

ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
MINUTES
Annual Organizational Meeting
November 10, 2022

1. CALL TO ORDER ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

The Annual Organizational Meeting and Public Hearing of the Orange County Committee on School District Organization was called to order by Chairperson Sheila Benecke at 5:05 p.m., November 10, 2022 in the Board Room at the Orange County Department of Education.

2. FLAG SALUTE The Pledge of Allegiance was led by Kathy Moffat.

3. ROLL CALL Chairperson Benecke asked Laurie Weiss to take roll.

Present:
Sheila Benecke, Chairperson Kathleen Heard
Marilyn Buchi Kathy Moffat
Jackie Filbeck Francine Scinto
Karin Freeman Virginia Wilson

Absent:
Suzie Swartz

4. ADOPTION OF AGENDA Motion by Virginia Wilson, seconded by Karin Freeman, and carried by a unanimous roll call vote of all members present to adopt the agenda as presented.

5. ACCEPTANCE OF MINUTES Motion by Virginia Wilson, seconded by Karin Freeman, and carried by a unanimous roll call vote of all members present to approve the County Committee minutes of the April 19, 2022 meeting as presented.

6. PUBLIC COMMENTS OF PERSONS DESIRING TO ADDRESS THE COUNTY COMMITTEE

One comment card received and the member of the public spoke on Agenda Item number 9.

7. CLOSED SESSION: MEETING

At 5:15 p.m., Chairperson Benecke explained that the County Committee would now meet in closed session to conference with legal counsel regarding existing litigation under the authority of Paragraph (1) of subdivision (d) of Government Code section 54956.9. The name of the case is the Orange County Board of Education et al. v. Orange County Committee on School District Organization, Case Number: 30-2022-01242499-CU-WM-CJC.

At 5:35 p.m. Chairperson Benecke reconvened the open session. Ruth Brewda, Counsel for the County Committee and the Orange County Department of Education, reported that no reportable action was taken in closed session.

8. NEW BUSINESS

A. Annual Organizational Meeting

1. Nominating Committee Results and welcome of elected members:

Sheila Benecke asked Howard Marinier, Secretary to the County Committee and Executive Director of Business Services at the Orange County Department of Education, to report the results of the Nominating Committee meeting on Wednesday, October 19th.

Mr. Marinier reported that on Wednesday, October 19th the Nominating Committee members met for the annual County Committee elections. Elections were held for the 2nd and 4th Supervisorial member seats. Nominating Committee Members were given the option to vote via absentee ballot or traditional in-person paper ballot. In all, 19 ballots were cast, 9 ballots were cast via absentee ballot, and 10 ballots were cast in-person.

Mr. Marinier congratulated Jackie Filbeck representing the 2nd Supervisorial District, and Marilyn Buchi, representing the 4th Supervisorial District.

2. Administer Oath of Office:

Sheila Benecke asked Karin Freeman to administer the oath of office. Karin administered the Oath of Office to Jackie Filbeck and Marilyn Buchi.

3. Election of Chairperson and Vice Chairperson:

Virginia Wilson shared that she would like to thank Chairperson Benecke for the excellent job she has done leading the County Committee.

Chairperson Benecke then asked Mr. Marinier to conduct the election of the Chairperson.

Mr. Marinier sought nominations for the position of Chairperson. Francine Scinto nominated Sheila Benecke, seconded by Marilyn Buchi, and approved by a unanimous vote of all members present.

Chairperson Sheila Benecke then conducted the election for Vice Chairperson. Kathy Moffat nominated Karin Freeman, seconded by Marilyn Buchi, and approved by a unanimous vote of all members present.

B. County Committee Vacancy – 1st Supervisorial District

1. Staff Report on County Committee Vacancy in the 1st Supervisorial District and the process for filling a vacancy on the County Committee:

Chairperson Benecke asked Mr. Marinier to give a staff report on the vacancy in the 1st Supervisorial District.

Mr. Marinier stated that a letter of resignation from Jo-Ann Purcell, who represented the 1st Supervisorial District, was received on Wednesday, October 12th. He explained that Education Code Section 4006 and the County Committee By-laws state a vacancy shall be filled by the majority vote of the remaining County Committee members within 70 days of the vacancy, which is December 21, 2022, and the appointment shall be for the duration of the unexpired term, in this case through November 2025.

Mr. Marinier further explained that the California Attorney General had recently issued an opinion addressing the jurisdictional area in which a vacancy is to be filled following redistricting. Specifically, the Attorney General opined that an appointment to fill a vacancy for the duration of an unexpired term must be from the boundaries that were in effect at the time the member was elected. Mr. Marinier further explained that County Committee members and Nominating Committee members, whose district is located within the 1st Supervisorial District boundaries, that existed at the time Ms. Purcell was elected, are notified for nomination/applications and that the application period was extended to December 1, 2022.

C. County Committee Vacancy – 4th Supervisorial District

1. Staff Report on County Committee Vacancy in the 4th Supervisorial District and the process for filling a vacancy on the County Committee:

Chairperson Benecke asked Mr. Marinier to give a staff report on the vacancy in the 4th Supervisorial District.

Mr. Marinier stated that on Wednesday, October 19th, the Nominating Committee voted to elect Jackie Filbeck to the 2nd Supervisorial District position on the County Committee. Prior to the election Ms. Filbeck served as the 4th Supervisorial District representative on the County Committee. Based on the boundary adjustments to the supervisorial districts by the Orange County Board of Supervisors following the 2020 decennial census, Ms. Filbeck now resides in the 2nd Supervisorial District and opted to run for that position, thus creating a vacancy in the 4th Supervisorial District. Ms. Filbeck's term in the 4th Supervisorial District was to expire in November 2025. This results in a short-term vacancy in the 4th Supervisorial District.

Mr. Marinier explained that Education Code Section 4006 and the County Committee By-laws state a vacancy shall be filled by the majority vote of the remaining County Committee members within 70 days of the vacancy, which is January 19, 2023, and the appointment shall be for the duration of the unexpired term, in this case through November 2025.

Mr. Marinier further explained that County Committee members and Nominating Committee members, whose district is located within the 4th Supervisorial District boundaries, that existed at the time Ms. Filbeck was elected, are notified for nomination/applications and that the application period ends on December 1, 2022. He stated that the hope is for the County Committee to be able to fill the vacancy at the same time it fills the vacancy for Supervisorial District 1.

9. OLD BUSINESS

- A. Update on Transfer of Territory from the Orange Unified School District to the Tustin Unified School District (Panorama Heights II): Orange Unified School District Appeal:

Chairperson Benecke asked Mr. Marinier to provide the County Committee with an update.

Mr. Marinier explained that on November 15, 2017, the County Committee approved a petition to transfer territory from the Orange Unified School District to the Tustin Unified School District, referred to Panorama Heights II. Thereafter, Orange Unified School District filed an appeal with the State Board of Education (SBE). After almost five years, on November 2, 2022, the SBE held a public hearing on the appeal.

Mr. Mariner reported that the SBE's meeting was live webcasted and a link of the recording for the public was provided to the County Committee. Mr. Marinier explained that a California Department of Education (CDE) representative provided the SBE with a 34-page staff report. He explained that during the SBE Meeting, the CDE Representative reviewed the report and presented CDE's recommendations which was to affirm the County Committee's decision. Additionally, Mr. Marinier explained that at the public hearing both Chief Petitioners and Orange Unified School District had 12 minutes each to present their positions. Then the SBE received approximately 37 live public comments via telephone as well as written public comments.

Mr. Mariner reported that ultimately, the SBE reversed the County Committee's decision to approve the transfer of territory from Orange Unified School District to Tustin Unified School District, and consequently, the proposed territory transfer of Panorama Heights II will not take place.

He then explained that the original petitioners, the county committee on school district organization, or any affected school district may request reconsideration of the SBE's decision, but that any resubmission must be accompanied by new arguments or new facts not previously presented to SBE. Unless there is a request for reconsideration, the matter is now considered closed.

10. PUBLIC COMMENT OF PERSONS DESIRING TO ADDRESS THE COUNTY COMMITTEE ON ANY PROPER MATTER NOT ON THE AGENDA:

No comments from the public.

11. NEXT MEETING:

Chairperson Benecke asked Mr. Marinier to update the Committee on the status of future meetings.

Mr. Marinier explained that we are in the process of scheduling a meeting/public hearing by December 21st.

12. ADJOURNMENT:

There being no further business Chairperson Benecke requested to adjourn the meeting. The motion was moved by Virginia Wilson, seconded by Karin Freeman, and approved unanimously by all members present. The meeting was adjourned at 6:16 p.m.