

ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
MINUTES
Special Meeting and Public Hearing
February 24, 2022

1. Call to Order ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

The Special Meeting of the Orange County Committee on School District Organization was called to order by Chairperson Sheila Benecke at 6:00 p.m., February 24, 2022 in the Board Room of the Santa Ana Unified School District, 1601 E. Chestnut Avenue, Santa Ana, California, 92701.

2. Flag Salute The Pledge of Allegiance was led by Laurie Weiss.

3. Roll Call Chairperson Benecke asked Ms. Weiss to take roll.

Present:

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

Absent:

Jo-Ann Purcell	Suzie Swartz
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4. Adoption of Agenda Motion by Virginia Wilson, 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 Virginia Wilson, seconded by Francine Scinto, and approved by a unanimous vote of all members present, to approve the County Committee minutes of the January 21, 2022 meeting.

Motion by Virginia Wilson, seconded by Karin Freeman, and approved by a unanimous vote of all members present, to approve the County Committee minutes of the January 27, 2022 meeting

6. Public Comments Chairperson Benecke explained the process for public comment. One person spoke at this time.

7. New Business

A. County Committee Staff Report on the Santa Ana Unified School District’s Request to Approve and Establish Trustee Areas from which Santa Ana Unified School District Trustees will be elected in a By-Trustee Area Election Process

Mr. Marinier reported that the purpose of the meeting is to conduct a public hearing within the Santa Ana Unified School District, regarding the proposal to establish trustee areas from which the Santa Ana Unified School District trustees will be elected in 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. Marinier 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.

Mr. Marinier explained that under Education Code section 5020, the County Committee may, by resolution, approve the Santa Ana Unified School District's proposal without being required to submit the resolution to the electors of the district for approval. A draft of the resolution was provided to the County Committee and made available to the public in the back of the room, as well as on the County Committee webpage.

B. Public Hearing

Chairperson Benecke explained the format of the hearing as set forth in the County Committee Bylaws and as reflected on the agenda.

1. Open Public Hearing

Chairperson Benecke opened the public hearing at 6:18 p.m. She explained that the public hearing has been called to receive public testimony on the Santa Ana Unified School District's proposal to establish trustee areas and change the method of election to a by-trustee area election process.

2. Presentation from representatives of the Santa Ana Unified School District

District representatives present for the public hearing included: Ronald Wenkart, Partner with the law firm of Atkinson, Andelson, Loya, Ruud and Romo and Angela Banuelos, the District's demographer from Cooperative Strategies. Mr. Wenkart introduced the Santa Ana Unified School District Board President, Dr. Rigo Rodriguez; Santa Ana Unified School District Board Members, Valerie Amezcua, and John Palacio; and, Jerry Almendarez, Superintendent of Santa Ana Unified School District.

Mr. Wenkart began the District's presentation explaining how Santa Ana Unified is the second largest school district in Orange County and the eleventh largest school district in California. He explained that the transition from at-large method of election to a by-trustee method was voluntary and was an open process for fair representation for all residents.

Ms. Banuelos explained the transition timeline and process the Santa Ana USD used for the transition to by-trustee area method of election. Ms. Banuelos then reviewed Santa Ana USD's demographics based on the 2020 Census Data which shows that the total population and Citizen Voting Age Population is primarily Hispanic/Latino. She also reviewed the 2015-19 CVAP information for the school district.

Mr. Wenkart then explained how the hearings at Santa Ana USD complied with Section 10010 of the Elections Code.

Ms. Banuelos explained the considerations used for the trustee areas such as nearly equal number of inhabitants, drawn to comply with the Federal Voting Rights Act, compact and contiguous, respecting communities of interest, and following man-made and natural geographic features as much as possible. Ms. Banuelos spoke regarding the four conceptual trustee scenarios, 1A, 2A, 3A, and 4, that were considered.

Mr. Wenkart explained how, as part of the District's community outreach, information was provided to bargaining units and advisory committees, such as DAC/DELAC and Migrant Ed. Parent leaders, Special Education Community Advisory Committee's (CAC) parent board, Parent Teacher Organizations, and Family and Community Engagement workers. He also explained how public notices were posted electronically and mailed to all Santa Ana USD residents, community input meetings were held to explain the transition process, and the opportunities for the community to submit map ideas and dividing lines. Mr. Wenkart also described the various electronic communications the District used for community outreach.

Ms. Banuelos reported that Scenario 4 was selected and Resolution No. 21-22-3430 was approved at the District's December 6, 2021 Board meeting. She concluded the presentation showing the Scenario 4 map, election cycle, and the demographic data for each trustee area.

3. Public Comment

Chairperson Benecke indicated she received nine speaker cards. Each person was given three minutes to provide public testimony/input. One member of the public who submitted a speaker card indicated that she already spoke and did not want to speak again.

4. Rebuttal - Representatives of the Santa Ana Unified School District
Mr. Wenkart and Dr. Rigo Rodriguez spoke in rebuttal and were given five minutes total.

5. Rebuttal – Public Comment

Four members of the public spoke in rebuttal and were given one and a half minutes each.

6. Questions/Discussion from County Committee Members

County Committee Members asked various questions. Mr. Wenkart answered questions regarding the different forms of communication that were utilized to notify the public, clarified that map Scenario 4 was submitted by a member of the public and explained that all of the trustees will serve out their entire term and will not be cut short. Ms. Brewda and Mr. Riel, Legal Counsel for the County Committee, answered questions regarding election sequencing. Ms. Banuelos answered questions regarding how the Asian population did not have sufficient population to provide a protected majority area in the District, and stated that the location of high school attendance areas was discussed during the process, but was not a priority in determining the trustee areas.

7. Close Public Hearing

Chairperson Benecke closed the public hearing at 7:45 p.m.

C. Vote to Approve/Disapprove the Proposal of the Santa Ana Unified School District to Establish Trustee Areas from which Santa Ana Unified School District Trustees will be elected in a By-Trustee Area Election Process by Resolution

Ms. Brewda and Mr. Riel answered County Committee questions about the option of using a resolution to approve the District's proposal under Education Code section 5020.

Chairperson Benecke asked for a motion. Kathy Moffat moved to approve the proposal of the Santa Ana Unified School District establishing the map "Scenario 4" and changing the method of election to a by-trustee area election process pursuant to the Resolution of the Orange County Committee on School District Organization. The motion was seconded by Karin Freeman. There was a roll call vote and the motion was approved by a 8-1 vote with Marilyn Buchi opposing.

8. Discussion Item: Adjustment of trustee area boundaries for school districts and community college districts following 2020 Federal Census (Education Code section 5019.5)

Chairperson Benecke asked Mr. Marinier to provide information on the adjustment of trustee area boundaries for school districts and community college districts following the 2020 Federal Census.

Mr. Marinier explained that Education Code section 5019.5 requires that following the decennial census, the governing boards of each school district or community college district, in which trustee areas have been established, and in which each trustee is elected by the residents of the area the trustee represents, must adjust their boundaries utilizing the figures validated by the Demographic Research Unit of the Department of Finance. Mr. Marinier explained the conditions that must be satisfied by each district and how each

district needed to complete the process by March 1, 2022 or the County Committee would be required to do so by April 30, 2022.

Mr. Marinier explained that the handout “REVISED Redistricting for Orange County School Districts and Community College Districts” identifies the twenty-three districts required to make the adjustments that have all completed the process. Ms. Brewda explained that the County Committee is not required to take any further action in regards to the adjustment of trustee area boundaries for any of these districts under Education Code section 5019.5.

9. Presentations from the Public No presentations from the public.

10. Closed Session At 7:57 p.m., Chairperson Benecke explained that the County Committee would now meet in closed session to conference with legal counsel regarding existing and anticipated 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 and under the authority of paragraph (2) of subdivision (d) of Government Code section 54956.9 (one potential case).

At 9:23 p.m. Chairperson Benecke reconvened the open session. Jeff Riel, General Counsel for the Orange County Department of Education, reported that in regards to the matter of Orange County Board of Education v. the Orange County Committee on School District Organization, identified as Item 10(A), the County Committee provided direction to counsel and authorized counsel to seek appellate review in this matter if necessary. The vote was unanimous of all those in attendance. Mr. Riel reported Ms. Benecke, Ms. Buchi, Ms. Cutuli, Ms. Filbeck, Ms. Freeman, Ms. Heard, Ms. Moffat, Ms. Scinto, and Ms. Wilson voted in favor, and that Jo-Ann Purcell and Suzie Swartz were absent. Mr. Riel also reported that in regards to the anticipated litigation, identified as Item 10(B), no reportable action was taken in closed session.

11. Next Meeting Mr. Marinier reported that the next County Committee meeting date has not been determined.

12. Adjournment: There being no further business Chairperson Benecke requested to adjourn the meeting. The motion was moved by Karin Freeman, seconded by Francine Scinto, and unanimously approved. The meeting was adjourned at 9:25 p.m.