

Special Board Meeting 8-1-19 Transcription

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE BEGINNING OF THE SPECIAL MEETING]

Barke: Welcome everyone. If anybody would like to speak, turn in a card and then I just have a few opening remarks that I want to make. I want to welcome everyone to our special board meeting. Among a few other things, we have a public hearing and a further board vote on the 2019-2020 annual budget that the board approved and adopted at its June 26 meeting. I'm going to have a few more things to say about that and why we're having this special meeting when we come to the formal budget part. For now, let's begin with public comments if there are any. Then, we'll follow up with items one and two.

Boyd: Call to order.

Barke: Oh, sorry.

Williams: You have to read this.

Barke: Sorry. We didn't do the pledge. For the benefit of the record, the special board meeting of the Orange County Board of Education is called to order. Pledge of Allegiance, Ken.

Williams: All stand, if you would like, and join me in the Pledge of Allegiance.

Audience and Board: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Barke: Darou, will you do roll call?

Sisavath: Trustee Sparks?

Sparks: Here.

Sisavath: Trustee Barke?

Barke: Present.

Sisavath: Trustee Williams?

Williams: Present.

Sisavath: Trustee Gomez?

Gomez: Present.

Sisavath: Trustee Bedell?

Bedell: Here.

Barke: Nina, do we have any introductions?

Boyd: We have no introductions at this meeting.

Barke: Do we have any public comments? We would like a motion to adopt the agenda?

Williams: I so move.

Sparks: Second.

Barke: All those in favor?

Barke, Sparks, and Williams: Aye.

Gomez: No.

Barke: Oppose?

Gomez: No.

Barke: Jack?

Bedell: No.

Barke: Two no's, 3-2, motion passes. Did you say we have no public comments?

Boyd: We have a public comment. They would like to speak on the topic of the budget when we get to that item.

Barke: We can go to item one.

Boyd: Can I have Kelly come up?

Gaughran: Good evening, President Barke, members of the board. Tonight you shall render a decision regarding the requested material revision submitted by Legacy College Prep for two temporary locations in Santa Ana to be occupied by the school during construction of their permanent facility. This request was submitted at the July 17th board meeting, and a public hearing was held on the same day. Since the public hearing on July 17th, Legacy College Prep notified us that they must delay occupancy at the temporary site located at 1710 West Edinger, due to the late arrival of modular classrooms. This has resulted in an additional plan to temporarily occupy a third site which was not listed on the original material revision request located in Anaheim, at 1960 Anaheim Way, from August 5 to August 30.

We are unclear as to whether the local school district in Anaheim has been notified. Legacy College Prep has been in communication with us since they discovered that they would not be able to use a temporary site on Edinger for instruction beginning August 5th. We are unable to make a recommendation on this material revision for the following reasons. Complete documentation was not received until this morning for this revision. The city of Anaheim has indicated that the commercial event center located at 1960 South Anaheim Way, is not zoned for K-12 educational use and may not be used as classrooms for school. We have concerns that use of this site may violate city zoning laws and jeopardize students' health and safety. Although Legacy College Prep is indicating this site is to be used for a field trip, the event center invoice indicates that the facility will be used for temporary high school classes and the drawings provided of the facility represent a traditional classroom layout.

In addition, late this morning we received an email from their attorney regarding the use of this facility for field trips. However, this has not allowed adequate time to analyze the information provided. Katie Hart, Chief Operating Officer for Ednovate Legacy College Prep, is available to answer any questions you may have. The board will now proceed with deliberations and then vote on the requested material revision.

Barke: Thank you. Jack?

Bedell: I don't know what I just heard. The facility is not available? Where are the kids going? Thank you.

Hart: Good evening, Trustee Bedell and members of the board and President Barke. Our facility at the Edinger address, the portable modulars will be delivered in the coming week. In order to make sure that our entire school body is starting school altogether which would be on Monday, August 5th, we have planned for them to take a field trip to the expo center as Kelly mentioned before. Our intent is that all of our students would start on time and be able to maintain the same program throughout the entire school.

We didn't want the delay of the portable modular delivery to impact that. We're excited about the opportunity to take a field trip and go to the expo center. We don't intend to use it as a school building but more as an opportunity to start instruction in a space that we feel is a safe and great place for our students. We feel that we can adjust our instruction to ensure that they are gaining instruction and experience in that space, and allow them to stay on track for the school year.

Bedell: Didn't I hear that Anaheim said it's not for instruction?

Hart: Sure.

Bedell: Thank you, Madam President. I'm a little confused.

Hart: Yes, absolutely. In many instances students go on field trips to go to all sorts of different commercial spaces, whether it be a museum space, or an aquarium space, or other to get a different educational environment. For purposes of when discussing with the city, and we've gone through this entire process with our permanent facility with Santa Ana. Absolutely, you would have to go through a city process. You'd have to change the zoning required for it. You'd have to get different codes, different occupancies et cetera. We're not requesting that from the city of Anaheim.

We're just requesting a short duration of time for our students to be there. In that instance, going through a city process wouldn't necessarily make sense. If we intended to locate there for months on end, or if we wanted to see if we could lease that space for an extended period of time to consider it our school building, then we would absolutely go through the exact same process. We'd go through all of the city requirements the exact same way that we've gone through the entire process in Santa Ana. This is for a matter of a very short duration, and that is why this is a different instance.

Bedell: It's going to be more than one day than August 5th?

Hart: Correct, it will be.

Bedell: How many days you think you'll be there?

Hart: We anticipate it being two to three weeks.

Bedell: Two to three weeks? 10-15 instructional days?

Hart: Correct.

Bedell: Thank you for your patience, Madam Chair.

Barke: Of course. More questions?

Williams: Yes. Kelly, if you could come up here, and I want to hear the essence of what you shared with us. There is no official permit that's been granted for occupancy of the proposed address?

Gaughran: Correct.

Williams: Is it required to have the school open to have this permit?

Gaughran: It's required to have a conditional use permit in the city of Anaheim to operate school. What Legacy College Prep is proposing is that it's not going to be school. It's going to be a field trip. Schools are allowed to go on field trips, but this is an extended field trip, which is what our concern is. As I mentioned, we have a drawing. It's set up just like school, and the invoice states that it's for high school classrooms. We're not seeing the difference between school, in this case, and school at their temporary site on Edinger versus them saying it's a field trip. That is our concern.

Barke: I think my concerns would be, are the kids going to be safe? Do we have any concerns as to their safety or them really missing academics? What I would be concerned with is: are they going to get the academics that are necessary? I know there's some flexibility, so if we fall a little short we could make it up. I think safety and basically, are we going to get academics would be my big questions.

Gaughran: For me, the reason that they have conditional use permits is to be able to assess the safety of the site for students. That's where our concern rises up. There is not a conditional use permit for K-12 education. It's zoned for industrial sites. That is our concern there. I'll let you elaborate.

Hart: I will just say absolutely, safety is number one concern. That's why at the Edinger site there's an existing academic building. When we did talk to the city of Santa Ana and when we talked to the fire Marshall, they said it's safer to put portables here. We can have reassurance of excellent occupancy. Everything will be prepared for your students in that manner. That was our choice to move on to the portables. In the instance of the expo center, for any public gathering space, it has to be up to code. We have talked through that with the operations manager of the site. Some of the things that we look for, particularly as we're looking to see where it might be a suitable place to take our students. Fire sprinklers, fire alarms, all the same things that are required in a school space.

In the instance of conditional use permitting, many times for cities, that is a requirement to consider both traffic and adjacent properties. You don't want to have a whole bunch of students and buses coming into an area that's a residential area in which the citizens surrounding that area didn't have a say in that. In that instance, I understand. That's what the purpose is of a C.U.P. I'm not trying to say that you were wrong Kelly, but in my experience in speaking to the city of Santa Ana, that is not indication of safety. But more, are we in the proper space within the city plan so that we're not impacting traffic. You can imagine an expo center, they have a ton of parking, and we have already worked out where the buses can safely drop off our students.

As an added layer of safety, there is an option to hire security at this location. We have opted to do that as an added layer of safety for our students, because our parents were asking the same question. If parents are going to sign a permission slip for our students to go on a field trip, they're very well aware of these conditions. They had the same concerns and we said, "we hear you, absolutely." We're going to take that added safety measure. In the building, though, there are evacuation maps just as any public gathering space would be. From our perspective, we have done diligence on the safety of this particular building.

Barke: None of the parents have any concerns?

Hart: None of the parents had any concerns around the expo center. We've had multiple parent meetings with all of our parents in those grade levels. They're actually having orientation this evening which one of my colleagues would address any of those concerns as well.

Sparks: How many families are we talking about?

Hart: In that location, I think there's about 160-170. [TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO BE INAUDIBLE]

Williams: For item #1 on here, we are now talking about which property? Is it 1960 South Anaheim Way?

Hart: That's correct, yes.

Williams: The other two mentioned, those are other school sites that you will be occupying also?

Hart: That is correct. Our 11th and 12th graders [TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO BE INAUDIBLE] Our 11th and 12th graders will be at the site listed on 6th Street, and that is Our Lady of Pillar school site. That is where we're currently holding orientation. The site that is delayed that we're dropping portables on is the site on Edinger. Those are the previously two discussed sites.

Gaughran: If I may, that is what this action is about, is the two temporary sites. We'll do the permanent site and the bylaws next.

Barke: Okay.

Williams: I have [TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO BE INAUDIBLE] If I can ask our special interim counsel to come up to the microphone? [TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO BE INAUDIBLE] The issue that we're talking about here...[TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO BE INAUDIBLE] Very strange, isn't this? The issues that we're talking about are granting temporary facilities for these two sites. Is there a legal concern or exposure for the board in granting these two sites on a temporary basis?

Rolen: No more than any other site. If there's some exposure, if there's an injury on the site that is unforeseen or for which the entity is responsible, then the board may have some responsibility. There's no different legal exposure that I'm aware of on this alternate site versus any other site around. There's field trip immunities and so forth that are involved. I didn't realize that was an issue on research, but there's also immunities for the entities when they're using the facility for field trips.

Williams: Very, very good. That's it as far as my questions.

Barke: Jack?

Bedell: Thank you. Oh, this is the weirdest definition of a field trip to me. It's a stretch. It's like you're temporarily relocating but not temporarily relocating; going off site. For me, a field trip is going down to the Getty for a day and coming back. It's not staying someplace for three weeks, 10-15 instruction days. That aside, talk to me about, please, and I apologize, Madam President, the dropping portables. My understanding is, and I've been involved in dropping some portables. You can drop them today, and it doesn't mean they're going to be set up this afternoon. Once you drop the portable, say you dropped it today, when would you be delivering your instruction in those portables?

Hart: We don't anticipate that it would be any later than August 30th. In fact, we're hoping it would be a week before that. We have just confirmed that we can have delivery where we had a portable at our temporary site last year. We'll be moving that over to this new [inaudible] site, and we have confirmed delivery for the rest of the portables next week as well. The portable companies can actually be quite swift in delivering them if they have them in stock. You have to go through a city process in order to ensure that you have permitting, and we're actually going over to the counter tomorrow to seek that permit from the city. The city of Santa Ana has been very supportive of us, because they're also helping us with our permanent project.

We were lucky to be able to work with them quite swiftly, but I will say for other operators that can be tricky just navigating the permitting process. We anticipate we'll have our permits this week to align with the delivery for next week for the portables. The timing that comes into play here is to see how quickly we can hook up the electricity to the portables and ensure that there's proper inspections done. We also have to have a fire alarm installed on all of those portables to ensure, again, safety for our students. We have to make sure that there is an accessible pathway between all of our portables. That is all part of our site plan that we're getting permits for from the city. Once that is all in place, we have a final inspection, we get the final sign off of occupancy, then and only then would we have our students come to that site.

Bedell: They have bathrooms?

Hart: They do, yes.

Bedell: They do.

Williams: I find the question about the school trips, field trips, very interesting. Are you doing just one, or are you doing a series of field trips?

Gomez: Every day, it sounds like.

Hart: We'll be located primarily at the expo center. There are some teachers throughout that course of instruction that have some ideas, and there are some visits for some college trips. Those haven't been confirmed, but we would send out separate permission slips in that case. The opportunity at the expo center is for our students to dive into some of our project based learning. For our ninth graders, their theme is Know Yourself. For our 10th graders, their theme is Know Your Community. There's an opportunity now for our students to be in a unique environment, for our teachers to actually pilot some different team teaching instructional materials et cetera, and just expose our students to something new. They know that they're going into this environment. Our teachers have been prepping for the last two weeks to help deliver instruction to our students and to provide a great experience for them.

Williams: Your staff has been prepping and ready to start on August 5th. Is that correct?

Hart: Absolutely, yes.

Williams: What kind of put the monkey's wrench in all of this, is this delay in the placement of these mobile school classrooms. Is that correct?

Hart: Yes. Our staff has known that we were going to have to adjust. They have also adjusted how they're focusing on instruction, and how they're going to be leveraging the field trip time to make sure that our kids are getting excellent instruction.

Williams: Was it ever considered to delay like two or three weeks, the start of school?

Hart: We absolutely did consider that. Part of what we can leverage as a network, because we do have four schools up in Los Angeles, is all of our students being on the same academic calendar. A lot of collaboration occurs between our instructors at each of our campuses. The timing is very important to make sure that all of our students are keeping up pace with other students. Unfortunately, our campus had to split in two until our permanent building is complete. The 11th and 12th graders will start on August 5th. You can imagine our urgency around ensuring that the entire school would start at the same time.

Williams: The 11th and 12th graders start on the 5th. When do the other 9th and 10th grade start?

Hart: On the 5th.

Williams: On the 5th at the expo center. They're probably going to like being in this alternative environment.

Hart: I think they will love it.

Williams: That's what they will look forward to. It's not your typical brick and mortar building, so they're probably going to like that.

Sparks: What's the typical timeline for field trips? Usually it's a couple of weeks during the school year? Does it vary by schools?

Hart: It varies by schools. Our schools largely have autonomy on how they want to conduct their field trips. I know a lot of our field trips center around being in professional environments and getting

exposure to different trades. Part of our goal is not only to ensure that each of our students get accepted into a university, but also to ensure that students that may not think that college is the best path for them, get exposure to different opportunities for their future career. We believe it's important, and we're starting to work on some of our more established schools so they get that exposure to different career paths.

Some of our seniors that are at other schools are going out to local businesses, sometimes two to three times a week as an intern. This isn't a foreign concept to us as well. Additionally, we have a lot of college visits for our kids. Not only is it just something that you see on a website, but we actually bus our students to different college campuses so they can get that experience from the time they're freshmen, too. Each school is a little bit different. Our kids just on our Instagram feed are constantly out and about and we believe that exposure to career paths and to different colleges is really important for them.

Sparks: Thank you.

Gomez: I just want to cut to the chase on a couple of things here. You're saying that you want to relocate to two temporary locations at 1710 West Edinger and 1622 West 6th Street. What is at 1710 Edinger?

Hart: 1710 Edinger is the Salvation Army Church campus, and the other site is Our Lady of the Pillar school.

Gomez: That's where you want to relocate? Why are we talking about the expo center? I'm so confused, because I don't have enough information in front of me to even understand what you're trying to do nor to make a decision. What's the expo center now?

Hart: The item for the board to make a determination on is on the two sites that you just mentioned. The expo center is just an explanation for where our students would start school on August 5th given that there is a delay in the portables being ready.

Gomez: The two sites are after August 30th. Is that what you're saying?

Hart: The Our Lady of the Pillar is ready now. That is ready and the charter school division came and did a walk through at that site already. That is complete. The Salvation Army site is not complete, but the expo center is not on the agenda for a decision this evening. The material revisions are just the other two sites.

Gomez: Which students are not going to be able to be in class? The students that are scheduled for the Salvation Army site, the Edinger site?

Hart: Correct.

Gomez: Which grades are those?

Hart: That is 9th and 10th grade.

Gomez: Do you have a conditional use permit for that? For the Edinger site?

Hart: Yes, we have that with the city, and the city will come in and inspect when the portables are there.

Gomez: No. The 9th and 10th graders are going to be at the expo center in August?

Hart: Yes.

Gomez: Our county folks have not been able to assess the expo center for appropriateness for the students to be there. Is that accurate?

Hart: The staff was at the expo center this past week.

Gomez: Have we been able to approve that site?

Gaughran: We did a walk through, but it doesn't have the permits and we're unclear as to the field trip issue because, as mentioned, a three week field trip is unusual.

Gomez: When you say we don't have the permits, which permits are we referring to? The city permits? The conditional use permits?

Gaughran: Right. It's zoned for industrial. It's not zoned for K-12.

Gomez: Thank you. That's what I was trying to get to. Without a conditional use permit, I think we're putting ourselves in danger here. As a former council member, we would never allow somebody to move in without at least a minimum of a conditional use permit. Right now, we don't have that. I think this is not a good way to go, period. Going on a three-week field trip, or whatever else you want to call it, I'm not in agreement with that. I think that's where we're on a very slippery slope.

Barke: Counsel, do you feel we're having more exposure here than we ordinarily do, or something that we should consider?

Rolen: I'm unclear on the process as well. That clarified a few things for me. I thought we were discussing the expo site as a conditional site, but we're only voting on the two alternative sites. Correct?

Hart: That is correct.

Rolen: With the addresses provided, my understanding of Trustee Gomez's issue is that there's not a conditional use permit for one of the sites that you've asked to approve. Correct?

Hart: There is a conditional use permit for both of the sites that are on the agenda for this evening.

Gomez: The students are not going to be in those sites, or at least in the Edinger site.

Hart: Correct.

Gomez: For two to three weeks.

Hart: Correct.

Gomez: Even at that point, the portables still need to be dropped. The electrical has to be put in, I'm sure plumbing, you mentioned fire alarms. We've got a lot of work to do there.

Hart: We do have a full schedule, and we have the full support of the city of Santa Ana. We do think we have the added buffer time and we hope that this will just be an additional two weeks. We did drop portables at the temporary location they were on this year. The challenge comes if you don't have the cooperation of the city, and because they're working to get our permanent site expedited, we were able to meet with the OC Fire Authority. We were able to meet with the head of city planning.

Everyone is there to support us. Absolutely, in normal circumstances, I have tried to drop portables before and it does take a long time, but because we have all of the right folks on board and we have a project manager who has worked to drop our portable last year, we have a timeline that we can stick to in this instance. As far as the restrooms, we were granted by the city permission to use restrooms. You don't have to run plumbing to these restrooms because they have –

Gomez: You can bring in a portable restroom as well.

Hart: Correct. You can bring in a portable restroom where it can be emptied on a daily basis, similar to what they do for a tented show outside, if you will, and that helps reduce the cost and timeline significantly as well.

Gomez: How did we end up here? This is the 1st of August, and you're asking us to do something for August 5th.

Hart: Absolutely.

Gomez: What were the delays in not getting this done before? I wasn't here last meeting, so I apologize.

Hart: We were put in a tricky situation. Our Lady of the Pillar site, we have been working with the

diocese of Santa Ana for many, many months and we had that site worked out with them.

Gomez: That's the one that's ready?

Hart: That's the one that's ready.

Gomez: Right, but what about the Edinger one? How come we're in this situation?

Hart: Yes. The site that we were on this year as our temporary site was sold. The closing of that sale was mid-June. In talking to the owner and our landlord prior to the closing of the sale, we had many inquiries as to whether we were going to be able to stay on that site or not. We did a full city search of Santa Ana as a contingency plan as well. It's very challenging to find a location that the city will allow us to occupy. Unfortunately, we were informed at the very end of May that most likely the sale would go through and that the new owner, despite our best efforts to come to an agreement with them, would not allow us to stay there anymore. Under normal circumstances, we would never have waited this long and never have in the past for any of our other schools. We were put in a very difficult situation. Essentially, we were kicked out.

Gomez: Okay, thank you.

Bedell: Madam Chair? The expo center is a temporary, do I have this correct, Madam Chair? That is a temporary center for a temporary site. Is that basically right?

Hart: The expo center, our students will be in a field trip status while the Salvation Army temporary site, which is the Edinger site that's on the board agenda item, is prepared and ready for student occupancy.

Bedell: They're going to be at the expo center 10 to 15 instructional days?

Hart: Correct.

Bedell: That is being called a field trip?

Hart: Correct.

Bedell: Is it called that for some legal reason?

Hart: In discussing what our options were -

Bedell: Sure.

Hart: - for ensuring instruction for our students? We did work with our attorney. That is what Kelly alluded to. In weighing a lot of different options, to include delaying, that is what we felt was the best path forward, and a legal path forward. Our attorney has provided that documentation as well.

Bedell: The parents know 10 to 15 days at a temporary, temporary site -

Hart: Correct.

Bedell: - is, for me, it's a euphemism field trip.

Hart: Yes.

Bedell: They have bought into that as you understand it?

Hart: Yes.

Bedell: What would happen if this piece got delayed until we had all the city stuff lined up in a row. What would happen to you?

Hart: Which piece, exactly?

Bedell: If the first one piece of your proposal got delayed to the next meeting, which is in a week, which is the 10th.

Boyd: The 14th.

Bedell: What would happen to you with that? Can you put those 9th and 10th graders in the other site until you get everything kosher with the first site?

Hart: We would not be able to, because there's not enough space. If there was space, we certainly would

have done so.

Bedell: Sure.

Hart: That is why, because we didn't have enough space.

Bedell: Thank you, Madam Chair.

Williams: You, as a school entity, have been put into a very difficult situation in a very short time period. You were unable to make long-term decisions because of the sale of the building. I think we talked about that at the last meeting. We also talked about last meeting about the situation. That's why you're here tonight, because you needed an answer a.s.a.p. before August 5th. We're not meeting until, I think, August 14th.

Hart: Correct.

Williams: Is that the correct assumption as to the timeline here?

Hart: That is correct, and we're very grateful for you putting us on the agenda this evening.

Williams: This is an extraordinary situation and circumstances for your school. As Jack says, if we don't do this tonight and we delay until August, what will be the impact again?

Hart: We would lose all those instructional days for our students.

Bedell: Have you ever made up instructional days at the end of the year? Does your program allow for that?

Hart: Our program is unique in that our program starts on August 5, and it goes all the way through the middle of June. Making up instructional days is tough. Again, that was a consideration that we weighed.

Bedell: Sure.

Hart: It's not just about this one school as well. They're part of a bigger network, and there's a lot of collaboration that goes on between teachers. You throw off all of the network-wide professional developments to include curricular professional developments, to include all of our academic initiatives for this year. We kind of put those all in limbo. That is a huge factor, and we want to make sure that we're taking really good care of our staff. Any changes to their schedule for the year is also an additional hardship on them. We've also communicated this academic schedule to our parents and families as well. We try to minimize any of those impacts, particularly because we want to use the strength of the knowledge of our network, too.

Williams: You move in the 5th of August to this temporary site at the expo. You're going to be doing some field trips most of the days? What will you be doing there?

Hart: We don't intend to do a lot of different field trips off of that site. The students will likely be on that site. We don't have anything scheduled right now. Some of the teachers are considering doing some advisory trips, but nothing has been confirmed. We would request permission from the parents separately. Largely we're doing some innovation and pilots around team teaching and project-based work that can occur in a larger space we don't normally have access to.

Williams: Where would be those project-based learning sites?

Hart: At the expo center.

Williams: At the expo center?

Barke: All the parents have signed permission slips to be there?

Hart: Again, we have orientation this evening, so we will ensure that we have another parent permission slip in their folder this evening. I double-checked with the school, so we'll ensure that we have accountability for every single parent having a permission slip for this particular field trip.

Gomez: You mentioned some coordination with the other schools in your network, and in turn, with that coordination, it seems as though you're going to throw this all off with these field trips. You're saying there's some advisory types of field trips and some other things. Those would be inconsistent with your other schools. This really doesn't make a whole lot of sense. I know what you're trying to do, but the explanation is a little confusing.

Hart: Certainly. All of our schools have autonomy as to when they want to do various field trips and sometimes it's large groups, sometimes it's smaller groups. They're currently not aware that our kids would be departing from the expo center on a separate field trip. Largely, the students will be together on the same field trip at the expo center located there.

Gomez: How many students are we talking about?

Hart: This is about 160 students.

Barke: Any other questions? Trustee Sparks, anything?

Sparks: No, no more.

Barke: Does anyone want to make a motion?

Williams: I'll make the motion to approve the changes.

Barke: We have a motion to approve the changes.

Sparks: Second.

Barke: Vote?

Sparks, Barke and Williams: Aye.

Gomez: No.

Bedell: Abstain.

Barke: It passes 3-1-1. Moving on to item two.

Bedell: I'll move approval of item number two for the charter.

Williams: Second.

Barke: Anybody want to discuss?

Gomez: Do we have the permits to do that?

Hart: Yes. Everything for the permanent site is being permitted. We have the proper zoning for the site, and we will be rendered E Occupancy on completion of the building. That E Occupancy permit will be given to the charter school division upon receiving that occupancy. Prior to entering that building, we'll also have, as all other years, have the staff come and inspect prior to our students moving into the permanent building. It is currently under construction, and everything has been permitted through the city of Santa Ana.

Gomez: When do we anticipate getting that?

Hart: The permanent facility is scheduled to be done by January.

Gomez: We're looking at relocating in January?

Hart: Correct.

Gomez: For the new semester, the spring semester?

Hart: Correct.

Bedell: The construction's going okay?

Hart: Construction is going well right now, yes.

Barke: Any more questions?

Williams: I call for a vote.

Barke: No further discussion?

Gomez: I don't have enough information to make a decision on this.

Barke: All those in favor?

Barke, Bedell, Sparks, and Williams: Aye.

Gomez: I will abstain.

Barke: It's 4-0-1. We are now going to closed session.

Boyd: 15 minutes? An hour?

Gomez: Let's say it's 15 minutes, folks.

Williams: I don't know.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE CONTINUATION OF THE SPECIAL BOARD MEETING]

Barke: We are now back in session.

Brenner: Thank you, Madam President. I'm going to report out on the closed session from tonight's meeting. The board met in closed session to discuss an update regarding the litigation between the board and the superintendent. No action was taken in respect to the litigation. The only other action that was taken was the discussion and review of our fee statement for June time. That invoice was approved by the board on a vote of 4-1, with the "ayes" being Trustee Bedell, Barke, Williams and Sparks. The no vote being Trustee Gomez. That's the report out on the closed session.

Barke: Thank you. Before we go to item three, I'm going to read the opening statement for that. We're going to hold our public hearing on the 2019-2020 budget. As board president, I want to make a brief statement to explain why we're holding this additional meeting to consider and vote again on the budget. As I noted in my earlier comments, the board passed and adopted a budget in June. After conducting a public hearing on the proposed budget at our June 12th meeting, the board approved and adopted the annual budget at our June 26th meeting. The budget we adopted was identical in most respects to the proposed budget that had been available in advance of both meetings, and it was prepared by the good superintendent and his staff.

We approved lower amounts of spending in the adopted budget for lobbying and travel expenses. It was very nominal amounts. We felt the process to approve and adopt the budget was appropriate and transparent. I certainly feel as board president, that the board has the sole authority under state law, under the delegation of powers we receive from the Orange County Board of Supervisors back in 1977, to adopt the annual budget for the Orange County Department of Education. Following our doctrine of the budget, the superintendent did not finalize and submit it to the State Superintendent for Public Instruction as I was hoping he would. Instead, he had a staff member email an administrator of the California Department of Education in Sacramento to solicit an opinion on the action that the board had taken.

That administrator, without the benefit of our side of what had happened or having a full background that the board had obtained budgetary authority offered the informal opinion in a reply email that the board did not have the authority to amend the budget after the public meeting at which it was discussed under Education Code Section 1620. On the basis of this email, the superintendent staff member prepared a memorandum declaring the board's action adopting a budget at the June 26th meeting invalid. Again, the supposed basis for this is that the board may only adopt a budget that is identical in all

respects to the proposed budget put forward 72 hours in advance of the adoption vote. With respect, I and our counsel disagree with this administrator's view, and her email opinion is not a binding legal precedent.

Nonetheless, in order to remove this issue that the superintendent staff has injected into our process and putting aside any silliness and impracticality of a legal standard that requires the board to conduct a new notice period in public hearing like this one, with respect to any changes it makes to the budget it adopts from the one previously noticed. We are conducting a meeting this evening to discuss and vote on the budget that was previously adopted on June 26th. We provided the necessary 72-hour notice of this meeting and location of that budget for public inspection as required, and that budget included the changes we approved earlier.

In other words, we are going through the technical bureaucratic step that the state administrator in an email, and the staff member have said we need to do. In a world of reason, common sense and good faith shouldn't be necessary. I do want to reiterate that we do not believe the law requires a special meeting. Again, we want to remove any technical objections to the board's adopted budget and proceed as thoroughly as possible with respect to the process. That is why we convened this special meeting tonight.

Looking ahead, given what I expect will be the board's increased involvement in budget prioritizing and decision making which I think will be good for the department's fiscal responsibility and accountability. I do want to take up a discussion at an upcoming meeting about our budget process and procedures in order to facilitate cooperation and active participation by both the board and the superintendent's office in order to avoid any procedural glitches in the future. I hope the superintendent and staff will join and collaborate with us in that discussion. Thank you to everyone for being here, for supporting our students, our schools, our teachers, and for continuing to help us in our ongoing pursuit of excellence in the county's education system. I now ask our board counsel, Greg Rolen, to come forward to conduct the public hearing section of our meeting on the 2019-2020 annual budget, which is item #3.

Rolen: Thank you, Madam President, Mr. Vice-President, Assistant Superintendent Boyd. At this time, the Orange County Department of Education budget adopted on June 26, 2019, for the 2019-2020 fiscal year is open for public comment.

Barke: We have one here?

Boyd: Yes. Tim Shaw. Mr. Shaw, I'm not sure that you've been here before to speak before the board. We use a timer system. It will be three minutes and it will be green, yellow, and then red. If it gets to red and then buzzes, we ask that you just complete your sentence.

Shaw: Very good.

Boyd: Thank you.

Shaw: My name is Tim Shaw. I'm a resident of the city of La Habra and a father of six children. The older four are in public schools, the younger two, not old enough. Just want to be here this evening to express my support for the board in exercising your proper budget oversight responsibility. I applaud the board in taking your fiduciary responsibility seriously and making a modest, and I think, appropriate amendment to the budget that was presented. That will not in any way impact the quality of education here in Orange County.

I think it is obviously very important to keep a sharp eye on every taxpayer dollar, and the board is to be commended for exercising their budget oversight responsibility and taking that seriously. I take comfort in knowing we have a great board of education that are watching our taxpayer dollars, and making sure that those dollars end up where they belong - in the classroom helping students. Thank you.

Barke: Thank you.

Rolen: Madam Assistant Superintendent, are there any other public comment cards?

Boyd: There are none.

Rolen: With that, being no other public comment cards, I close the public hearing.

Barke: Going on to number four.

Williams: Yes. I make a motion to approve number four for all the legal services up until July, starting way back there in 2018 from the very first meeting, I believe, which is in September up until the 31st of July.

Barke: Any discussion?

Williams: We need a second.

Barke: Oh, sorry.

Sparks: Second.

Barke: Second. I'm still learning.

Bedell: Did you get a second?

Barke: Yes, I got a second.

Williams: If I can have the floor, Madam President? I'd like to read into the record, and provide for the official minutes, that we will approve in the subsequent board meetings the actual wording from the Superior Court of the state of California from Dr. Amin from Judge James Crandall. It says, "Having considered the parties briefing and oral argument regarding plaintiff cross-defendant Orange County Board of Education, a motion for a preliminary injunction and due deliberation having been had, and it appearing to the satisfaction of the court, that a preliminary injunction should issue."

It says, "It is ordered that defendant Al Mijares, his agents, servants, assigns, and those acting in concert with it, and any entity acting on its behalf, are hereby enjoined and restrained during the pendency of this action and pending a further order of the court from refusing to remit payment, which has been approved by the executive committee of the board, to Greg Rolen and Haight Brown & Bonesteel for legal services performed for the board. It is so ordered and signed on the 25th of July by Judge James Crandall." That will be exhibit four. I'll put that into the minutes and I'll give it to you at the end.

Barke: Discussion now?

Williams: Now, discussion.

Barke: Any discussion? Dr. Bedell?

Bedell: We're on #4? I have no questions.

Williams: I have no questions.

Barke: Beckie?

Gomez: No questions.

Barke: Okay, I'd like to vote. All those in favor?

Barke, Bedell, Sparks and Williams: Aye.

Barke: Those opposed?

Gomez: Oppose.

Barke: It passes 4-1. Moving on to item #5 to approve the OCDE budget for the 2019-2020 fiscal year as required by state regulations. I'll make a motion. I so move for the approval and adoption of the 2019-2020 OCDE budget pursuant to California Education Code 1622 A.

Williams: I'll second that. Madam President, if I can also ask our good associate superintendent, on the form that's provided by the State Superintendent of Public Instruction, it's on pages three and seven, we have two signatures that are required, signed by the clerk or the secretary, the ex officio member of this board, as our secretary, is Dr. Mijares. I can't ask him the question, but I ask you the question? Will you be signing this document, should it pass?

Boyd: Should it pass, Dr. Mijares would sign the document.

Williams: He can't make that commitment tonight then?

Boyd: No

Williams: On this motion, I would like to make a subsidiary motion, because it is important that we have this document signed. This board will be sending it to the State Superintendent of Public Instruction. My subsidiary motion is to nominate for board clerk, for the purposes of budget finalization and submission to the State Superintendent of Public Instruction, I nominate Trustee Sparks as board member assigned as clerk for the administrative purposes of signing pages three and seven.

Barke: Do you need a second? I will second it. Any discussion? Do you have any discussion on that, Dr. Sparks?

Sparks: I don't know if you can read my signature.

Bedell: Ken? I've never heard this before in the 14 years that I've done the budget. Explain please.

Williams: I would be more than happy to talk about the journey we've been through.

Bedell: Yes, because we've never done this before.

Williams: This is extraordinary. This is historical. Allow me to just continue and educate, because this has been certainly an educational experience for the executive committee going through this. In explaining this, I have to give background. If I can do that, I would like to submit as again, an exhibit on this item. The actual memo that was created and sent to the board on July 19th by our good superintendent, Dr. Mijares. I'm going to submit it –

Gomez: July 19th of what year?

Williams: 2018. I believe that was sent by Darou to everybody. I'm not going to read the entire document, but I do need to answer your question; and in doing so, I think it's important to get onto the record and to submit it as part of the formal record and minutes. I will read the last paragraph. The last paragraph states: "For the foregoing reasons, I will not agree to amend the budget and will not be providing a modified budget reflecting the changes requested by the board."

Again, this is the memo by Dr. Mijares to this board, and I continue. "In June 2019, I submitted to the board a fiscally sound budget. I'm requesting the board reconvene a meeting to approve the 2019-2020

budget I already submitted to the board for public hearing and adoption. If the board does not adopt that budget as submitted, or takes actions to modify the budget or does not act, I will interpret that as the board's refusal to adopt the 2019-2020 budget and act accordingly.”

Again, that will be provided in minutes as part of the documentation, and allow me, Dr. Bedell, to answer your question. Upon receiving that memo dated July 19th, we heard that our July 17th meeting that the superintendent would be assisting us in meeting this technical issue regarding the budget adoption process. As you know, the budget adoption process amounted to reduction of \$172,442. That was, I believe, approved 3-1-1. During that process, because of the technicality that was raised by staff and by the superintendent, we had to create a document.

That document is on a prescribed form by the State Superintendent of Public Instruction. We have never actually seen that form before, at least in my 24 years; I've never seen the actual document. What you're seeing here today is the actual document that the superintendent and the state uses. On that, there's pages that need to be signed. There's a lot. It's very interesting. I sent it to you Monday. I think you received it. It's a very different document than what we've been used to. It took some time to familiarize myself with it and to create the document. With our special interim counsel, Mr. Rolen, we were able to create a document based upon all of the data. We actually received the data file. Renee or Nina was good enough to give it to us.

Through his expertise in subcontracting to someone who was very familiar with the process, we were able to recreate this document in the exact same manner that we adopted that last meeting of June. All of the budget numbers, again, I'll go over that, because I think it's important to review that. We reduced travel in the amount of \$81,050, and that was object code 5200. Then we reduced travel. That was object code 5300, I believe, and that amount was \$31,392. Then we reduced the lobbying in the amount of \$60,000. All of those codes are in here. The document's a little bit different than what we're used to, but very similar in the final numbers that are crunched.

I have the old document or the original superintendent-provided document that we saw, and I have the new one here. I have those exact lines if you want to find out exactly where those changes were made. What we're voting on today, we believe, is a more of a technical issue. I think we already adopted it back there in the last meeting in June. It's there for you to look at. I don't know if that helps to answer the question.

Bedell: I read it. This is not weeds. This is your document, right?

Williams: No, that's the State Superintendent of Public Instruction's document.

Gomez: With your changes?

Williams: With, correct, with the changes.

Bedell: I'm not trying to be difficult here, but the motion was to approve the budget, right?

Williams: Correct.

Bedell: That's with adjustments as adopted by the Board of Education on June 26th re-presented for public hearing and adoption. This document is what you're planning to have Trustee Sparks sign and transmit to the state department. Is that fair?

Williams: That's very fair. If you look on page three and seven of that document, there are two pages that have to be signed. In looking at the past years, the good superintendent has signed that as the ex

officio non-voting member of our board; the State Superintendent only requires the secretary of the county board, which is Dr. Mijares. It makes no clarification as to which one is required, but we don't have a clerk, officially. That's why, President Barke was talking about we need to adjust things in the future, because we don't need to be put into this position here. The Superintendent refuses to help us with the budget that we adopted. In June of 1977, the Orange County Supervisors gave their duties to this board as well as the duty to adopt the budget.

I appreciate your question, but we were put in a position where we didn't have any help. The superintendent said that he is not going to help us, and that was in the July 19, 2019, memo. We, as an executive committee, thought that we needed to do something and we had to do something fast. We did it within a week. We worked really hard. Our duties and responsibilities as a board, we feel, have been fulfilled, or the technical aspect of it that was raised at the June 26th meeting. The actual budget that was adopted, we feel, it was legal. It was appropriate, and we're just doing this to get the technical aspects resolved. **[TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO BE INAUDIBLE]**

Bedell: Thank you for your patience, Ms. Chairman, I appreciate it. This document was not printed under the auspices of Orange County Department of Ed. Is that correct?

Williams: That is correct, because, remember, the superintendent said he would not help us.

Bedell: Right. I'm sure it's fine, identifying the comparison piece, but if there are errors in it, in the transmission to the state, who enjoys that responsibility now? Is that different than it would be if we went back to meetings for the other ones?

Williams: The executive committee, in recreating this document, took over the data that was in the original one that was submitted to us June 12th for the public meetings. We took all of that information, and it's just a matter of manipulating the data and putting it into the form that the actual state -

Bedell: Who did that?

Williams: Mr. Rolan has someone within his office that he contracts with to do that.

Bedell: Madam Chair, are we ready for amendments, or any conversation?

Barke: I think we have a motion on the table, a subsidiary motion, to appoint Trustee Sparks -

Bedell: That has to be taken care of first?

Barke: - right, as a clerk to be able to sign. Do we have any more discussion on that? No? Call for a vote?

Barke, Sparks and Williams: Aye.

Gomez: No.

Bedell: Abstain.

Barke: It passes 3-1-1. We'll go back to our original motion to approve the budget for the 2019-2020 fiscal year. Any discussion there?

Gomez: Yes. You cited the Ed. Code on another item. I'm looking at the Ed. Code 1040, duties of the board. It says, "The County Board of Education shall approve the annual budget of the County Superintendent of Schools before its submission to the County Board of Supervisors." Then it goes on to talk about the budget of the County Superintendent of Schools. This is not the budget that the superintendent prepared. We cannot vote on something different than what the superintendent provided. We're voting on something that someone else has adjusted. We're putting ourselves in a quandary here.

Williams: No, we didn't put ourselves in the quandary. The superintendent did, Beckie.

Gomez: No. With this vote we are. With this vote, we are.

Williams: What are we going to do? Not have a budget because someone says, "No, I'm not going to help you out, because you're in violation of certain education codes that he has as a superintendent to provide these services to us? I'm a little upset that we're even in this situation that I had to work -

Gomez: So am I.

Williams: - so hard to get here. We're in a very, very terrible situation. We're meeting our statutory obligations and duties by doing this, technically, so everyone's happy. We do have after this budget, if and when it is adopted, a letter that will be sent out to the California Department of Education as well as the State Superintendent of Public Instruction about the process, and how we got here. It's going to be explained, and it's embarrassing that we're here. The board did not do anything wrong. Everything here in this budget is what was originally submitted on June 12th.

Gomez: Then on the 26th, amendments were suggested.

Williams: We passed –

Gomez: By your own admission, they were insignificant; therefore, why are we going through all this? Why did we have to have this special meeting? As I indicated before, I think the direction from this board to the staff was that we wanted them to look at these things to curtail this. A budget is a plan. It is not a strict this is the only thing we can do, because I believe there's other parts in the Ed. Code saying that there's adjustments that can be made if there are urgent or emergency situations. I think we've seen that when, with an interim budget, we've seen where things needed to be changed or updated. I just think we're spending a lot of time and effort, and we're frustrating everyone by making these changes. This is, just in my mind, a lot of wasted effort. I'm sorry that you wasted a lot of time trying to make these adjustments.

Williams: May I have the floor, Madam Chair?

Barke: Yes.

Williams: Thank you, good Trustee Gomez, for your comments, and I welcome all dissenting opinions and discussions. **[TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO BE INAUDIBLE]** Where was I? Thank you, Beckie, for all your thoughts and words. It's not unusual we're disagreeing again, and that's okay to disagree. That's what a democracy is about, and that's what America is about. It's about a representative government where we all talk about things that are important. A transparent government also has duties and responsibilities, and we're being as transparent as we can with this. We're trying to make sure that there's no argument by anybody. Our own superintendent follows the same procedures. **[TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO BE INAUDIBLE]** We can put this to rest and we can move on.

Gomez: It doesn't like night meetings.

Williams: It doesn't like night meetings, yes.

Bedell: Madam President? What would be the outcome if we adjourn this meeting and tabled all items until the board is ready five weeks late? What would seven weeks be? **[TECHNICAL DIFFICULTIES CAUSE AN AUDIBLE DISTORTION WHICH CAUSES SOME OF THE COMMENTARY TO**

BE INAUDIBLE] I have a series of amendments, and my understanding is it's appropriate to have amendments. This is absurd.

Barke: Yes, I encourage -

Williams: Jack, I didn't give up the floor.

Bedell: I'm sorry.

Williams: I wasn't finished.

Bedell: You paused, and it was a pregnant pause.

Williams: Right. The static somewhat contributes to that. It's very important that we, as a board, and the public recognizes, that none of employees' salaries, pensions or benefits, nothing was impacted by this new budget. The programs, none of them were impacted by this. It was only, board travel, superintendent travel, conferences and of course, the lobbying effort which is quite controversial in and of itself. That was reduced by about one-third. That's my final comments. I will give the floor to my good colleague.

Bedell: Madam Chair is chairing, so I don't know who was going to speak.

Barke: I'm happy, Jack, to hear you. I do encourage interaction about the budget. I think that's what we're trying to show. We have the ability to do that, and I think it's great if you have some ideas about the budget.

Bedell: Sure.

Barke: I think perhaps we're a little late in the game. That should have been proposed a few weeks ago, but I'm happy to hear whatever you have.

Bedell: Sure. If I might, it was mentioned earlier that this budget does not touch the classroom. There's \$172,000 here. Two of the items deal with training. It is my assumption that training, theoretically, could impact the classroom. I don't know what that does. This is not an ad hominem attack. I think lobbying is stupid. The reason I say that is where there are competitive forces for the same dollars, it's a zero sum game and we need to have an active lobbying piece. Again, that's not an ad hominem attack. I just don't think that's a wise organizational strategy. You want to be everywhere in everybody's space, and that's how we got a lot of help with Congressman Royce's people on IDA. If we did not do any of that, who knows what it would have gotten.

This county got a commendation for its lobbying efforts from a statewide organization. That said, \$141,000 of the \$172,000 you are proposing are directly aimed at the superintendent. It's \$141,000 if I do the math right, of the \$172,000 are directly aimed at the superintendent. The middle one, the \$31,000, is not. That's fine. If we're going to be partners to this, I want to make the following suggestion. I'll move this. If it's seconded for the purpose of discussion, that's great. If it fails, it fails. I understand that. I would like to move that the board members' stipend, and health and welfare benefits be deleted from the proposed budget. If that's seconded, I'll discuss it.

Gomez: I'll second it.

Bedell: I don't know if the public knows, but each board member gets \$562.61 each month. The annual stipend for the board individual is \$6,751.32. The annual stipends cost the taxpayers \$33,756.60. The medical benefits that we get are \$108,051.84. One of our members gets medical benefits to the tune of \$20,785.32. Another member gets \$14,350.44. Another member gets \$20,785.32. Another member gets

\$31,345.44, and another one gets \$20,785.32. \$108,051.84 for medical benefits. Dental: Each board member gets \$1,375.80 paid for premiums for dental. That's \$6,879. Vision insurance: Each board member gets \$287.28 for a total of \$1,436.40.

Each board member gets a life insurance policy. Four board members' annual fee for their life policy is \$82.20. One board member's policy, because he happens to be 75 or older – guesses, and it's not Ken Williams – for the total \$44.76. The total for life insurance is \$373.56. All of our benefits summated are \$150,497.40. I ask you to go out and look in that parking lot, and look at the board cars. They're here on the site. There is a BMW, mine, a Tesla, a Mercedes Benz. What am I missing?

Gomez: Another BMW.

Bedell: And, another BMW. My view is not a single person on this board needs any of this, because I can say this for myself. I think the board can make a statement. That saves \$150,000. Now, if \$172,000 is chump change, \$150,000 is chump change. I think we're asking the administration to take their part, fine. Nothing in here is asking the board. That was my motion. That line item, or however it's put together, depending on the staff, is that the board's stipend, health and welfare benefits be deleted to save the tax payers \$154,097. Please note, I did not say in lieu of what you proposed. This should be on top of. Thank you.

Williams: If I could make a parliamentary inquiry to the president? The subsidiary motion to amend benefits and salary, that's really a board policy. An issue that's in our board policy. I don't think it's significant to the budget itself. It's not on the agenda. If you want to talk about board salaries and benefits, I think that's a good conversation but that's really a board policy-related issue. It doesn't really do with this unless you're making a specific motion, and it's unclear. I don't have anything in writing, and it was a rather long retort. I didn't understand it at all. Maybe you can rephrase that. Otherwise, I think –

Bedell: My motion is -

Williams: - that this may not be an appropriate agenda motion.

Bedell: My motion is, I thought it was clear. Sorry, Mr. Chairman, if I did not make it clear, was that -

Gomez: He is not the chair. Ms. Barke is the chair.

Bedell: - our part that we delete what I read. That's part of the budget. I have here what it is.

Williams: Do you know what code it is?

Bedell: No, I don't know what code it is, but it would not be hard to find. If that's the preference of my colleagues that this can be agendized.

Barke: I think it requires a little bit of discussion. We can call it to a vote. To put it in Beckie's words, I don't think I have enough information.

Bedell: The information is a deletion of benefits. I'm more than willing to table this for a full-blown discussion, particularly, frankly, so that we can have the benefit of the public's comments on it. They may not approve of it.

Williams: I would be for that, Jack, to have a separate discussion. This is a good discussion. Again, I think we welcome different opinions. You represent one-fifth of Orange County. So does Beckie. Mari, Lisa, and myself. I think it would be good to put it on the agenda. I fully support that. It's going to be a little bit longer, probably an hour or two hour discussion, but it's a good one.

Bedell: I don't know if the public knows this. This, to me, is also a part of it, the transparency piece.

Williams: No, I totally agree. Technically, it is on our board website, all this information. The benefits, the salaries, and all that. It is available for the public but you bring it up. It's a good item, and I think it's something that would be a good separate discussion.

Bedell: With that permission, I will ask that it be tabled to the August 14th meeting.

Barke: Is that something we need to vote on?

Williams: Are you formally removing it?

Bedell: I'm just tabling it.

Williams: Tabling it?

Barke: Counsel, would you come up? Do you have anything to add?

Rolen: I was just coming up in the event there was any clarifying questions. Trustee Bedell did send me an email asking if floor amendments to the budget were appropriate. I responded that I believe they were. If there is a motion before the board, they can vote on it. If there is a motion before the board, the board can table it. Whatever the will of the board is. If there is another motion on the agenda, the board can vote on it.

Williams: Question. So, Jack, by tabling this, and Mr. Rolen, is that delaying a vote on this?

Rolen: Just to be clear, parliamentary, with your motion. There's also a motion on to approve the budget.

Bedell: That's right.

Rolen: If the board approves that motion, then we're going to revisit this very real issue about board benefits -

Bedell: That's right.

Rolen: - in a discussion item. Understood, I just wanted to clarify.

Bedell: It's important to realize that I tabled to a time certain not just table out to a cloud.

Rolen: Understood, it will be on the agenda.

Williams: You're going to have details and something formally submitted? -

Bedell: I'll find out what's going on around the state, and I know pieces of that.

Barke: Do you mind putting the years of our cars that are out in the parking lot in the assigned parking?

Bedell: I notice cars. Some colors are nicer than others also.

Williams: Just for clarification. Is it okay, parliamentary-wise, Jack made a subsidiary motion, seconded by Beckie? -

Rolen: Correct.

Williams: - and now he's changing it to lay it on the table to talk about a policy-related issue for the next meeting.

Rolen: That's my understanding.

Williams: We vote, then, on this subsidiary motion to table it, and then we go back to the main motion?

Rolen: If it's the will of the board. If there's a motion to table, you should vote.

Gomez: You don't have to vote on a table.

Barke: No.

Rolen: Given all the uncertainty -

Bedell: I vote to table, so it comes off the table automatically.

Boyd: Because he made the motion.

Williams: You made the motion to table it. Does it need to be seconded?

Boyd: No. He made the initial motion, so he's offering to table it.

Williams: We're fine, parliamentary-wise?

Boyd: Correct.

Barke: Back to the original motion of approving the 2019-2020 budget.

Bedell: My motion was tabled, not the main motion.

Barke: Right. I'm going back to the main now asking if there's any further discussion on the main motion?

Sparks: I just want to make one comment. Of the many, many duties that we have of the Orange County Board of Education, three of the most important jobs we do are dealing with whether to approve or not approve charter schools, what we do with inter-district appeals, budget approval, and oversight responsibility to our constituents. We're taking this job very seriously in going through the budget. The things that are on the table here for the total of \$172,452 have been very thoughtfully and carefully studied and analyzed as not necessary for the budget. I just wanted to throw that out there.

Barke: Any other discussion?

Gomez: I don't know, and maybe this was discussed at the last board meeting, but I don't know what the analysis was. I just remember getting something similar to this that had the line item and a number. I didn't remember getting any of the justification for that.

Sparks: We talked about it.

Gomez: Did we get it in writing? I don't recall seeing it in writing.

Williams: Have you reviewed the transcripts, either the audio -

Gomez: No.

Williams: - or the written for that meeting?

Gomez: No.

Williams: I would say go and read them. You'll find it.

Gomez: I was here for the June 26 meeting when that was brought up, and there was no analysis at that time. That's why I'm asking if I missed something?

Williams: Analysis of what?

Gomez: Trustee Sparks just said that there was detailed analysis on these items, and I don't remember that analysis. That was my question as to why these items were identified? Back in the spring, Trustee Sparks and I sat on a little ad hoc committee to talk about the budget and how it can be presented so that it was easier for us to read and identify. We came back with some suggestions. This process has been in play for many months prior to the original proposed budget. That's what's concerning me now is that we're doing things after the fact. We had plenty of time to identify those things that we wanted to take another look at. Again, we're doing things after the fact as opposed to when we had an opportunity to do it.

Sparks: We did ask a lot of questions about the travel and training elements. In discovering, we learned about the lobbyist that was in the budget. We had discussions about that. Ken talked a fair amount about that; how the constituents really wouldn't view that as necessary in terms of spending our taxpayer dollars.

Gomez: I think almost every elected body utilizes lobbyists in some way, shape or fashion to protect their interests and to be at the table. We, as elected officials, can't be in a whole bunch of places, but the lobbyists are knowledgeable and almost every organization has -

Sparks: They can be from within the organization rather than forming one outside the organization.

Gomez: But almost every organization -

Sparks: There are thousands. How many employees are here at the Orange County Department of

Education?

Boyd: 1,400.

Sparks: There are 1,400 people here. Of all those people, we couldn't send one up to do this negotiation, talk, and information in Sacramento? How many times a year do you go up to Sacramento?

Boyd: I don't remember the number, but I think -

Sparks: A lot.

Boyd: He's not a lobbyist. This organization has always had a lobbyist.

Sparks: Our constituents are telling us that they're not liking that.

Gomez: I've not heard that from any of my constituents, but I will say, serving on the city council, serving on many county boards, almost every board had a lobbyist of some sort. It wasn't a full-time lobbyist, but we did have a lobbyist that protected our interests. I sat on the Santa Ana River Flood Protection Agency. Who knows about that, nobody? If you go up the 91 and you see the big dam there, that's what we did. We had a lobbyist.

Sparks: If I'm not mistaken, Ken, isn't this a reduction? It's not completely taking everything away.

Williams: That's correct.

Sparks: It's just a reduction.

Gomez: My point is that the lobbying costs were not that outrageous that would raise the ire of the public when we do get considerable benefit. My point is, pointing out that very small county agency, we had a lobbyist. We didn't have a whole lot of hours, but there was a budget for that. Every meeting, we had an update from that lobbyist, because he was dealing with the federal government, he was dealing with the -

Sparks: We've had no updates from any lobbyist. We never heard from the lobbyist.

Barke: I think, honestly, I would feel better approving a budget, and I said that to Dr. Mijares, and I want it to be at the table, because there were things being lobbied for that we passed a resolution against. The lobbying efforts seem to be in conflict with what the board was doing. Yes, I think if the lobbyist came here, I would be a lot more inclined to -

Gomez: We as a board can ask for that, but I didn't see anybody asking for that. I'm just trying to point out that many organizations have lobby efforts. We are not unique. That's my point.

Barke: Maybe we're more unique in that it's not as transparent as it could be to us and our constituents, what we're lobbying for.

Gomez: All the more reason for us to ask for information.

Barke: Absolutely.

Boyd: I think as a reminder, too, as I pointed out, you have two offices here which is uniquely different than most entities. You have an elected superintendent that holds one political office and you have the board who holds another political office. Historically, the board and the superintendent have not always supported the same legislation. In some instances they have, and in some they haven't. Lobbyists have acted on depending on which office they're representing.

Some things are in conflict, and there's a recognition that there will be things, potentially, that are in conflict. Historically, the lobbyist has been scheduled to give updates to the board. This past year, the board has taken a different approach in developing their agenda. We have had on the agenda the lobbyist, both at a federal level and the state level, either here at the board meeting or providing as a call

in, information to the board. We can set that up and arrange that with the executive committee and/or any other member of the board who would request that to be placed on the agenda.

Barke: I think it would be a great agenda item to keep us, as well as our constituents aware of what, in fact, we are lobbying for.

Williams: We had a board budget study in May. Then, subsequently on June 12th we had another opportunity to ask questions about the budget. Many questions were asked. I specifically asked the question to Renee. Is there anything in this budget that we can reduce and make less? She said to me, "no." That told me that, yes, we can do things. The analysis was there could be a little bit of change. The changes were not made to any of the employees, the teachers, the certificated or classified staff, their salaries or benefits. Nothing was impacted with the kids and programs. It was just the travel and conference and lobbying that was reduced by less than one-half of 1%.

Barke: I remember, also putting on the table associations, and Jack lobbied us not to touch that, and we did not; we felt that that was a piece that was important in getting things done.

Williams: I call for the vote, Madam President.

Barke: That's a motion. We need a second.

Sparks: Second.

Boyd: You had an original motion.

Williams: I'm just calling for the vote.

Boyd: The original motion was presented by Mari and seconded by Ken. You just need a vote.

Barke: I'll call the vote.

Barke, Sparks and Williams: Aye.

Bedell and Gomez: No.

Barke: Motion passes 3-2.

Bedell: Procedural question?

Barke: Yes?

Bedell: What happens next?

Barke: Next, we are going to get the budget signed, and we're going to send it up to the State Superintendent.

Bedell: It goes with the transmission letter from you, signed by Trustee Sparks?

Barke: I believe we're going to have our attorney sign that.

Rolen: The budget document will be signed by the board clerk - Trustee Sparks. We are also going to send a cover letter on behalf of the board explaining the path that we took to get here.

Bedell: We, being who, Greg? The board president?

Rolen: It will be under my name. That's the original thought.

Williams: Will you make sure that -

Rolen: Absolutely.

Williams: - all of the board members will receive a copy of that?

Rolen: Certainly.

Boyd: Will the department receive a copy of that for the memo?

Rolen: Absolutely.

Boyd: I just want to make sure. Thank you.

Bedell: Madam President? At the state board, now, there will be two Orange County budgets?

Barke: No, the superintendent said he was not going to send budgets. The only budget that will be sent is the one that we just approved which was really a re-approval of the June 26 budget.

Bedell: He didn't send one prior to our vote?

Barke: No. He said he was not going to send it.

Bedell: Period.

Barke: Period. I'm pretty sure it was what that July 19th memo said. Unless I was misreading it, he was not sending one period.

Bedell: Thank you.

Barke: Do we have any other business?

Boyd: I would just mention that Dr. Mijares had intended to be at your special board meeting. When the meeting was changed from last night to tonight, he had other department business that he was already committed to. That's the reason why he's not present.

Gomez: One last comment.

Barke: Sure.

Gomez: I would respectfully request that when we have meetings, that we don't keep changing them. I know this was a special meeting, but this was the third day, and quite honestly, I can't manage my schedule with less than a week notice. Maybe other people can, but I moved mountains to clear last night. Then, I couldn't clear mountains tonight. I should be somewhere else. Out of respect for each other's time, we need to be a little bit more forthcoming about dates. When we set a date, let's stay to that date. I think this is just really disrespectful of everyone's time. Going forward, I would really appreciate that we could be mindful of that.

Barke: I understand. Yes?

Bedell: Last month, maybe June 19th, we received some really excellent reports about what's going on in many of our charters. I wonder if there's some way we can discuss those items, because there's some really good stuff and a handful of flags. In light of that, I've been following what's going on in Oklahoma. I don't know. Ken, you've probably been following this as well with EPIC charter in Oklahoma?

Williams: I have no idea what's going on there.

Bedell: I think that's all the more reason to be briefed on Oklahoma. If I read it right, and sometimes I don't; but if I read it right, we need to be looking at this and concerns about that to see if there's any Oklahoma impact on -

Boyd: EPIC charter.

Bedell: EPIC charter.

Williams: I don't know anything.

Bedell: Thank you very much.

Boyd: We do, twice a year, an update on the charter schools. We moved dates because of opening of school and so forth. We can dialogue with the executive committee. Then, if any of you have an interest in terms of something specific that are related to the charter schools, if there's an urgency to have a dialogue about something specific, then you can let us know that. We'll work with the school with regards to that.

Bedell: Perfect.

Boyd: We received a letter today, that we'll be sending to each of the board members in their Friday update, from Oxford Prep, requesting review expedited for their renewal. They're wanting to come sooner than later on their annual renewal. That's laid out in the letter, and we'll talk about it on the 14th

as part of the update.

Bedell: I'm assuming Erin got all her money?

Boyd: I don't know, that's an assumption you can make. I don't know at this point.

Gomez: I don't know that we can talk about that, because that's not on the agenda.

Boyd: It's not on the agenda, but we're prepared to follow up.

Gomez: Could we put it on the agenda for the 14th?

Boyd: Erin will be here on the 14th, and we will be here on the 14th. We will give you an update with regards to that.

Bedell: Good.

Boyd: She's still working very hard on trying to get everything she needs.

Williams: We discussed that at the last meeting that she would come back and give us an update.

Boyd: Also, you would get both the ISSAC and Unity. We'll have those both on the agenda.

Barke: Any other discussion? Any other public comment?

Boyd: We don't have any other cards.

Bedell: Move adjournment?

Williams: Move adjourned.

Barke: I think we are adjourned at 8:01 PM.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE ADJOURNMENT OF THE SPECIAL BOARD MEETING]