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MINUTES
Special Meeting
August 1, 2019

ORANGE COUNTY BOARD OF EDUCATION
MINUTES
Special Board Meeting

CALL TO ORDER

The Special Meeting of the Orange County Board of Education was called to order by Board President Barke at 6:02 p.m., August 1, 2019 in the Board Room, 200 Kalmus Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE

Mari Barke, Board President

ROLL CALL

Present:
Lisa Sparks, Ph.D.
Mari Barke
Ken L. Williams, D.O.
Rebecca "Beckie" Gomez
John W. Bedell, Ph.D.

INTRODUCTIONS

None

AGENDA

Motion by Williams, seconded by Sparks, and carried by a vote of 3-2 (Barke, Williams, and Sparks voted Yes; Gomez and Bedell voted No), to approve the agenda of the August 1, 2019 Special Board meeting.

PUBLIC COMMENTS

None

CHARTER SCHOOLS

1. Motion by Williams, seconded by Sparks, and carried by a vote of 3-1-1 (Williams, Barke, and Sparks voted Yes; Gomez voted No; Bedell Abstained) to approve the Ednovate Legacy College Prep material revision to move the school to temporary facilities at the following locations: 1960 S. Anaheim Way, 1710 W. Edinger Ave. and 1622 W. 6th Street.
2. Motion by Bedell, seconded by Williams, and carried by a vote of 4-0-1 (Williams, Barke, Bedell, and Sparks voted Yes; Gomez Abstained) to approve the Ednovate Legacy College Prep material revision request regarding the Legacy College Prep governing board amended bylaws and the material revision request to relocate the school from 1500 E. 17th Street to 1450 E. 17th Street, Santa Ana.

The Board went into closed session from 6:39 p.m. to 7:02 p.m.

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Orange County Board of Education v. Orange County Superintendent of Schools, Case No. 30-2018-01023385-CU-MC-CJC

Government Code Section 54956.9(a) and (d)(1)

Mr. Brenner reported the Board met in closed session to discuss an update regarding the litigation between the Board and the Superintendent. No action was taken with respect to the litigation. The Board also reviewed and voted 4-1 (Gomez voted No) to approve the invoice statement for June.

PUBLIC HEARING

3. Public Hearing- Greg Rolan conducted a public hearing regarding the Orange County Department of Education budget for the 2019-2020 fiscal year.

The hearing was opened at 7:08 p.m.

- Tim Shaw, Budget

The hearing was closed at 7:11 p.m.

PUBLIC COMMENTS

BOARD RECOMMENDATIONS

4. Motion by Williams, seconded by Sparks, and carried by a vote of 4-1 (Gomez voted No) to approve Greg Rolan legal services as of July 31, 2019.

Trustee Williams requested the following comment be included in the Minutes in regards to the bench or court order from Orange County Superior Court Order, Judge Crandall, ordering Superintendent Mijares to pay for past legal services of Greg Rolan. It is read as follows: "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 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 Rolan 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.”

5. Motion by Barke, seconded by Williams, to discuss the approval of the OCDE Budget for the 2019-2020 fiscal year as required by state regulations

Associate Superintendent Nina Boyd commented that Dr. Mijares could not attend the meeting because he has a conflict on his calendar due to last minute date change.

Dr. Williams asked Associate Superintendent Nina Boyd since Dr. Mijares was not present at the board meeting to sign the 2019-2020 OCDE budget, if she would sign the budget document on pages three and seven. Associate Superintendent Boyd indicated that should the motion pass that Dr. Mijares would be the individual to sign pages three and seven. As Dr. Mijares was not present, Dr Williams explained the state education codes requirement to have either the board secretary or clerk sign pages three and seven of the budget document. A Subsidiary motion was made by Williams, seconded by Barke, and carried by a vote of 3-1-1 (Williams, Barke, and Sparks voted Yes; Gomez voted No; Bedell Abstained) to nominate Trustee Sparks as Board Clerk for the administrative purposes of lawfully signing pages three and seven of the budget that would be submitted to the state Superintendent of Instruction.

Trustee Williams requested the following comments be included in the Minutes regarding a previous memo created by Superintendent Mijares on July 19, 2019, that he sent to the board regarding the budget and his intentions not to assist the board in lawfully and properly transmitting 2019-2020 adopted OCDE budget to the state Superintendent of Instruction. The following statement from the last paragraph of July 19, 2019 memo was read by Williams: "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. In June 2019, I submitted to the board a fiscally sound budget. I am requesting the board reconvene a meeting to approve the 2019-20 budget I already submitted to the board for public hearing and adoption. If the board does not adopt that budget as submitted, takes action to modify the budget, or does not act, I will interpret that as the board's refusal to adopt the 2019-20 Budget and act accordingly."

Subsidiary motion by Bedell, seconded by Gomez, to delete the board members' stipend and health and welfare benefits, totaling

\$150,497.40 from the 2019-20 proposed budget. The motion was tabled to the September board meeting.


Motion by Barke, seconded by Williams, and carried by a vote of 3-2 (Barke, Sparks, and Williams voted Yes; Bedell and Gomez voted No) to approve the OCDE Budget for the 2019-2020 fiscal year as required by state regulations.

BOARD MEMBER COMMENTS

- Trustee Bedell- EPIC Oklahoma, ISAAC and Unity update on 8/14

ADJOURNMENT

On a motion duly made, and seconded, the Board meeting of August 1, 2019, adjourned at 7:59 p.m.



Nina Boyd
Assistant Secretary, Board of Education



Mari Barke
President, Board of Education

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012.