

ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
MINUTES
Special Meeting and Public Hearing
February 5, 2020

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 6:02 p.m., February 5, 2020 in the Board Room, 25631 Peter A. Hartman Way, Mission Viejo, California, 92691.

2. FLAG SALUTE

The Pledge of Allegiance was led by Suzie Swartz.

3. ROLL CALL

Present:

Sheila Benecke, Chairperson	Kathryn Moffat
Marilyn Buchi	Francine Scinto
Meg Cutuli	Suzie Swartz

Absent:

Karin Freeman	Josephine "Joey" Van Camp
Jo-Ann Purcell	Virginia Wilson
Robert Singer, Ph.D.	

4. ACCEPTANCE OF MINUTES

Motion by Meg Cutuli, seconded by Marilyn Buchi, and approved by a unanimous vote of all members present to approve the County Committee minutes of the January 29, 2020 meeting.

5. ADOPTION OF AGENDA

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

Chairperson Benecke explained the opportunities available for public comment.

6. NEW BUSINESS

A. Staff Report

Mr. Dean West reported that the purpose of the meeting is to conduct a public hearing within the Saddleback Valley Unified School District regarding the proposal to establish trustee areas and change the method of election to a by-trustee area election process. At the conclusion of the public hearing, the County Committee must either approve or disapprove the District's proposal.

Mr. West explained that should the County Committee approve the District's proposal to establish trustee areas and change the method of election to a by-trustee area election process, and the State Board of Education grants a

waiver of the election requirements, as requested by the District, the District would forgo the required election, and move forward with the by-trustee area method of election at the next general election for governing board members in November 2020.

Mr. West indicated that the Education Code does not provide specific criteria to apply in determining whether to approve or disapprove the District's proposal to establish trustee areas, 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 hearing as set forth in the County Committee Bylaws. Chairperson Benecke asked if there was any public comment cards. No public comment cards were submitted.

Chairperson Benecke opened the public hearing at 6:07 p.m. Chairperson Benecke asked the representatives of the Saddleback Valley Unified School District to come forward to introduce themselves and begin their presentation.

District representatives present for the public hearing included: Robert Craven, Assistant Superintendent, Facilities, Operations, and Technology; Jonathan Salt, Senior Associate at Fagen Friedman & Fulfrost, LLP; and, Larry Ferchaw, Partner at Cooperative Strategies LLC.

Mr. Craven began the presentation with a brief description of the Saddleback Valley Unified School District and their vision.

Mr. Salt described the background and timeline of the process, which began in August when the District received a demand letter alleging violations of the California Voters Rights Act. Approximately one month later the District Board adopted a resolution and set forth a schedule for all the required public hearings and meetings. Mr. Salt presented an overview of the community outreach efforts which included letters to parents in English and Spanish, a comprehensive website that was continually updated with dedicated tabs linked to the District website, and social media accounts such as Twitter and Facebook. Additionally, the District created interactive maps that were accessible to the public to conceptualize different trustee area scenarios.

Mr. Ferchaw briefly described federal and state requirements in preparing trustee voting area plans. He also described the District demographics based on the 2010 Census Data for total population, Asian Citizen Voting Age Population Estimates, and Hispanic Citizen Voting Age Population (CVAP) Estimates. Mr. Ferchaw explained that the District because of the District's

homogenous population, a majority Asian or Latino citizen voting age population block could be formed. He described the three maps that were released to the public and reviewed the CVAP Data for the adopted plan.

Mr. Salt explained how and why Scenario 1 was unanimously adopted by the District Board and determined to be in the best interest for the District. He stated they are awaiting the State Board of Education waiver approval that was submitted in December. He explained the schedule of by-trustee area elections.

Chairperson Benecke closed the public hearing at 6:20 p.m.

C. Questions/Discussion from County Committee Members

Ms. Meg Cutuli asked if they did any adjustments to the maps as they presented them. Mr. Salt responded that no one in the community requested a change. Mr. Salt noted that they created a map using the 5 freeway as a dividing line based on a suggestion of the public, however, scenario one was preferred at a subsequent meeting.

Ms. Suzie Swartz stated that every high school was represented by at least two board members and at least every city had at least two board members.

Ms. Kathy Moffat asked for clarification that since the intent of the law was to create areas where minority populations could exert influence, how did the District improve minority population's influence when there was a majority of white in each trustee area.

Mr. Ferchaw explained that the population is intermixed and there was no compact area where they could create a minority voting block. To create that they would have to create trustee areas that looked like "swiss cheese" but the law requires the territories to be contiguous and compact

Ms. Marilyn Buchi asked if they have thought about amending the law when they have a district like this with a homogenous population.

Mr. Jonathan Salt responded that he did not know if it has been attempted and under the current law there is no minimum threshold requirement. For a District like this they are not safe from exposure and no one has successfully defended against a CVRA claim.

Ms. Marilyn Buchi asked what would be the consequence if the County Committee did not approve the District's proposal.

Mr. Jonathan Salt explained that if the County Committee did not approve it they would want to know why so that they could bring forward something the committee would approve, because otherwise the district is still exposed to CVRA litigation.

Ms. Suzie Swartz commented that in some districts it has made a difference but in other school districts, the process is seen as wasted time and money. She mentioned that Brea Olinda USD has a Latino on their board and on the Saddleback Valley Unified School District's Board has trustees who are Asian and Latino. In some districts there is just no way to make a majority minority area.

Ms. Francine Scinto asked about a blue item featured in the maps. Mr. Ferchaw explained that it represented Lake Mission Viejo. Ms. Scinto indicated that the change appeared to be unnecessary and inquired about the basis of the CVRA demand letter.

Mr. Jonathan Salt responded that he did not have the demand letter in front of him but believes it mentioned that the District has a large population of Latinos who under represented and there is no way to challenge that.

Ms. Francine Scinto inquired if the demand letter was itemized.

Mr. Jonathan Salt explained that it is itemized to some extent but they only have 45 days to pay invoice. He also stated that the other party has no incentive to respond to the District's request for more detail.

Ms. Marilyn Buchi mentioned that the letter for her school district came from MALDEF. She also mentioned that they have Asians and Latinos on their board.

D. Vote to Approve/Disapprove the Proposal of the Saddleback Valley Unified School District

Chairperson Benecke asked for a motion. Marilyn Buchi moved to adopt a resolution approving the proposal of the Saddleback Valley Unified School District establishing "Trustee Plan Scenario 1 Map Option" and changing the method of election to a by-trustee area election process, and that this action shall not be deemed to constitute an order of election if the State Board of Education grants the District's waiver request. The motion was seconded by Francine Scinto. There was a roll call vote and the motion was approved 6-0.

7. PRESENTATIONS FROM THE PUBLIC None

8. NEXT MEETING

Chairperson Benecke reported that the next County Committee will be held on Wednesday, March 4, 2020 at the Huntington Beach City School District at 6:00 p.m.

Ms. Kathy Moffat asked if the County Committee could avoid scheduling County Committee meetings on the same night as the Orange County Board of Education (OCBE) meetings given that OCBE has changed to evening meetings. Ms. Moffat said she would like to attend OCBE meetings but had to miss the OCBE meeting that was scheduled for tonight.

Chairperson Benecke explained that the districts are asked to keep Wednesday open for County meetings. The County Committee is considered a County meeting and a board member may have to choose to attend the County Committee meeting instead of the OCBE meeting.

Ms. Ruth Brewda explained that the next OCBE meeting is on March 4th at 10:00am.

9. ADJOURNMENT:

There being no further business Chairperson Benecke requested to adjourn the meeting. The motion was moved by Suzie Swartz, seconded by Francine Scinto and unanimously approved. The meeting was adjourned at 6:39 p.m.