

Statement by Tim Shaw

RE: Immediate resignation as an elected member to the Orange County Board of Education

November 1, 2021

I have served on the La Habra City Council from 2008 until the present. When I was asked to consider running for the Orange County Board of Education (OCBE), my first question was “Could I serve on the OCBE and the City Council at the same time?” It appeared at the time that the answer was “yes”, as others had served simultaneously on the OCBE and a City Council.

The Fair Political Practices Commission (FPPC) provides ethics training to City Council members that includes a section on “incompatible offices,” which I closely examined. The FPPC training states an individual may not hold two offices where there is a “significant clash of loyalties” between the two offices. Clearly there are no “significant clash of loyalties” between the La Habra City Council and OCBE in the normal understanding of those words.

However, I continued my due diligence. Before filing for election to the OCBE, I informed the Orange County Registrar of Voters that I was a La Habra City Councilmember, and they advised me that I could indeed run for the OCBE. Subsequently, in the November 6, 2020 election, in seeking re-election to the La Habra City council, I brought the issue before the La Habra City Clerk who made no objection to my serving at both agencies. After all, others have held City Council and County Board of Education positions concurrently. Elected officials are also taught to recuse themselves when there does exist a conflict of interest related to a decision on which they need to deliberate and vote. If ever an issue arose where there was a conflict, I planned on recusing myself from the deliberation.

I was elected to the Orange County Board of Education in March of 2020 and re-elected to the La Habra City Council in November of 2020. In January 2021, I received an unexpected legal challenge that claimed I could not simultaneously serve on both the OCBE and the La Habra City Council. In the legal documents, the plaintiff was not able to cite a single issue or vote I made where my loyalties to either office had been compromised in the eight months I served in both offices. In fact, there had not been a single issue where the two positions ever came into conflict with each other.

Appealing to the Attorney General, the plaintiff was forced to create improbable hypotheticals where my loyalties could possibly be brought into conflict. In presenting these hypotheticals, the plaintiff and their attorney demonstrated a profound misunderstanding of the duties and responsibilities of a county board of education.

I could have litigated this question of incompatible offices, but that required hiring an attorney. A trial like this could cost hundreds of thousands of dollars. Additionally, the plaintiff’s attorney demanded that their attorney fees be paid by me.

The financial exposure and risk to my family was simply too great to go through with litigation. Therefore, I am making the difficult decision to resign from the OCBE rather than incur the financial hardship of litigating this matter.

I would like to thank the voters of the 4th district for the opportunity they gave me to serve on the Orange County Board of Education. My colleagues on the board are thoughtful, hard-working, and well-intentioned public servants. I am deeply grateful for the opportunity to have served the students and families of Orange County.

I was able to support charter schools during my service and advocate for school choice generally, and I am proud of the great work our charter schools are bringing to the educational environment of Orange County. I was able to hear numerous inter-district transfer requests. I’m thankful our board has a history of empowering families in making informed educational decisions for themselves. Although I am resigning from the Orange County Board of Education, I will continue to be a friend and supporter of the good work they do on behalf of the students and families of Orange County.

My most high regards,

Tim Shaw