



**WILL ROGERS,**

**Columnist**

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## ***BACK TO SCHOOL ON PUBLIC INFORMATION***

***Editor's Note: SCROLL TO THE BOTTOM OF THIS DAY'S COLUMN FOR A SEPT. 22 UPDATE***

September 21, 2006

Is the public entitled to know when an elected official resigns their seat? I sure think so, but that's not what some advising the Glendale Community College Board of Trustees thought when one member of the panel secretly submitted her resignation shortly after a meeting this past Monday night.

On Monday Kathleen Burke-Kelly, elected to the Board of Trustees in April, 2003, and its president since May, accepted the congratulations of her colleagues on the board for a recent promotion. A former GCC student and teacher, Burke-Kelly was a Dean at East LA College. (Trustees are not permitted to work for the college they oversee, but can take jobs elsewhere in the system.) Burke-Kelly was taking a new job as an interim Vice President at Mission College, and the other GCC Trustees happily announced her move.



*Former Trustee Kathleen Burke-Kelly*

Shortly after Burke-Kelly cheerfully accepted those congratulations, the meeting wrapped and pretty much everyone went home. Well, Burke-Kelly didn't. She formally submitted her resignation from the Board of Trustees. THEN she went home.

The funny thing is, no one said anything about the resignation. Indeed, colleagues of the now-resigned board president didn't know for days that she'd left. It wasn't until some received a mysterious call late Wednesday that they had a clue something was up. Each trustee was called in for a special one-on-one meeting on Thursday morning. And in those meetings trustees were told one of their own had

stepped down – three days earlier.

So, why the secrecy? Incredibly, and according to two reliable sources, they heard staff and at least one member of the board described Burke-Kelly's decision as a "personnel matter," rendering it a private matter.

Indeed, California's Public Records Act and the Brown Act, bodies of law that outline what the public is permitted to know, do allow confidentiality in personnel matters. But those apply to the hiring, firing, salary specifics and disciplinary details of EMPLOYEES.

Terry Francke is General Counsel for CalAware, a nonprofit watchdog and advocacy group dedicated to public and press access to government information. According to Francke, "exemption(s) for privacy of personnel files applies only to information the disclosure of which would constitute an unwarranted invasion of personal privacy, which no court would find applicable to the fact of resignation of an elected official."  
"Maybe the reason for the resignation," Francke added. "But not the fact of the resignation."

It remains unclear whether a gross misunderstanding of the law was truly the reason for keeping citizens from knowing their representative had stepped down, or if that was simply the sad excuse used to serve another end. You see, at present Glendale Community College has a vacant vice president's seat, a number two to GCC's President and Superintendent. There is rampant speculation that Burke-Kelly resigned in order to apply for the position.



*CalAware General Counsel, Terry Francke.*

One college staffer reached late Thursday told me, "I can't honestly say if they really believed it was a secret personnel matter, or if that's just the "story" a clique agreed on." The staffer, who refused to be named because of concerns for their job, said there was one board member who balked at the secrecy, but none of the trustees could be reached for comment after business hours on Thursday.

The one-on-one meetings for the notifications may also cross the line of legal behavior, because they constituted a meeting of the board majority that the public wasn't advised of, or permitted to attend. Another source who asked not to be named told me the secret meetings were supposedly valid because "There was no action taken." Francke had another view on that, too.

"Of course the trustees were asked, and consented to, an action—keeping silent about the news they had just been given to allow the resigning official to make her own announcement." Francke said. Quoting the law, he added, "Action taken" is defined in the Brown Act as not only "an actual vote by a majority of the members of a legislative body when sitting as a body or entity" but also "a collective decision made by a majority of the members of the legislative body."

Again, board members could not be reached to confirm they were specifically asked to stay quiet. We can only know that some of them did so. And by not releasing public information they'd been given, the board majority DID take an action.

With the departure earlier this year of John Davitt, longtime President of GCC, the college finally had a chance to break away from its years-long record of ranking public information as one of its lowest priorities. It had a chance to set aside past traditions of backstage manipulations, and of letting its status as an educational institution stand substitute for real honor. (Or, among other episodes, am I alone in recalling that Davitt used college funds to send campaign literature advocating voter support for a bond issue to benefit the college, ignoring regulations prohibiting the use of taxpayer funds for campaign purposes?)



*John Davitt, former GCC President and champion of secrecy.*

Finally, of course, this latest does a disservice to those board members and staffers who have been working to improve the record of their predecessors for secrecy and backroom deals.

It's expected that a press release announcing Burke Kelly's resignation will finally be put out tomorrow (Friday) by Armine Hacopian, the board's Vice President who will step into Burke-Kelly's presidency. If the time comes to interview Burke-Kelly for any job at GCC, one hopes the trustees will ask why she showed so little regard for public information about her resignation, and why they shouldn't expect her to exhibit the same lack of regard as a member of the school's administration.

### **UPDATE, SEPT. 22 – MORE CAUSE FOR CONCERN?**

A press release, ironically labeled "For Immediate Release," has been issued. And I can't help but notice that public statements by some board members imply yet another lack of concern about making some decisions in public meetings, but I'll get to that in a moment.

When I reached GCC Trustee Victor King today, he confirmed that he and his board colleagues were called by college President and Superintendent Audre Levy into individual meetings Thursday to hear from her the news about Burke-Kelly's resignation days earlier.

"I entered that meeting at 7:00am, and I left that meeting by 7:02," King said. King told me he was concerned about the private meeting's propriety, and insisted, "We should have been told about the resignation when she resigned."

King said he was not told the matter had been kept secret on the basis of it being a "personnel matter." "But I left there almost immediately after going in. I wasn't going to stay," King said. He says he still hasn't been given any explanation for the days of secrecy, or for the resignation.

Among longtime observers of the Board of Trustees, there is now concern about the process to appoint someone to the vacant seat on the panel. Indeed, resignations while in office have been somewhat routine on the college board in recent years, and meetings held to select replacements have been little more than minor productions to install a pick who was rumored on their way to the board even before the vacancy became official.

Chatter around this episode includes a commonly shared theory as to who the most prominent candidate might be for the slot. But none among several sources I spoke to would agree to be named and quoted sharing that theory. We'll have to see what develops before knowing whether there's any substance to the theory.

Finally, and as was promised by sources in Thursday's column, today Glendale Community College did finally issue a press release announcing Burke-Kelly's resignation days earlier. The release is remarkably spare, and does not acknowledge or address the many questions it prompts.

Incredibly, in published newspaper reports following on the story I broke yesterday, some board members have spelled out plans to conduct interviews and name a replacement, though that is only one of the options available under the law. Somehow, without having held a public meeting to even cursorily discuss those options, which includes a special election, it appears a majority on the panel has already managed to form a consensus.

The full text of GCC's release appears below.

*"Contact: Wendy Grove,  
Public Information Coordinator*

*FOR IMMEDIATE RELEASE  
September 22, 2006*

### **COLLEGE BOARD PRESIDENT RESIGNS**

*On Tuesday, September 19, 2006, Glendale Community College Board of Trustees President Dr. Kathleen Burke-Kelly submitted her resignation from the board to the Los Angeles County Superintendent of Schools.*

*Dr. Armine Hacopian is now the acting board president. The board members will decide on a process to fill the vacancy at a special meeting in the near future. The position will be filled within 60 days."*

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