

ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
MINUTES
Special Meeting and Public Hearing
March 5, 2014

1. CALL TO ORDER

ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

The Special Meeting and Public Hearing of the Orange County Committee on School District Organization was called to order by Chairperson Sheila Benecke at 6:03 p.m., March 5, 2014 in the Board Room of the Anaheim Union High School District, 501 N. Crescent Way, Anaheim, California, 92803.

2. FLAG SALUTE

The Pledge of Allegiance was led by Virginia Wilson.

3. ROLL CALL

Present:

Sheila Benecke, Chairperson	Suzie Swartz
Meg Cutuli	Joey Van Camp
Karin Freeman	Janice Wagner
Barbara Michel	Sharon Wallin
Jo-Ann Purcell	Virginia Wilson

Absent:

Robert Singer

4. ADOPTION OF AGENDA

Motion by Barbra Michel, seconded by Meg Cutuli, and carried by a unanimous vote of all members present to adopt the agenda as presented.

5. ACCEPTANCE OF MINUTES

Motion by Janice Wagner, seconded by Jo-Ann Purcell, and carried by a 9-0 vote, with Sharon Wallin abstaining, the County Committee approved the minutes of the January 15, 2014 special meeting.

6. NEW BUSINESS

Chairperson Benecke asked Dr. Wendy Benkert, Secretary to the County Committee to give a brief staff report.

A. Staff Report

Dr. Benkert explained that on January 17, 2014, the Orange County Department of Education received correspondence from the Anaheim Union High School District, including a board resolution, requesting that the County Committee consider and approve the District's proposal to establish trustee areas and to change the method of election to a by-trustee area election process. The District has also adopted a board resolution seeking a waiver of the election requirements from the State Board of Education. Obtaining a waiver would timely facilitate the District's transition to the new by-trustee area election process and enable this process to be used to elect new governing board members at the next regularly scheduled election in November 2014.

Education Code §5019 states that a proposal to establish trustee areas may be initiated by resolution of the governing board of the school district. When such a proposal is made, the County Committee must call and conduct at least one public hearing in the district. At the conclusion of the public hearing, the County Committee must either approve or disapprove the proposal.

Education Code §5030 states whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members. Education Code §5030 sets forth the alternate methods of electing governing board members. Subdivision (b) provides for a method of election in which one or more members residing in each trustee area be elected by the registered voters of that particular trustee area – this is commonly referred to as the “by-trustee area” method of election. Education Code §5030 further provides that in any school district having trustee areas, the County Committee and the registered voters of a district, may at any time recommend one of the alternate methods of electing governing board members. The recommendation must also provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members be elected in accordance with the method recommended by the County Committee.

Education Code §5020 states that a resolution of the County Committee approving a proposal to establish trustee areas and to adopt one of the alternative methods of electing governing board members specified in Education Code section 5030, shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board, which is November 4, 2014.

As previously indicated, the Anaheim Union High School District has submitted a waiver of the election requirements to the State Board of Education. It is our understanding that the State Board of Education is expected to take action on the District’s request at its May 2014 meeting. If the waiver is granted, the District will forgo the election required by Education Code sections 5020 and 5030, and move forward with the by-trustee area method of election at the next general election for governing board members (November 2014). In the event the waiver is not granted, then the District would need to move forward with an election in accordance with the Education Code requirements.

In accordance with the Education Code requirements and the County Committee Bylaws, the purpose of tonight’s meeting is to conduct a public hearing within the Anaheim Union High School District on the District’s proposal to establish trustee areas and change the method of election to a

“by-trustee area” election process. At the conclusion of the hearing, the County Committee shall approve or disapprove the District’s proposal.

The Education Code does not provide specific criteria to apply in determining whether to approve or disapprove such a proposal, resulting in broad discretion by the County Committee. The role of the County Committee is to approve or disapprove the District’s proposed by-trustee area map and the change to a by-trustee area election process. The County Committee cannot make changes to the District’s proposed plan.

B. Public Hearing

Chairperson Benecke explained the format of the public hearing as set forth in the County Committee bylaws.

Chairperson Benecke opened the public hearing at 6:13 p.m. to receive testimony.

District representatives that were present for the public hearing included Brian O’Neal, President of the AUHSD Board, Jeffrey Riel, District Counsel, Spencer Covert of Parker & Covert, Larry Ferchaw of Dolinka Group, and Sandra Barry, Interim Superintendent of AUHSD. Mr. Riel and Mr. Ferchaw delivered a powerpoint presentation.

Chairperson Benecke then opened the floor for public comments. No speaker cards from the public were received.

Chairperson Benecke then closed the public hearing.

C. Questions/Discussion from County Committee Members

Members of the County Committee then asked several clarifying questions of Mr. Riel and Mr. Ferchaw.

D. Vote to Approve/Disapprove the Proposal of the Anaheim Union High School District Establishing Trustee Areas and Changing the Method of Election to a By-trustee Area Election Process

Chairperson Benecke read the motion. The motion was moved by Virginia Wilson and seconded by Suzie Swartz. There was a roll call vote and the motion was approved by 10-0.

7. DISCUSSION ITEMS

Dr. Benkert provided an update to the County Committee based on discussion that took place at the January 15, 2014 special meeting as to the length of their various terms of office which resulted in a request to staff to review the first term start dates for County Committee members. Staff reviewed

historical records and determined that Chairperson Sheila Benecke was first appointed to the County Committee on June 26, 1996 and that Member Virginia Wilson was first elected on November 15, 1995.

8. PRESENTATIONS FROM THE
PUBLIC

None

9. ADJOURNMENT

There being no further business Chairperson Benecke adjourned the meeting at 6:46 p.m.

All documents submitted to the County Committee prior to, during and subsequent to this public hearing have been posted on the County Committee's website at <http://www.ocde.us/CCSDO/Pages/Meeting-Agendas.aspx> and are available for viewing and/or downloading. An audio recording of this meeting is also available upon request.