard objections comparing the provisions of SB 478 to what is required of university boards. I find these objections curious because in 2023, we passed SB 273 significantly regulating the governance of these boards. The bill was much more comprehensive than SB 478, and I am certain that community college boards would not want to be subject to all the provisions of SB 273 – such requirements as mandating who is on presidential search committees, mandating ongoing review processes and who must be part of those reviews, conducting evaluations that must include input from the college community, and a number of other items. **Again, my interest is not in a one-size-fits-all approach.** Just because a policy is appropriate for one governing body does not automatically mean it is appropriate for another, nor is the inverse true.

I have heard the concern that boards can already establish policies regarding joining associations if they choose to. ORS 341.290 lays out clearly the powers and responsibilities of community college boards. **ORS 341.290(14) says that boards have the power to "join appropriate associations and pay any required dues therefor from resources of the district." The legislature would not have delineated this authority without intention. It appears plain to me that the legislature intended for these decisions to be exclusively within the power of a board.** Unfortunately, I have seen a troubling trend towards boards not understanding or fully exercising the discretion intended for them – and them exclusively – to exercise. Community college board

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members are elected government officials whose constituents expect them to act accordingly and govern, not divest themselves of this core duty: determining with whom they formally and officially associate and to whom they allocate their public funds – their constituents' tax dollars. **This is a matter of accountability.** If a board decides that its associational interests are such pro forma decisions that it wants to generally handle these under a consent agenda, that is still its right under SB 478. However, I recognize that the governing board of a community college should necessarily have discretion over its associations and to which it sends its constituents' funds. **This cannot be a delegatable responsibility – it is essential to the role of a governing body.** I have heard the objection that "local decision-making should stay with the locally-elected board." I agree. **SB 478 simply guarantees that the locally-elected boards who are accountable to the public are in fact the ones making these critical decisions, not unelected employees.**

I have heard concerns about providing for a student member on the board. Community colleges exist for one purpose – to serve their students. Everything a college does should keep this value at the front of its consideration. **Students are the most important part of a college. However, only 3 of the 17 colleges even give them a seat at the table – literally.** And at none of these colleges do those students have a vote. That appears to be the fault of the legislature, which is why I support correcting this error. **Community college students are not children.** They can accept responsibility and know what responsibility they are accepting. SB 478 requires that the student member must be chosen by the students themselves via their student governance structure. I am bothered that I have heard, and it has certainly been implied, that students – scholars – are not as capable of serving as the rest of the members. I also understand that opponents believe that the geographical zones that elect board members comprise a legitimate constituent base, but the entirety of the student body would not. I disagree with this. As I said, **the first consideration of a community college must be its students. I do not understand the alarm with giving these students a vote.**

Further, I have heard the objection that there is no prohibition on students running for one of the current positions and that students have previously ran and won for seats. I would be very interested to know the frequency of this. More importantly, this concern does not recognize the inherent value of having student representation on these boards. Following this objection, I have heard that student voices and input are valued. I wonder to what degree that is the case if they are only valued when they do not come with authority. I value these voices, and that is why I believe them having a vote would be appropriate. **A "voice" without a vote just means that the board can listen and ignore. I do not believe that student voices should be ignorable.**

I have heard the very curious concern that adding an additional board member would result in an eight-member board where tie votes would be possible, as if a tie vote is a crisis that must be averted. Tie votes would be quite simply resolved. They would be resolved in the negative. For a body to pass a motion, a majority is needed. Anything short of a majority, including a tie, means that the motion fails. Even currently, if a board member is absent or a seat is vacant and the vote is three-three, this would occur. In fact, I have heard that this is an issue we can see now when there are vacancies. When appointing to fill a vacancy on the board, that is the only time that a tie could result in an actual problem as there is not a clear resolution in the affirmative or negative, but rather a disagreement on a candidate. In this event, **having the additional student member would actually solve the problem that the opponents assert it would create.** The legislature functions with an even number of members, and I have not heard the suggestion that we should amend our constitution to provide for a 31st Senator or 61st Representative to avoid this occurrence. **On a seven-member board, four votes are needed. On an eight-member board, five votes are needed. And if a vote is so close that an action is contingent on the support of the student member, I think it would be appropriate for the student's vote to be decisive.**

I have heard that the bill would require board members to be paid a $500 monthly stipend, costing an eight-

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member board an additional $48,000 per year. This is not true. The bill simply permits a board to authorize a stipend for its members and cover expenses. Public service is not an easy role, nor is it free. **Governing bodies are best when they reflect their communities, and a real barrier to this important service is often the lack of compensation for their work**, not to mention the burden of having to pay their own costs to serve, such as child care, time off work, or just the gas to get to meetings and wear and tear on their vehicles. I believe that boards should have the authority to decide whether it serves an important community interest to address this issue. Frankly, I believe that these elected officials should be provided with this stipend and be allowed to waive it, but empowering boards to decide for themselves at this moment is progress. It is my hope that each board considers it meaningfully.

I have not heard much concern about the requirement that all board members have publicly posted institutional email addresses, though that is not to say that I have not heard anything. It is especially disappointing that we have to require this. **Community members should be able to directly contact their elected officials.** If the elected official decides to delegate that communication elsewhere – or even ignore their constituents outright – that is something they can choose to do. **It is unconscionable that someone would serve in public elected office without any way for the public that elected them to communicate directly with them.** I understand that these elected officials work hard for little or no pay, but this is truly the bare minimum that constituents should be able to expect. It is not the role of unelected employees to filter and unilaterally decide what is or is not relevant for the elected official to receive in their inbox. If the board member decides that they would rather forward all their emails to an employee, then that is a decision for them to make and if their constituents are displeased with that, there is an aspect of public accountability that would exist where it is currently lacking. My understanding is that only 6 of 17 community colleges actually meet this interest currently, and nothing short of 17 of 17 would be acceptable.

While the -1 amendment makes some technical changes, it has one additional policy piece. I heard from folks in Lane County and Washington County who had seen SB 478 and shared their concerns that their respective boards, LCC and PCC, had vacancies that the boards were not going to fill. I was surprised to hear this, so I consulted with LRPO and Legislative Counsel. They informed me that **ORS 341.335(3) does require boards to fill vacancies.** However, the statute simply says that the board "shall fill the vacancy" without providing a timeframe. As such, **boards appear to be exploiting a loophole in the statute to undermine the clear intent of the legislature in order to keep a seat vacant.** I find this very inappropriate. Inherently, **this means that the constituents of an entire zone are going without any representation.** In the case of LCC and PCC, those vacancies will last for half a year if they are not filled until the newly elected members take office, which is the current intent of both boards. **That is egregious.** Moreover, this is the time when colleges, including both LCC and PCC, are deliberating and adopting their annual budgets, which is perhaps the most important function of the board. As a result, **these boards are going to be making crucial decisions without any representation from an entire zone of their community.** That is unacceptable. The -1 amendment simply clarifies what is already legally required of the college boards and rectifies this serious issue.

I proudly display the pennants of every community college in the state in my office, hung prominently from the ceiling. I firmly believe that community colleges serve as part of the backbone of a community. It is because of that belief that **I want to strengthen these boards and ensure that they maintain and strengthen the authority vested in them not just by the legislature, but by the communities that elect them. I am a chief sponsor of SB 478 because I recognize that it does precisely that.** It is unfortunate that SB 478 is being flaunted as some sort of new unfounded regulation instead of what it really is – supporting our community college boards by clarifying what is to be expected of them by the communities they serve.

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