



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-2359 Compton Community College District: personnel commission. (2021-2022)

SHARE THIS:  

Date Published: 09/26/2022 02:00 PM

Assembly Bill No. 2359

CHAPTER 529

An act to amend Section 71093 of the Education Code, and to amend Section 29 of Chapter 23 of the Statutes of 2017, relating to community college employees.

[Approved by Governor September 25, 2022. Filed with Secretary of State September 25, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2359, Gipson. Compton Community College District: personnel commission.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires the board of governors to appoint a chief executive officer, known as the Chancellor of the California Community Colleges. Existing law provides for the establishment of community college districts throughout the state, including the Compton Community College District.

Existing law authorizes the board of governors to suspend the authority of the Board of Trustees of the Compton Community College District for a period lasting until June 30, 2011, plus a period lasting until the chancellor, the Fiscal Crisis and Management Assistance Team, the Director of Finance, and the Governor concur with the special trustee that the district, for 2 consecutive academic years, has met certain requirements relating to a comprehensive assessment and a recovery plan. Existing law, in the event of a suspension, authorizes the chancellor to appoint a special trustee to manage the district, as specified. Existing law appropriates money from the General Fund to the Board of Governors of the California Community Colleges for apportionment to the Compton Community College District as an emergency apportionment, subject to repayment, as provided.

Existing law, until July 1, 2029, requires that the Board of Trustees of the Compton Community College District assume those powers and duties of the Compton Community College District Personnel Commission that the board of trustees determines are necessary for the management of the personnel functions of the Compton Community College District.

This bill would repeal the authority for the Board of Trustees of the Compton Community College District to assume the powers and duties of the Compton Community College District Personnel Commission until July 1, 2029. The bill instead would require, upon the ending of the suspension of the authority of the board of trustees, the board of trustees to assume the powers and duties of the personnel commission, as provided. The bill would require the board of trustees to establish the personnel commission in an advisory capacity, as provided, beginning in the year the Compton Community College District has repaid the emergency apportionment. The bill would, beginning one calendar year after the district has made its final repayment of the emergency apportionment, reinstate the personnel commission to exercise the powers or duties necessary for the management of the personnel functions of the district, as provided. The bill would require the district, on or before September 15, 2023, and annually thereafter, to provide an update on the repayment of the emergency apportionment to the Department of Finance, the Assembly Budget Subcommittee on Education Finance, and the Senate Budget Subcommittee on Education. By imposing new duties on the Compton Community College District, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 71093 of the Education Code is amended to read:

71093. Notwithstanding any other law:

(a) The board of governors may authorize the chancellor to suspend the authority of the Board of Trustees of the Compton Community College District, or of any of the members of that board, to exercise any powers or responsibilities or to take any official actions with respect to the management of the district, including any of the district's assets, contracts, expenditures, facilities, funds, personnel, or property. The board of governors may authorize suspension for a period up to five years from the effective date of Assembly Bill 318 of the 2005–06 Regular Session, plus a period lasting until the chancellor, the Fiscal Crisis and Management Assistance Team, the Director of Finance, and the Governor concur with the special trustee that the district has, for two consecutive academic years, met the requirements of the comprehensive assessment conducted, and the recovery plan prepared, pursuant to Section 41329.59.

(b) A suspension authorized by this section becomes effective immediately upon the delivery of a document to the administrative offices of the Compton Community College District that sets forth the finding of the chancellor that a suspension pursuant to this section is necessary for the establishment of fiscal integrity and security in that district.

(c) (1) If and when the chancellor suspends the authority of the Board of Trustees of the Compton Community College District or any of its members pursuant to this section, the chancellor may appoint a special trustee as provided in paragraph (3) of subdivision (c) of Section 84040, at district expense, to manage the district. The chancellor is authorized to assume, and delegate to the special trustee, those powers and duties of the Board of Trustees of the Compton Community College District that the chancellor determines, with the approval of the board of governors, are necessary for the management of that district. The Board of Trustees of the Compton Community College District may not exercise any of the duties or powers assumed by the chancellor under this section.

(2) The chancellor may appoint as a special trustee under this section a person who has served in a similar capacity. A special trustee appointed under this section shall serve at the pleasure of the chancellor.

(3) Notwithstanding any other law, in order to facilitate the appointment of the special trustee, the chancellor is exempt, for purposes of this section, from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code and Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

(d) (1) Notwithstanding any other law, at any time that this section is in effect, the chancellor is authorized to assume, and delegate to the special trustee, those powers and duties of the Compton Community College District Personnel Commission that the chancellor determines are necessary for the management of the personnel functions of the Compton Community College District. The personnel commission may not exercise any of the powers or duties assumed by the chancellor.

(2) (A) If and when the suspension of the authority of the Board of Trustees of the Compton Community College District has ended pursuant to subdivision (a), the board of trustees shall assume those powers and duties of the Compton Community College District Personnel Commission that the board of trustees determines are necessary for the management of the personnel functions of the Compton Community College District. The personnel commission shall not exercise any of the powers or duties assumed by the board of trustees.

(B) Subparagraph (A) shall remain in effect until one calendar year after the Compton Community College District has repaid to the state the emergency apportionment funding pursuant to Section 41329.58.

(C) Beginning one calendar year after the Compton Community College District has made its final payment to the state for the emergency apportionment funding pursuant to Section 41329.58, the Compton Community College District Personnel Commission shall be reinstated to exercise the powers and duties necessary for the management of the personnel functions of the Compton Community College District.

(3) (A) Beginning in the year in which the Compton Community College District has repaid the emergency apportionment pursuant to Section 41329.58, the Board of Trustees of the Compton Community College District shall establish the Compton Community College District Personnel Commission in an advisory capacity. Members of the personnel commission shall be

appointed pursuant to subparagraph (B). The personnel commission shall advise the board of trustees on the powers and duties assumed by the board of trustees pursuant to subparagraph (A) of paragraph (2).

(B) One member of the Compton Community College District Personnel Commission shall be appointed by the Board of Trustees of the Compton Community College District. One member of the personnel commission shall be nominated by the classified employees of the Compton Community College District and appointed by the board of trustees. Those two members shall, in turn, appoint the third member of the personnel commission.

(C) As used in this section, "classified employees" means an exclusive representative that represents the largest number of noncertificated employees in a unit or units within the Compton Community College District. If there is no exclusive representative within the district, the board of trustees shall, by written rule, prescribe the method by which the recommendation is to be made by the district's classified employees.

(4) On or before September 15 the year after the Board of Trustees of the Compton Community College District establishes the Compton Community College District Personnel Commission in an advisory capacity pursuant to paragraph (3), the personnel commission shall provide a report of duties fulfilled in its advisory role to the board of trustees and shall make the report available to the public on the internet website of the Compton Community College District.

(5) Beginning on or before September 15, 2023, and annually thereafter, the Compton Community College District shall provide to the Department of Finance, the Assembly Budget Subcommittee on Education Finance, and the Senate Budget Subcommittee on Education an update on its repayment of the emergency apportionment funding pursuant to Section 41329.58. The update shall include the principal loan balance, annual loan payment, and the loan repayment schedule.

(e) Notwithstanding any other law, if the special trustee has been a member of the State Teachers' Retirement System or the Public Employees' Retirement System at any time before appointment, the special trustee shall, for the period of service as special trustee, be a member of the system to which the special trustee belonged, unless the special trustee elects, in writing, not to be a member. If the special trustee chooses to be a member, the special trustee shall be placed on the payroll of the district, or the payroll of another local educational agency or other entity that the district has an exchange agreement with pursuant to Section 87422 or other applicable laws, for the purpose of providing appropriate contributions to the applicable retirement system.

(f) The special trustee appointed pursuant to this section is authorized to do all of the following:

(1) Implement substantial changes in the fiscal policies and practices of the Compton Community College District.

(2) Revise the academic program of the Compton Community College District to reflect realistic income projections in response to the dramatic effect of the changes in fiscal policies and practices upon program quality.

(3) Encourage all members of the college community to accept a fair share of the burden of the full recovery of the Compton Community College District in the five operational areas of finance, academics, personnel facilities, and governance.

(4) Enter into agreements on behalf of the Compton Community College District and, subject to any contractual and statutory obligation of the Compton Community College District, change any existing district rules, regulations, policies, or practices as necessary for the effective implementation of the recovery plan. Any agreement authorized by this section shall be binding upon the district for the term of the agreement, notwithstanding the removal of the special trustee for any reason or the reinstatement of any powers or responsibilities of the board of trustees. No agreement authorized by this paragraph shall materially impair the security and other interests of the holders of any bonds issued pursuant to Article 9 (commencing with Section 63049.67) of Chapter 2 of Division 1 of Title 6.7 of the Government Code.

(5) Appoint an advisory committee to advise the special trustee with respect to the management of the Compton Community College District and the establishment and implementation of the arrangements for provision of services by a partner district pursuant to Article 5 (commencing with Section 74292) of Chapter 5 of Part 46. This advisory committee may include residents of the communities served by the Compton Community College District, and any outside experts deemed appropriate by the special trustee. No member of the advisory committee shall receive any compensation or benefits for their services as a member of the advisory committee.

(g) In the event of a vacancy in the special trustee position, the chancellor shall temporarily assume all of the powers and duties of the special trustee until another special trustee can be appointed pursuant to this section.

SEC. 2. Section 29 of Chapter 23 of the Statutes of 2017 is amended to read:

Sec. 29. (a) For the 2017–18 fiscal year, the sum of eleven million three hundred thousand dollars (\$11,300,000) is hereby appropriated from the General Fund to the Board of Governors of the California Community Colleges for transfer to the Compton Community College District to support one-time costs associated with Compton College's effort to restore core operational and oversight functions to the Compton Community College District and to achieve and maintain accreditation by an accrediting

agency recognized by the United States Department of Education. Funds shall be provided under this subdivision only if the Compton Community College District agrees to accept and implement recommendations contained in the Fiscal Crisis Management Assistance Team's report completed on May 16, 2017. Funds appropriated pursuant to this section shall be available for encumbrance or expenditure until June 30, 2022.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for community college districts," as defined in subdivision (d) of Section 41202 of the Education Code, for the 2015–16 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2015–16 fiscal year.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.