

MODIFIED MEETING PROCEDURES FOR SEPTEMBER 2, 2020:

As per Executive Order N-29-20 from Governor Newsom, the Orange County Board of Education meetings will move to a virtual/teleconferencing environment using Zoom. The purpose of the Governor's executive order is to control the spread of Coronavirus (COVID-19) and to reduce and minimize the risk of infection by "limiting attendance at public assemblies, conferences, or other mass events." The Governor's executive order on March 12, 2020, already waived the requirement for a majority of board members to physically participate in a public board meeting at the same location.

The intent is not to limit public participation, but rather to protect public health by following the Governor's Stay at Home executive order and the Orange County's Safer at Home order. Members of the public will be permitted to attend this meeting in person, but due to social distancing there is limited seating. Once the meeting room is at capacity, no one will be admitted.

Pursuant to the California Department of Public Health, the Orange County Public Health Officer Order of July 14, 2020, and the City of Costa Mesa's Regulation No. 3 issued pursuant to Proclamation No. 2020-01, wearing a face covering is required when inside of, or in line to enter, any indoor public space. For the safety of staff, students, and the public, all members of the public attending the meeting in person must wear a face covering. In Costa Mesa, failure to wear a face covering in public may result in a fine.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet, in need of reasonable modification or accommodations consistent with the Americans with Disability Act, or that may be exempt from wearing a face covering pursuant to the California Department of Public Health's guidelines, should, prior to the meeting, request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012. Complaints regarding requests for reasonable modifications or accommodations will be swiftly addressed.

Instructions for observing the meeting and making public comments via virtual/ teleconference

To observe the board meeting use the following information:

- At the start time for the meeting, click on this link <https://ocde.zoom.us/j/86330750599> or
- Go to www.Zoom.us and enter the Meeting ID: 863 3075 0599 or
- Connect via phone (audio only) 1 (669) 900-6833 and enter the Meeting ID: 86330750599#.

If you wish to make a public comment at the September 2, 2020 meeting, please follow these instructions:

1. Submit a speaker card attached with your public comments to ocbe@ocde.us. Only comments received by 4 p.m., September 1, 2020 will be read during the meeting by a staff member. Comments received after 4:00 p.m. but prior to discussion of an item on the agenda will be added to the official transcript but not read into the record. The time limit for public comments outlined in board policy still applies. Public Comments will be read in the order received.

2. Speakers will fill in their name and select if they wish to address the board regarding a specific agenda item or during General Public Comments.
3. Speakers are asked to attend the board meeting virtually through the Zoom invitation link at the top of the agenda.
4. When it is time for Public Comments, their name will be identified and the comment will be read into the transcript.
5. As with all meetings, once discussion begins on an agenda item, anyone who wishes to submit a public comment may do so during the meeting, but these will not be read. Public comments received during the meeting will be added to the official transcript.



REQUEST TO ADDRESS THE
ORANGE COUNTY BOARD OF EDUCATION

Speaker Card

Please Print

Date _____

Agenda Item # _____ or General Topic _____

Name _____

Home Address _____ City _____ Zip _____

School District(s) of Residence _____

Do you have school age children? Yes _____ No _____

Do your children attend public schools? Yes _____ No _____

**Timer
Information**

GREEN

Start with 3
minutes

YELLOW

1 minute
remaining

RED

Time is up

Members of the public may address the Board of Education regarding any agenda and/or off-agenda items within the subject matter jurisdiction of the Board of Education provided that NO action may be taken on off-agenda items unless authorized by law. Comments shall be limited to 3 minutes per person per meeting and 45 minutes for all comments. 30 minutes of Public Comments will be heard prior to Board Business and 15 minutes will be heard prior to adjournment.

Please complete and submit this card along with any handouts to the Recording Secretary prior to speaking.

Thank you!

REGULAR MEETING

September 2, 2020

4:00 p.m.

Location:

The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92880 and via virtual/ teleconferencing (www.Zoom.us, ID: 863 3075 0599 (<https://ocde.zoom.us/j/86330750599>) or phone: 1 (669) 900-6833, ID: 86330750599#

ORANGE COUNTY BOARD OF EDUCATION
AGENDA

WELCOME

CALL TO ORDER

STATEMENT OF PRESIDING OFFICER: For the benefit of the record, this Regular Meeting of the Orange County Board of Education is called to order.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

(*)AGENDA

Regular Meeting of September 2, 2020 – adoption

(*)MINUTES

Special Meeting of July 28, 2020 – approval
Regular Meeting of August 5, 2020 – approval

PUBLIC COMMENTS

(30 minutes)

Individuals watching the board meeting on the zoom line may submit public comments that will be included in the official transcript of the September 2, 2020 meeting. Public comments received by 4:00 p.m. Tuesday, September 1, 2020 will be read into the transcript during the 30-minute public comment period, time permitting.

CONSENT CALENDAR

- (*) 1. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
- (*) 2. Adopt Resolution #16-20 in support of October 23-31, 2020, as Orange County's Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.

CHARTER SCHOOLS

3. Charter submissions
- (*) 4. Charter School Public Hearing – Orange County Academy of Sciences and Arts – Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.

Discussion Format:

Orange County Academy of Sciences and Arts

Capistrano Unified School District

Public Comments (30 minutes)

Board Questions

- (*) 5. Charter School Public Hearing – Citrus Springs Charter School – Aracely Chastain, Director, Charter Schools, will facilitate the public hearing.

Discussion Format:

Citrus Springs Charter School

Santa Ana Unified School District

Public Comments (30 minutes)

Board Questions

BOARD RECOMMENDATIONS

- (*) 6. Approve Public Comment Submission process (Gomez)
- (*) 7. Approve Updated and New Board Policies (Williams)

STAFF RECOMMENDATIONS

- (*) 8. Adopt Resolution #15-20 identifying the Gann actual appropriations limit for 2019-20 and the Gann estimated appropriations limit for 2020-21.
- (*) 9. Adopt the Orange County Department of Education 2020-21 Learning Continuity and Attendance Plan.
- (*) 10. Adopt the College and Career Preparatory Academy 2020-21 Learning Continuity and Attendance Plan.

Recess Regular Board Meeting to a Meeting of the Orange County Department of Education Facilities Corporation

INFORMATION ITEMS

BOARD DISCUSSIONS

ANNOUNCEMENTS

- Superintendent
- Associate Superintendent

Legislative Updates

- CSBA Update
- CCBE Update
- NSBA Update
- Capitol News Update
- School Services Update

BOARD MEMBER COMMENTS

EXECUTIVE COMMITTEE REPORT

PUBLIC COMMENTS

(15 minutes)

Individuals watching the board meeting on the zoom line may submit public comments that will be included in the official transcript of the September 2, 2020 meeting. Public comments received by 4:00 p.m. Tuesday, September 1, 2020 will be read into the transcript during the 15-minute public comment period, time permitting.

PUBLIC COMMENTS

Related to Closed Session Only

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)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC -Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 3

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Potential litigation pursuant to (d) (4) of Government Code Section 54956.9 regarding a Freedom from Religion Foundation letter that was received by the Board.

CLOSED SESSION 4

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Litigation pursuant to (d)(4) of Government Code Section 54956.9 regarding state orders and restrictions against reopening schools.

ADJOURNMENT



Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, October 7, 2020 at 4:00 p.m. The meeting will be held via virtual/ teleconferencing environment.

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.

(*) Printed items included in materials mailed to Board Members



MINUTES
Special Meeting
July 28, 2020

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

CALL TO ORDER

The Special Meeting of the Orange County Board of Education was called to order by Board President Williams at 6:09 p.m., July 28, 2020 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via virtual meeting/ teleconference.

ROLL CALL

Present:

Ken L. Williams, D.O.
Mari Barke
Tim Shaw
Lisa Sparks, Ph.D.

Absent/ Late:

Rebecca "Beckie" Gomez attended closed sessions 1 & 2.

(*)AGENDA

Motion by Williams, seconded by Barke, and carried by a roll call vote of 4-0 (Gomez Absent) to approve the agenda of the Special Meeting of July 28, 2020 with an amendment to language for Closed Session #3 to read "The reason for it is from the significant exposure to litigation from the Freedom from Religion Foundation."

INVOCATION

Ken Williams, D.O., Board President

PLEDGE OF ALLEGIANCE

Mari Barke,

INTRODUCTIONS

None

PUBLIC COMMENTS

- Leigh, Support Lawsuit
- Holly, Oppose Lawsuit
- Lynne, Oppose Lawsuit
- Robin, Support Lawsuit
- Kim, Support Lawsuit
- Darlene, Support Lawsuit
- Elizabeth, Oppose Lawsuit
- Katrina, Oppose Lawsuit
- Bree, Oppose Lawsuit
- Amanda, Oppose Lawsuit
- Robin, Oppose Lawsuit

- Julie, Oppose Lawsuit
- Kelli, Oppose Lawsuit
- Wendy, Oppose Lawsuit
- Jayme, Oppose Lawsuit
- Brooke, Oppose Lawsuit
- Vasantha, Oppose Lawsuit
- Priya, Oppose Lawsuit
- Shari, Support Lawsuit
- Cardon, Oppose Lawsuit
- Angela, Oppose Lawsuit
- Michelle, Reopen Schools
- Isabella, Oppose Lawsuit
- Nolina, Oppose Lawsuit
- Sherry, Oppose Lawsuit
- Mike, Support Lawsuit
- Rochelle, Oppose Lawsuit
- Alison, Oppose Lawsuit
- Robyn, Oppose Lawsuit

The board took a recess to go into closed session from 6:51 p.m. to 8:34 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)

CLOSED SESSION 2:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC -Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 3:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Potential litigation pursuant to (d) (4) of Government Code Section 54956.9 Freedom From Religion Foundation

CLOSED SESSION 4:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Potential litigation pursuant to (d)(4) of Government Code Section 54956.9 regarding state orders and restrictions against reopening schools.

Report out

Mr. Brenner reported the following:

For Closed Session #1 and #2, all board members were present and an update and discussion with board legal counsel was held. No action was taken by the Board.

For Closed Session #3, all board members except for Trustee Gomez were in attendance. An update and discussion with board legal counsel was held. No action was taken by the Board.

For Closed Session #4, all board members except for Trustee Gomez were in attendance, and four motions were made and passed by the Board.

1. Motion by Barke, seconded by Williams, and carried by a vote of 4-0 (Gomez Absent) to proceed with claims relating to the Governor's and public health officer's orders regarding school closures.
2. Motion by Williams, seconded by Shaw, and carried by a vote of 4-0 (Gomez Absent) to engage Tyler and Bursch on a pro bono basis to represent the Board and any other plaintiffs in that suit.
3. Motion by Williams, seconded by Sparks, and carried by a vote of 4-0 (Gomez Absent) to approve the issuance of a press release.
4. Motion by Barke, seconded by Sparks, and carried by a vote of 4-0 (Gomez Absent) to approve a Board statement to be read into the transcript and posted on the Board's webpage.

PUBLIC COMMENTS (continue)

None

INFORMATION ITEMS

BOARD MEMBER COMMENTS

ANNOUNCEMENTS

ADJOURNMENT

On a motion duly made, and seconded, the Special Board meeting of July 28, 2020 adjourned at 8:42 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Ken L. Williams, D.O.
President, Board of Education

Next Regular Board Meeting, Wednesday, August 5, 2020 at 4:00 p.m. - The meeting will be held via virtual conference.

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.

4JB

MINUTES
Regular Meeting
August 5, 2020

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education was called to order by Board President Williams at 3:33 p.m., August 5, 2020 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via virtual meeting/ teleconference.

ROLL CALL

Present:

Ken L. Williams, D.O.

Mari Barke

Tim Shaw

Lisa Sparks, Ph.D.

Absent/Late:

Rebecca “Beckie” Gomez arrived at 4:25 p.m.

(*)AGENDA

Motion by Williams, seconded by Barke and carried by a roll call vote of 4-0 (Gomez Absent) to approve the agenda of the Regular Meeting of August 5, 2020, adding language for Closed Session #3 to read “regarding a Freedom from Religion Foundation letter that was received by the Board.”

The Board took a recess to conduct closed Inter-district hearings from 3:35 p.m. to 6:32 p.m.

TIME CERTAIN

1. Inter-district Appeal Hearing (closed) – Student 08052020001I, Placentia-Yorba Linda Unified School District to Fullerton Joint Union High School District

Motion by Williams, seconded by Sparks, and carried by a roll call vote of 4-0 (Shaw, Sparks, Barke, and Williams voted Yes; Gomez Absent) to deny the appeal and uphold the decision of the Placentia-Yorba Linda Unified School District.

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

2. Inter-district Appeal Hearing (closed) – 08052020002I – Placentia-Yorba Linda Unified School District to Fullerton Joint Union High School District

Motion by Williams, seconded by Sparks, and carried by a roll call vote of 3-1 (Shaw, Sparks, and Williams voted Yes; Barke voted No; Gomez Absent) to deny the appeal and uphold the decision of the Placentia-Yorba Linda Unified School District.

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

3. Inter-district Appeal Hearing (closed) – 08052020003I – Saddleback Valley Unified School District to Tustin Unified School District

Motion by Williams, seconded by Barke, and carried by a roll call vote of 4-1 (Shaw, Sparks, Barke, and Williams voted Yes; Gomez voted No) to approve the appeal and allow the student to attend the Tustin Unified School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

4. Inter-district Appeal Hearing (closed) – 08052020004I – Santa Ana Unified School District to Newport-Mesa Unified School District

Motion by Barke, seconded by Sparks, and carried by a roll call vote of 3-1-1 (Shaw, Sparks, and Barke voted Yes; Gomez voted No; and Williams Abstained) to approve the appeal and allow the student to attend the Newport-Mesa Unified School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

5. Inter-district Appeal Hearing (closed) – 08052020005I – Santa Ana Unified School District to Newport-Mesa Unified School District

Motion by Barke, seconded by Sparks, and carried by a roll call vote of 3-1-1 (Shaw, Sparks, and Barke voted Yes; Gomez voted No; and Williams Abstained) to approve the appeal and allow the student to attend the Newport-Mesa Unified School District for the period of one academic year (2020-21).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

INVOCATION

Pastor Phillip De Courcy

PLEDGE OF ALLEGIANCE

Linda Cone

INTRODUCTIONS

None

PUBLIC COMMENTS

- Steven, Charter School
- Michael, Charter School
- Lynne, Legal Fees
- David, Reopening
- Suchitra, Oppose Litigation Against Gov. Newsom
- Ed, Closed Session 4, Anticipated Litigation concerning school opening and 13 -16 Learning and Attendance Plans
- Ditty, Closed Session 4
- Kelli, Closed Session 1-4
- Tom, Reopening
- Scott, Closed Session 4
- William, Curriculum
- Neng, Oppose Litigation Against Gov. Newsom
- Tiffany, Oppose Litigation Against Gov. Newsom
- Erika, Support Litigation Against Gov. Newsom
- Rachel, Oppose Litigation Against Gov. Newsom

MINUTES

Motion by Barke, seconded by Sparks, and carried by a roll call vote of 5-0 to approve the minutes of the Special Meeting of June 24, 2020, Regular Meeting of July 1, 2020, and Special Meeting of July 13, 2020.

CONSENT CALENDAR

Motion by Barke, seconded by Williams, and carried by a roll call vote of 5-0 to approve Consent Calendar item #6 and item #7.

6. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
7. Accept the 4th Quarter Report on Williams Uniform Complaints for OCDE student programs for the period of April 1 to June 30, 2020.

CHARTER SCHOOLS

8. Charter Schools Submissions
 - Citrus Springs renewal
 - OCASA renewal

TIME CERTAIN (continue)

9. **Public Hearing** – Textbooks and Instructional Materials, Renee Hendrick, Associate Superintendent, Administrative Services facilitated the public hearing. The hearing was opened at 7:12 p.m. There being no input from the audience, the hearing was closed at 7:13 p.m.
10. Motion by Barke, seconded by Sparks, and carried by a roll call vote of 5-0 to adopt Resolution #14-20 stating that each pupil of the county office has available textbooks and instructional materials in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board and in accordance with the procedures as established. Adopted resolution will be posted on the Orange County Department of Education website and will be distributed as requested.
11. **Public Hearing** – Renee Hendrick, Associate Superintendent, Division of Administrative Services, conducted a public hearing on CSEA’s Initial Proposal to Superintendent. The hearing was opened at 7:14 p.m. There being no input from the audience, the hearing was closed at 7:15 p.m.
12. **Public Hearing** – Renee Hendrick, Associate Superintendent, Division of Administrative Services, conducted a public hearing on Superintendent’s Initial Proposal to CSEA. The hearing was opened at 7:15 p.m. There being no input from the audience, the hearing was closed at 7:16 p.m.
13. **Learning Continuity and Attendance Plan (OCDE)** - Jeff Hittenberger, Ph.D., Chief Academic Officer and Analee Kredel, Chief, Special Education Services conducted the presentation regarding Learning Continuity and Attendance Plan for the Orange County Department of Education.
14. **Public Hearing** – Analee Kredel, Chief, Special Education Services, conducted a public hearing regarding the Orange County Department of Education Learning Continuity and Attendance Plan. The hearing was opened at 7:37 p.m. There being no input from the audience, the hearing was closed at 7:38 p.m.
15. **Learning Continuity and Attendance Plan (CCPA)** – Dave Connor, Principal conducted the presentation regarding the Learning Continuity and Attendance Plan for the College and Career Preparatory Academy.
16. **Public Hearing** – Jeff Hittenberger, Ph.D., Chief Academic Officer, conducted a public hearing regarding the College and Career Preparatory Academy Learning Continuity and Attendance Plan. The hearing was opened at 8:00 p.m. There

being no input from the audience, the hearing was closed at 8:01 p.m.

BOARD RECOMMENDATIONS

17. Motion by Williams, seconded by Barke, and carried by a roll call vote of 5-0 to nominate and approve board member assignments for the 2020-2021 fiscal year as follow:
Trustee Barke for CCBE Board of Director
Trustee Gomez for CSBA delegate and OCSBA
Trustee Williams for PAGE
Trustee Sparks and Shaw for PTA
18. Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to approve travel and name new representative for CCBE Board of Directors and Delegate Assembly.
19. Approve Public Comment Submission process (Gomez)

By consensus of the Board, item #19 was tabled to the next meeting, September 2nd.
20. Approve Updated and New Board Policies (Williams)

Motion by Williams, seconded by Barke to approve updated and new board policies.

The motion was withdrawn by Williams and Barke.

By consensus of the Board, item #20 was tabled to the next meeting, September 2nd.

INFORMATION ITEMS

ANNOUNCEMENTS

Superintendent

- Acknowledgement of Dr. Hittenberger and OCDE staff's excellent work on the Learning Continuity and Attendance Plan
- Webinar on Protocols for School Safety

Associate Superintendent

- Next board meeting is September 2nd – Submission deadline is August 19th.
- Charter Schools Update
- Virtual Conferences: CCBE Annual Conference – September 11-12, 2020, NSBA CUBE Conference – September 22-24, 2020, and CSBA Annual Conference's New Trustee Orientation on December 3-5 – RSVP to Darou

BOARD MEMBER COMMENTS

- Trustee Barke - Charter Schools Update
- Trustee Gomez – Acknowledgement of over 3500 Public Comments Received for Special Meeting of July 13th (2434 emails opposed White Paper, 443 Support)
- Trustee Shaw – Board Meetings and Correspondences

PUBLIC COMMENTS

None

PUBLIC COMMENTS

Related to Closed Session Only - None

The Board took a recess from 8:57 p.m. to 10:12 p.m. to conduct closed session.

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)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC -Government Code §§ 54956.9(a) and (d)(1)

Report Out

Mr. Brenner reported for Closed Session 1 and 2, the Board received an update on both matters. The only action taken was approval of Epstein Brown & Green invoices dated July 30, 2020 by a vote of 3-1-1 (Williams, Barke, and Sparks voted Yes; Gomez voted No; and Shaw Abstained).

CLOSED SESSION 3

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Potential litigation pursuant to (d) (4) of Government Code Section 54956.9 regarding a Freedom from Religion Foundation letter that was received by the Board.

Report Out

Mr. Brenner reported for Closed Session 3, the Board received an update. The only action taken was approval of Tyler and Bursch invoices dated August 4, 2020 by a vote of 4-0-1 (Williams, Barke, Sparks, and Gomez voted Yes; Shaw Abstained).

CLOSED SESSION 4

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Potential litigation pursuant to (d)(4) of Government Code Section 54956.9 regarding state orders and restrictions against reopening schools.

Report Out

Mr. Brenner reported in Closed Session 4, the Board received an update. The only action taken was approval of the issuance of a board statement by a vote of 4-0-1 (Williams, Barke, Sparks, and Shaw voted Yes; Gomez Abstained).

ADJOURNMENT

On a motion duly made, and seconded, the Board meeting of August 5, 2020 adjourned at 10:22 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Ken L. Williams, D.O.
President, Board of Education

Next Regular Board Meeting, Wednesday, September 2, 2020 at 4:00 p.m. - The meeting will be in the Board Room at 200 Kalmus Drive, Costa Mesa, CA and via virtual conference.

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.

JB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: August 17, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Jeff Hittenberger, Chief Academic Officer
SUBJECT: Granting of Diplomas

The students listed on the attached pages have been certified for graduation by the Custodian of Records or their designee for the Division of Alternative Education of the Orange County Department of Education. These students have met the standards of proficiency in the basic skills prescribed by the governing board in accordance with Education Code 51412. It is requested that the Board approve the granting of diplomas to these students.

RECOMMENDATION:

Approve granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

LS:sl

Pages 16-17 removed (CONFIDENTIAL STUDENT INFORMATION)



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 2, 2020

TO: Nina Boyd, Associate Superintendent

FROM: Christine Olmstead Ed.D., Associate Superintendent,
Educational Services Division

SUBJECT: RESOLUTION # 16-20, ORANGE COUNTY RED RIBBON WEEK

Orange County schools typically hold Red Ribbon Week campaigns during one of the last two weeks of October. The Orange County Department of Education will recognize Red Ribbon Week as October 25-31, 2020.

RECOMMENDATION:

Adopt Resolution # 16-20 in support of October 25-31, 2020, as Orange County's Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.

RED RIBBON WEEK, October 25 - October 31, 2020

4DB

ORANGE COUNTY BOARD OF EDUCATION
BOARD AGENDA ITEM

DATE: August 19, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Aracely Chastain, Administrator, Charter Schools
SUBJECT: Orange County Academy of Sciences and Arts – Public Hearing

DESCRIPTION:

On February 10, 2016, Orange County Board of Education approved Orange County Academy of Sciences and Arts for a five-year charter term, which expires on June 30, 2021. On August 5, 2020, Orange County Academy of Sciences and Arts submitted a renewal charter petition that included a material revision to eliminate grades 6-8.

RECOMMENDATION:

Per California Education Code, Orange County Board of Education shall hold a public hearing on the provisions of the Orange County Academy of Sciences and Arts charter petition and consider the level of support for the charter school at the September 2, 2020 board meeting.



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: August 19, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Aracely Chastain, Administrator, Charter Schools
SUBJECT: Citrus Springs Charter School – Public Hearing

DESCRIPTION:

On May 11, 2016, the Orange County Board of Education approved Citrus Springs Charter School for a five-year charter term, which expires on June 30, 2021. On August 4, 2020, Citrus Springs Charter School submitted a renewal charter petition.

RECOMMENDATION:

Per California Education Code, Orange County Board of Education shall hold a public hearing on the provisions of the Citrus Springs Charter School petition and consider the level of support for the charter school at the September 2, 2020 board meeting.



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 2, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Rebecca Gomez, Board Member
SUBJECT: Public Comment Submissions

BACKGROUND:

The Board has received large numbers of public comments submitted electronically since COVID-19 zoom meetings began in April 2020. Since it is not feasible to read all comments into the record, the Board has developed a procedure to address electronic submissions.

- Public Comments that are to be included as a part of the official minutes cannot exceed 400 words.
- Public Comment that includes any inappropriate or profane language will be redacted.
- Public Comments submitted electronically by the end of a scheduled board meeting will be included in the minutes as an attachment. The attachment will be linked to the official minutes and posted on the board website.

To ensure equity in public comment submissions either electronically or in-person, the Board will alternate by reading into the transcript an electronic submission (read as received in date and time order) followed by an in-person delivery of their public comment. This process will continue until the 30-minute time allowance is reached or the Board by unanimous decision, allows additional time.

RECOMMENDATION:

Approve Public Comment Submission process.

4JB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: July 30, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Ken L. Williams, D.O., Board President
SUBJECT: Updated and New Board Policies

RECOMMENDATION:

Approve Updated and New Board Policies.

ORANGE COUNTY DEPARTMENT OF EDUCATION Costa Mesa, California
BOARD POLICY

100-12

Invocations at Board Meetings

The Orange County Board of Education believes that authorizing invocations at board meetings is consistent with the board’s values and has long been a part of our nation’s heritage. Prayers and invocations that are solemn and respectful in tone, that invite board members to reflect upon the shared ideals and common ends of the difficult business of governing serve to set a serious tone in which the members of the board may conduct the people’s business. The opportunity to provide an invocation at a board meeting shall be open to all religions and the board shall maintain a policy of nondiscrimination.

Prayers or invocations shall not denigrate nonbelievers or religious minorities, proselytize, advance or disparage any religion or belief, promote harm to people, or threaten damnation or preach conversion. In all other respects, the board will not regulate the content of the prayers or invocations presented at board meetings.

Invocations shall not last more than three minutes and it is expected that the invocation focus on Orange County’s children with a special emphasis on the children whom the Orange County Board of Education and the Orange County Superintendent of Schools serve. Presenters should be sensitive to the issues on the agenda for the particular meeting and the emotional concerns of those in attendance.

Each December employees of the Orange County Superintendent of Schools will post a notice on the OCDE website to solicit the names of volunteers to deliver the invocation for the next calendar year. Persons interested in delivering an invocation must send a letter of interest in writing or email to OCDE by the specified date. The names will be chosen at random and those accepted will receive written confirmation by email from the Board Clerk. Confirmations will identify the date and time for their invocation. If the person who was selected to deliver the invocation is unable to attend or is a no show, the chairman of the meeting may request a volunteer from the audience.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-12

Invocations at Board Meetings

The Orange County Board of Education ("Board") values receiving invocations to be an integral part of our nation's heritage and founding fathers' intent. Invocations shall be serious, solemn, respectful and lend gravity to the occasion. Invocations shall invite Board members to reflect upon their shared ideals, common ends and united purpose as they embark on the difficult and necessary task of governance. The opportunity to provide an invocation at a Board meeting shall be open to all religious denominations, interests and organizations and the Board shall maintain and enforce a nondiscrimination policy.

Invocations shall be directed at the Board and focus on the Board's service to Orange County students. Invocations shall not exceed three minutes. They shall not denigrate nonbelievers, agnostics and/or religious minorities or subgroups. Invocations shall not proselytize and/or advance, promote, criticize or disparage any religion or belief. They shall not promote hate, violence, or any physical or emotional harm whatsoever. The Invocations shall not threaten damnation, preach conversion or seek to indoctrinate. In all other respects the Board will not regulate, prejudice, or approve the invocation content.

The Board is mindful that some individuals either may not want to participate, or feel compelled to be present during invocations. To that end, the Board will provide the public an opportunity to excuse themselves prior to an invocation. To every extent possible students will not be in the Board meeting during invocations. If necessary, the Board agenda shall be configured in a manner to separate invocations from matters that may impact a student's educational experience. (I.e. awards/presentations).

Invocation presenters ("presenters") should be sensitive to issues to be addressed at the Board meeting and the particular concerns and/or sensitivities of those in attendance. The Board seeks to allow presenters representative of a diverse cross-section of religious and cultural viewpoints to deliver invocations. Neither Board Members, nor members of the Orange County Department of Education ("Department") staff shall deliver invocations. Each December Department staff shall solicit presenters for the next calendar year. Interested persons may contact either the Department, or the Board Executive Committee to express interest. Presenters shall be randomly selected and receive confirmation from the Board Executive Committee. Confirmation shall identify the date and time of the invocation. If the presenter is unable to attend the Board President may request a volunteer from the audience.

References: *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014); *Marsh v. Chambers*, 463

US 763 (1983); *American Legion v. American Humanist Association* 588 US _____ (2019).

Adopted:

ORANGE COUNTY DEPARTMENT OF EDUCATION Costa Mesa, California
BOARD POLICY

Executive Committee of the Board's authorization to retain and consult legal counsel on behalf of the Board

The Executive Committee of the Board is hereby authorized to retain and consult outside legal counsel on behalf of the Board about any specific matter of a time sensitive nature in the judgment of the Executive Committee when it has determined that any of the following conditions exist with respect to that matter:

1. (1) In-house counsel has a conflict of interest;
2. (2) In-house counsel has failed to render timely advice in a particular matter;
3. (3) The legal or administrative services being sought are in addition to those usually, ordinarily, and regularly obtained from in-house counsel; or
4. (4) The board desires a second legal opinion from that provided by in-house counsel in a particular matter.

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-15

Board Executive Committee authority to retain and consult outside legal counsel

The Board Executive Committee is hereby authorized to consult and retain outside legal counsel for the Board. The Board may consult outside legal counsel if the Board Executive Committee determines outside legal services are necessary because either:

- (1) In-house counsel has a potential conflict of interest as determined by the Executive Committee or majority vote of the Board;
- (2) In-house has failed to render timely advice in a matter as determined by the Executive Committee that is exigent in nature. At the following board meeting such action will be brought to the Board for vote;
- (3) The legal or administrative services being sought are in addition to those usually, customarily, and regularly obtained from in-house counsel;
- (4) The Board desires a second legal opinion from that requested from in-house counsel in a particular matter; or
- (5) Outside legal services are necessary for the sovereignty, confidentiality, efficacy of the Board and do not conflict with statutory guidelines.

Reference: Authority: California Education Code §§35041.5, 35160; 35160.1, 35160.2, 1042 (d), 1621; Jaynes v. Stockton (1961) 193 Cal. App. 2d 47

Adopted:

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa California

BOARD POLICY

600- Budget Adoption -Signing and Submitting the Adopted Budget

Upon adoption and approval of the annual budget the County Superintendent of Schools shall sign and submit the budget to the State Superintendent of Schools by June 30. Failure to perform this ministerial duties will be interpreted as an unlawful act of insubordination by the Board.

References: Authority: Education Code §§1040; 1042; 14050; 17340

Adopted:

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa California

BOARD POLICY

100-

Election of Board Clerk

In order to comply with statutory mandates it may become necessary and proper for the Board to elect a Clerk ("Board Clerk") to exercise ministerial duties on behalf of the Board. The Board Clerk shall be nominated, seconded, and approved by majority vote at a public meeting in open session.

Reference: Authority: Education Code §§1040, 35160, 35160.1, 35160.2, Orange County Department of Education 30 10306 000000 Form CB p. 3, 7

Adopted:

ORANGE COUNTY BOARD OF EDUCATION

Costa Mesa, California

Board policy

100-

Board Specific Purpose Fund

The Orange County Department of Education Administrative services and Business services departments shall create a separate object code under 5800 Professional-consulting and operating expenses entitled Board Specific Purpose Fund. The fund balance shall be determined by the Board during the Budget Adoption process. The fund shall be available for appropriation by majority vote of the Board at a regularly scheduled Board meeting.

Reference: Authority: Education Code §§1040 (a), 1042 , 1620, 1621 (d), 1622, 35160, 35160.1 and 35161.

Approved: 9

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

BOARD POLICY

100-

Object Code for Active and Ongoing Litigation

In the interests of budgetary transparency the Orange County Department of Education Administrative Services and Business Services departments shall create an additional object code, 5876, which separately reflects matters of active and ongoing litigation. This shall be presented to the Board of Education in the First Interim Report and Second Interim Report ("Interim Reports"). The County Superintendent of Schools is instructed to present the Interim Reports to the Board of Education as required by statute.

Reference: Authority: Orange County Board of Supervisors Resolutions passed in February and June 1977; Education Code §§1040 (c), 1042 (a), 1240 (j), 1280 and 1281.

Approved:

4JB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 2, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Renee Hendrick, Associate Superintendent, Administrative Services
SUBJECT: Gann Limits – Resolution #15-20

A constitutional amendment, referred to as the Gann Amendment, requiring appropriations limits for state and local government units was passed on November 6, 1979.

Senate Bill 1352, Chapter 1205 of 1980, implements this amendment and requires public agencies to establish an appropriation limit each fiscal year beginning with 1981-82.

Documentation used to compute the actual appropriations limit for 2019-20 and the estimated appropriations limit for 2020-21 is on file in the Administrative Services Division of the County Superintendent of Schools.

RECOMMENDATION:

Adopt Resolution #15-20 identifying the Gann actual appropriations limit for 2019-20 and the Gann estimated appropriations limit for 2020-21.

RH:sh

RESOLUTION FOR ADOPTING THE “GANN” LIMIT

(Normal, no increase to Limit pursuant to G.C. 7902.1

WHEREAS, in November of 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and,

WHEREAS, the provisions of that Article establish maximum appropriation limitations, commonly called “Gann Limits,” for public agencies, including school districts; and,

WHEREAS, the District must establish a revised Gann limit for the 2019-20 fiscal year and a projected Gann Limit for the 2020-21 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law;

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the attached calculations and documentation of the Gann limits for 2019-20 at \$ 129,986,091 and for 2020-21 at \$ 124,304,095 are made in accord with applicable constitutional and statutory law;

AND BE IT FURTHER RESOLVED that this Board does hereby declare that the appropriations in the Budget for the 2019-20 and 2020-21 fiscal years do not exceed the limitations imposed by Proposition 4;

AND BE IT FURTHER RESOLVED that the Superintendent provides copies of this resolution along with the appropriate attachments to interested citizens of this district.

PASSED AND ADOPTED by the Governing Board of the Orange County Department of Education, State of California, this 2nd day of September 2020, by the following vote:

AYES: Members:

NOES: Members:

ABSENT: Members:

STATE OF CALIFORNIA
COUNTY OF ORANGE

I, Ken L. Williams, D.O., President of the Board of Education in Orange County, California, hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 2nd September 2020.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 2nd of September, 2020

Ken L. Williams, D.O, President
Orange County Board of Education

4JB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: August 20, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Jeff Hittenberger, Chief Academic Officer
SUBJECT: Orange County Department of Education 2020-21 Learning Continuity and Attendance Plan

BACKGROUND:

The Orange County Department of Education 2020-21 Learning Continuity and Attendance Plan was presented to the Board on August 5, 2020.

RECOMMENDATION:

Adopt the Orange County Department of Education 2020-21 Learning Continuity and Attendance Plan dated September 2, 2020.

4DB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: August 20, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Jeff Hittenberger, Chief Academic Officer
SUBJECT: College and Career Preparatory Academy 2020-21 Learning Continuity and Attendance Plan

BACKGROUND:

The College and Career Preparatory Academy 2020-21 Learning Continuity and Attendance Plan was presented to the Board on August 5, 2020.

RECOMMENDATION:

Adopt the College and Career Preparatory Academy 2020-21 Learning Continuity and Attendance Plan dated September 2, 2020.



REGULAR MEETING OF FACILITIES CORPORATION

September 2, 2020

Location:

The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92880 and via virtual/ teleconferencing (www.Zoom.us, ID: 863 3075 0599 (<https://ocde.zoom.us/j/86330750599>) or phone: 1 (669) 900-6833, ID: 86330750599#

ORANGE COUNTY BOARD OF EDUCATION
FACILITIES CORPORATION
AGENDA

CALL TO ORDER - STATEMENT OF PRESIDING OFFICER: "For the benefit of the record, this Regular Meeting of Facilities Corporation is called to order."

ROLL CALL

- (*) AGENDA Regular Meeting of September 2, 2020 – adoption
- (*) MINUTES Receive the Minutes of the Regular Meeting of September 11, 2019 – Approved at the October 16, 2019 meeting.

PUBLIC COMMENTS

At this time, members of the public may address the Board of Education regarding any agenda and/or off-agenda items within the subject matter jurisdiction of the Board of Education provided that NO action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per person per meeting and thirty (30) minutes for all comments.

SPECIAL RECOMMENDATIONS

- (*) 1. Appoint the officers of the Education Facilities Corporation
- (*) 2. Receive the Esplanade Project Operational Report for fiscal year 2019-20.
- (*) 3. Receive and approve the Esplanade Project Operational Budget for fiscal year 2020-21.

CLOSED SESSION

ADJOURNMENT



Nina Boyd
Assistant Secretary to the Facilities Corporation, Orange County

(*) Printed items included in materials mailed to Board Members
Facilities Corporation Board Meeting Agenda

09/02/2020

43B

MINUTES
Regular Meeting
Facilities Corporation
September 11, 2019

ORANGE COUNTY DEPARTMENT OF EDUCATION
FACILITIES CORPORATION
MINUTES

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education Facilities Corporation was called to order at 4:48 p.m. on September 11, 2019 in the Board Room, 200 Kalmus, Costa Mesa, California.

ROLL CALL

Present:

Mari Barke
Ken Williams, D.O.
Rebecca "Beckie" Gomez
John W. Bedell, Ph.D.

Absent:

Lisa Sparks, Ph.D.

AGENDA

Motion by Bedell, seconded by Williams, and carried by a vote of 4-0 (Sparks absent) to approve the September 11, 2019 agenda of the Facilities Corporation regular meeting.

MINUTES

Received – Approved on November 7, 2018.

PUBLIC COMMENTS

None at this meeting

SPECIAL RECOMMENDATIONS

1. Motion by Bedell, seconded by Gomez, and carried by a vote of 4-0 (Sparks absent) to confirm the appointment of the officers of the Education Facilities Corporation for 2019-20.

Motion by Barke, seconded by Bedell, and carried by a vote of 4-0 (Sparks absent) to approve the nomination of Trustee Gomez as Treasurer.

- Mari Barke – President
- Ken L. Williams, D.O. - Secretary
- Rebecca "Beckie" Gomez - Treasurer

2. The Esplanade Project Operational Report for fiscal year 2018-2019 was received by the Board.

3. Motion by Gomez, seconded by Bedell, and carried by a vote of 4-0 (Sparks absent) to receive and approve the Esplanade Project Operational Budget for fiscal year 2019-2020.

CLOSED SESSION

None

ADJOURNMENT

On a motion duly made and seconded, the Regular Meeting of the Facilities Corporation of September 11, 2019 ended at 4:53 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Mari Barke
President, Board of Education



**ORANGE COUNTY DEPARTMENT OF EDUCATION
FACILITIES CORPORATION**

BOARD AGENDA ITEM

DATE: September 2, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Renee Hendrick, Associate Superintendent, Administrative Services
SUBJECT: Education Facilities Corporation Board of Directors 2020-2021

The Orange County Department of Education Facilities Corporation is a nonprofit public benefit corporation organized under the California Nonprofit Public Benefit Corporation Law for public purposes.

Section 3.02 of the Corporation's Bylaws provides that the Directors of the Corporation shall be the then current members of the Orange County Board of Education. Section 3.05 of the Bylaws provides that a vacancy on the Board because of death shall be filled in the manner prescribed in these Bylaws for regular appointment to such office.

As stated in the Action by Incorporator, officers of the Facilities Corporation are elected to the office as indicated opposite each person's name by virtue of their office on the Board of Education.

<u>Office</u>	<u>2019-2020</u>	<u>2020-2021</u>
President	Mari Barke	Ken L. Williams
Secretary	Ken L. Williams, D.O.	Mari Barke
Treasurer	Rebecca "Beckie" Gomez	<hr/>

RECOMMENDATION:

Appoint the officers of the Education Facilities Corporation.

RH:sh

JB

**ORANGE COUNTY DEPARTMENT OF EDUCATION
FACILITIES CORPORATION
BOARD AGENDA ITEM**

DATE: September 2, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Renee Hendrick, Associate Superintendent, Administrative Services
SUBJECT: The Esplanade Project Operational Results for Fiscal Year 2019-20

For the 2019-20 fiscal year, the Esplanade Project averaged 82% occupancy with an average debt service interest rate of 2.84%.

The total operating revenues were \$2,080,813 and the total expenditures which includes major tenant renovations are \$3,460,794 resulting in a decrease in our fund balance of \$1,379,981.

We continue with a fixed rate of 2.84% until June 1, 2029 when the Certificates of Participation will be paid in full. The current Principal outstanding is \$10,785,000.

Our Esplanade Project Fund Balance as of June 30, 2020, was \$3,779,908.

RECOMMENDATION:

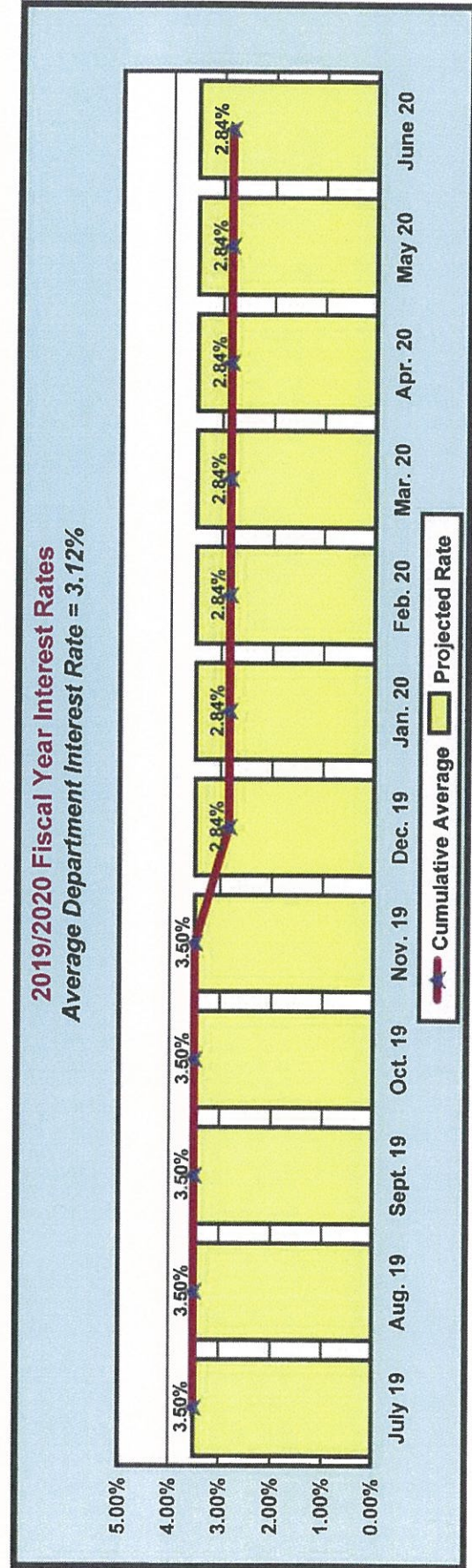
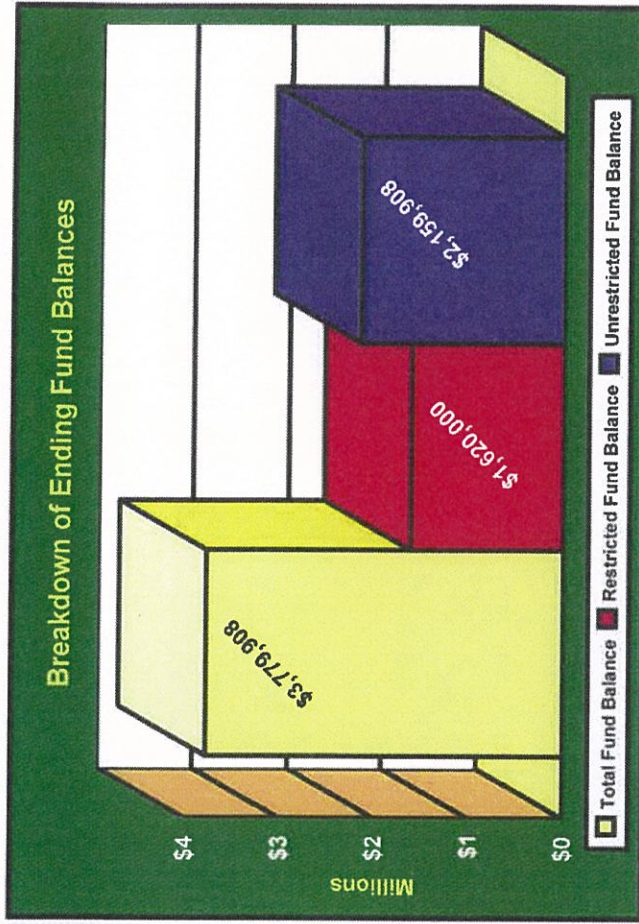
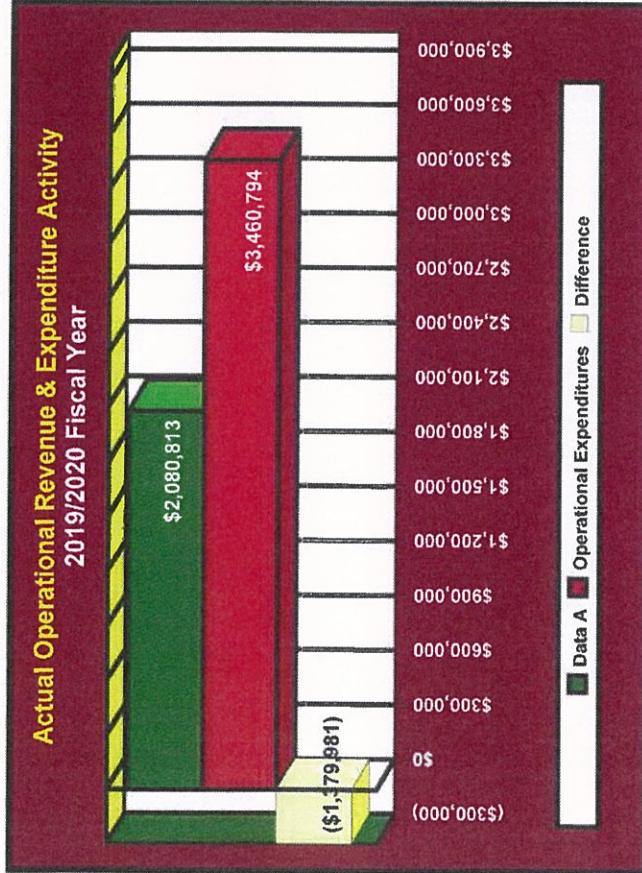
Receive the Esplanade Project Operational Report for fiscal year 2019-20

RH:sh

The Esplanade Project Annual Report
2019/20 Fiscal Year -- Actual Vs. Budget Comparison

Budget Categories	2019/2020 Budget	2019/2020 Actuals	Actual Vs. Budget
BEGINNING FUND BALANCE:	\$5,159,888.81	\$5,159,888.81	\$0.00
TOTAL OPERATING REVENUE: (1)	\$2,169,285.73	\$2,080,813.24 (A)	(\$88,472.49)
OPERATING EXPENDITURES:			
Total Rental Expenditure: (2)	\$637,454.41	\$653,601.95	\$16,147.54
Total Debt Service Payments: (3)	1,399,300.00	1,801,631.36 (B)	402,331.36
Special Principal Prepayment:	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL OPERATING EXPENDITURES:	\$2,036,754.41	\$2,455,233.31	\$418,478.90
TOTAL CAPITAL EXPENDITURES: (4)	\$1,500,000.00	\$1,005,560.85	(\$494,439.15)
OTHER FINANCING SOURCES (USES):	<u>1,000,000.00</u>	<u>0.00</u>	<u>1,000,000.00</u>
TOTAL EXPENDITURES:	\$4,536,754.41	\$3,460,794.16	\$924,039.75
NET CHANGE IN FUND BALANCE:	(\$2,367,468.68)	(\$1,379,980.92)	\$987,487.76
ENDING FUND BALANCE:	\$2,792,420.13	\$3,779,907.89	
Restricted Fund Balance:			
2018/2019 FY Program Reserve Fund:	\$1,620,000.00	\$1,620,000.00	
Total Restricted Fund Balance:	\$1,620,000.00	\$1,620,000.00	
Total Unrestricted Fund Balance:	\$1,172,420.13	\$2,159,907.89	
<p>(1) Total Operating Revenue includes all rental and investment income.</p> <p>(2) Total Rental Expenditures include: Property Management, Repairs, Facilities Maintenance, Custodial Supply, Sweeping Services, Legal Services, Utilities, Leasing Commission, & Miscellaneous Services.</p> <p>(3) Total Net Debt Service Payments include Certificate principal, interest, Program operational expenditures.</p> <p>(4) Total Capital Expenditures include amounts paid during the current fiscal year for operational improvements to secure tenant leaseholds.</p>			
<p>Actual</p> <p>(A) Fiscal Year 2019/20 occupancy average is 82%.</p> <p>(B) The average debt service interest rate for Fiscal Year 2019/20 is 3.12%. Interest is paid semi-annually December and June.</p>			

The Esplanade Project Annual Report Fiscal Year 2019/2020 Fiscal Year Results



The Esplanade Project Annual Report
2019/20 Fiscal Year Revenue/Expenditure Results

BEGINNING FUND BALANCE:	\$5,159,888.81
TOTAL OPERATING REVENUE (1):	\$2,080,813.24
OPERATING EXPENDITURES:	
Total Rental Expenditures (2):	\$653,601.95
Total Debt Service Payments (3):	1,801,631.36
Special Principal Prepayment:	<u>0.00</u>
TOTAL OPERATING EXPENDITURES:	\$2,455,233.31
TOTAL CAPITAL EXPENDITURES (4):	\$1,005,560.85
OTHER FINANCING SOURCES (USES):	<u>0.00</u>
TOTAL EXPENDITURES:	\$3,460,794.16
NET CHANGE IN FUND BALANCE:	(\$1,379,980.92)
ENDING FUND BALANCE:	\$3,779,907.89
Restricted Fund Balance:	
2012 Program Reserve Fund:	\$1,620,000.00
Total Restricted Fund Balance:	\$1,620,000.00
Unrestricted Fund Balance:	
2012 Program Fund Accounts:	\$159,326.58
Esplanade Operational Fund Accounts:	<u>2,000,581.31</u>
Total Unrestricted Fund Balance:	\$2,159,907.89

- (1) Total Operating Revenue includes all rental and investment income.
(2) Total Rental Expenditures include: Property Management, Repairs, Facilities Maintenance, Custodial Supply, Sweeping Services, Legal Services, Utilities, Leasing Commissions, and Miscellaneous Services.
(3) Total Debt Service Payments include scheduled principal payments, interest payments, and Program operational expenditures.
(4) Total Capital Expenditures include amounts paid during the current fiscal year for operational improvements to secure tenant leaseholds.

Actual:

Fiscal Year 2019/20 average occupancy rate is 82%.

The Department's rate was reset at a fixed interest rate of 2.84% on December 1, 2019, through June 1, 2029. Interest is paid semiannually on June 1st & December 1st. The current Principal outstanding is \$10,785,000.

The Esplanade Project Revenue/Expenditure Report
From July 1, 2019 Through June 30, 2020

Description of Activity	Fiscal Year 2019/2020 1st Quarter	Fiscal Year 2019/2020 2nd Quarter	Fiscal Year 2019/2020 3rd Quarter	Fiscal Year 2019/2020 4th Quarter	Fiscal Year 2019/2020 Combined
<u>Rental & Other Revenue</u>					
Tenant Rent Revenue	\$502,067.76	\$470,253.94	\$493,678.30	\$465,305.13	\$1,931,305.13
Common Area Maintenance Fees	21,834.76	22,746.87	22,910.93	20,827.97	88,320.53
Late Fees	<u>2,812.48</u>	<u>1,256.62</u>	<u>1,036.29</u>	<u>1,049.06</u>	<u>6,154.45</u>
Total Rental Revenue:	\$526,715.00	\$494,257.43	\$517,625.52	\$487,182.16	\$2,025,780.11
2002 Program/O.C.Treasurer Interest:	24,349.31	19,757.21	3,798.80	7,127.81	55,033.13
Other Revenue	0.00	0.00	0.00	0.00	0.00
Total Rental Revenue:	\$551,064.31	\$514,014.64	\$521,424.32	\$494,309.97	\$2,080,813.24
<u>Operating Expenditures</u>					
Property Management	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Property Taxes & Permits	15,011.38	0.00	0.00	0.00	15,011.38
Repairs - Air Conditioning System	4,697.50	5,534.81	4,722.76	11,291.94	26,247.01
Repairs - Facilities	30,364.63	17,202.27	2,492.19	35,516.67	85,575.76
Repairs - Grounds	0.00	0.00	0.00	0.00	0.00
Leasing Commissions	27,156.93	36,875.43	29,952.89	32,885.88	126,871.13
Consulting Services - 5851	0.00	0.00	0.00	0.00	0.00
Maintenance - Landscape	5,925.00	5,925.00	11,175.00	5,925.00	28,950.00
Maintenance - Plumbing	3,383.50	1,380.50	1,368.01	1,447.50	7,579.51
Maintenance - Lighting	1,414.72	1,215.00	1,215.00	1,351.70	5,196.42
Maintenance - Parking Lot	0.00	0.00	0.00	0.00	0.00
Maintenance - Alarm System	0.00	0.00	0.00	0.00	0.00
Custodial Services	9,824.91	9,797.91	11,037.02	10,660.02	41,319.86
Custodial Supply	1,820.28	2,110.17	728.55	1,651.87	6,310.87
Sweeping Services	1,827.25	1,583.75	730.02	486.68	4,627.70
Miscellaneous Services	18,233.11	17,656.40	33,395.07	7,036.09	76,320.67
Pest Control	714.00	1,071.00	1,428.00	714.00	3,927.00
Advertising	0.00	0.00	0.00	3,928.56	3,928.56
Legal Services	4,385.55	4,069.65	8,680.46	738.40	17,874.06
Utilities - Water	4,654.97	9,473.71	3,018.05	6,789.94	23,936.67
Utilities - Waste Disposal	11,130.96	8,323.69	8,735.80	8,323.69	36,514.14
Utilities - Electric	52,746.27	24,112.97	30,278.67	26,765.92	133,903.83
Utilities - Natural Gas	166.62	1,081.32	4,092.06	1,167.38	6,507.38
Other	<u>0.00</u>	<u>0.00</u>	<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>
Operating Expenditures:	\$193,457.58	\$147,413.58	\$156,049.55	\$156,681.24	\$653,601.95
<u>Capital Expenditures</u>					
Site/Project Improvements	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tenant Improvements	0.00	0.00	290,231.65	715,329.20	1,005,560.85
Other	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Capital Expenditures:	\$0.00	\$0.00	\$290,231.65	\$715,329.20	\$1,005,560.85
<u>Debt Service Expenditures</u>					
Interest Component of Payment	\$0.00	\$209,825.00	\$0.00	\$170,258.00	\$380,083.00
Principal Component of Payment	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,205,000.00</u>	<u>1,205,000.00</u>
Total Debt Service:	\$0.00	\$209,825.00	\$0.00	\$1,375,258.00	\$1,585,083.00
Program Operational Expenditures:	<u>3,080.83</u>	<u>134,472.51</u>	<u>72,997.51</u>	<u>5,997.51</u>	<u>216,548.36</u>
2002 Program Expenditures:	\$3,080.83	\$344,297.51	\$72,997.51	\$1,381,255.51	\$1,801,631.36
Total Expenditures:	\$196,538.41	\$491,711.09	\$519,278.71	\$2,253,265.95	\$3,460,794.16
Revenue/Expenditures:	\$354,525.90	\$22,303.55	\$2,145.61	(\$1,758,955.98)	(\$1,379,980.92)
<u>Other Financing Sources (Uses)</u>					
Transfers In	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Sources	0.00	0.00	0.00	0.00	0.00
Transfers Out	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Net Sources (Uses):	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Change in Fund Balance:	\$354,525.90	\$22,303.55	\$2,145.61	(\$1,758,955.98)	(\$1,379,980.92)
Esplanade Operational Fund:	\$3,316,705.02	\$3,316,705.02	\$3,316,705.02	\$3,316,705.02	\$3,316,705.02
2012 Program Fund Accounts:	223,183.79	223,183.79	223,183.79	223,183.79	223,183.79
Reserve Fund:	<u>1,620,000.00</u>	<u>1,620,000.00</u>	<u>1,620,000.00</u>	<u>1,620,000.00</u>	<u>1,620,000.00</u>
Total Fund Balance -- Beginning:	\$5,159,888.81	\$5,514,414.71	\$5,536,718.26	\$5,538,863.87	\$5,159,888.81
Total Fund Balance -- Ending:	\$5,514,414.71	\$5,536,718.26	\$5,538,863.87	\$3,779,907.89	\$3,779,907.89

DB

**ORANGE COUNTY DEPARTMENT OF EDUCATION
FACILITIES CORPORATION
BOARD AGENDA ITEM**

DATE: September 2, 2020
TO: Nina Boyd, Associate Superintendent
FROM: Renee Hendrick, Associate Superintendent, Administrative Services
SUBJECT: The Esplanade Project Operational Budget for Fiscal Year 2020-21

The budget reflects revenues at an average occupancy rate of 75%. For the budget year, we expect that rental expenditures will increase by 15% or \$98,040. We project capital expenditures at \$500,000 for tenant improvements. We are completing major renovation of Building 3 and we have already started leasing offices upstairs in that building. On December 1, 2019, we fixed our interest rate at 2.84% through June 1, 2029. The projected debt service payments total \$1,376,294 for this year. This interest rate is fixed through the term of loan.

Based on these assumptions we are projecting a net decrease in the fund balance of \$1,067,326 for the budget year.

RECOMMENDATION:

Receive and approve the Esplanade Project Operational Budget for fiscal year 2020-21.

RH:sh

The Esplanade Project Annual Report
2020/2021 Fiscal Year Revenue/Expenditure Budget

BEGINNING FUND BALANCE:	\$3,779,907.89
TOTAL OPERATING REVENUE (1):	\$1,560,609.93
OPERATING EXPENDITURES:	
Total Rental Expenditures (2):	\$751,642.24
Total Debt Service Payments (3):	<u>1,376,294.00</u>
TOTAL OPERATING EXPENDITURES:	\$2,127,936.24
TOTAL CAPITAL EXPENDITURES (4):	\$500,000.00
OTHER FINANCING SOURCES (USES):	<u>0.00</u>
TOTAL EXPENDITURES:	\$2,627,936.24
NET CHANGE IN FUND BALANCE:	(\$1,067,326.31)
ENDING FUND BALANCE:	\$2,712,581.58
Restricted Fund Balance:	
2012 Program Reserve Fund:	\$1,620,000.00
Total Restricted Fund Balance:	\$1,620,000.00
Total Unrestricted Fund Balance:	\$1,092,581.58

- (1) Total Operating Revenue includes all rental and investment income.
(2) Total Rental Expenditures includes: Property Management, Repairs, Facilities Maintenance, Custodial Supply, Sweeping Services, Legal Services, Utilities, Leasing Commissions, and Miscellaneous Services.
(3) Total Debt Service Payments includes Certificate principal, interest, and Program operational expenditures.
(4) Represents General improvements of the Esplanade facilities.

Budget Assumptions:

Revenues are based on an estimated occupancy average of 75%.
Rental Expenditures are projected at 115% of FY 2019/20 Actuals. Debt Service payments are based on a fixed interest rate of 2.84% through June 1, 2029.