

ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
MINUTES
CEQA Public Hearing and Special Meeting
April 18, 2012

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 Shelia Henness at 6:03 p.m., April 18, 2012 in the Board Room of the Orange County Department of Education, 200 Kalmus Drive, Costa Mesa, California, 92626.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jo-Ann Purcell.

Chairperson Henness asked for a moment of silence in memory of Dean McCormick who passed away on March 24, 2012. She also read a short bio.

3. ROLL CALL

Present:

Shelia Henness, Chairperson	Jo-Ann Purcell
Sheila Benecke	James Reed
Meg Cutuli	Robert Singer
Karin Freeman	Virginia Wilson
Barbara Michel	

Absent:

Carolyn McInerney

4. ADOPTION OF AGENDA

Motion by Sheila Benecke, 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 Barbara Michel, seconded by Karin Freeman, and approved by an 8-0 vote, with Virginia Wilson abstaining, to approve the minutes of the March 14, 2012 meeting.

6. 1st PUBLIC HEARING

Chairperson Henness explained that the public hearing had been called in accordance with the California Environmental Quality Act (CEQA) to determine if the proposed transfer of territory would adversely affect the environment. She then asked Dr. Wendy Benkert, Secretary to the County Committee, to give a brief staff report.

Dr. Benkert explained that a group of citizens from the community of Rocking Horse Ridge II, located in North Tustin, California had petitioned the Orange County Committee on School District Organization to approve a transfer of inhabited territory from the Orange USD to the Tustin USD. The proposed transfer of territory would shift the school district boundary line so that the entire gated community would lie within Tustin USD jurisdiction.

Dr. Benkert explained that the County Committee has the primary approval authority over the proposed petition and as such, is considered the "Lead Agency" under CEQA. Under CEQA and the accompanying regulations, the

County Committee must determine the impact that the proposed territory transfer may have on the environment. Staff used the CEQA Environmental Checklist to analyze the proposed transfer's potential environmental effects. The Environmental Review, the Notice of Completion, and the Notice of Intent to Prepare a Negative Declaration were publically posted on Monday, March 19, 2012 and available for public review at the Orange USD, the Tustin USD, the County Clerk-Recorder's Office, on the website of the County Committee and at the Orange County Department of Education. The review was made available to the public through Wednesday, April 18, 2012 at 5:00 p.m. Each County Committee member, district superintendent, and the chief petitioner also received a copy of the review.

Dr. Benkert explained that Education Code Section 35753(a) establishes the criteria to be used by the County Committee in making its decision on the petition. However, these criteria are outside the purview of CEQA and are not addressed in the Environmental Review. During the 30-day Public Comment Period our office did not receive any comments on the Environmental Review. Staff finds that the proposed project could NOT have a significant effect on the environment and therefore a Negative Declaration is appropriate.

Chairperson Henness opened the public hearing.

Testimony on CEQA by chief petitioner

Mr. Bob Winters had no comment.

Testimony on CEQA by representatives from the Orange Unified School District

Joe Sorrrera, OUSD Assistant Superintendent & CBO, had no comment.

Testimony on transfer of territory by representatives from the Tustin Unified School District

Tony Soria, TUSD Chief Financial Officer, had no comment.

Public Comments

There were no public comments given.

No rebuttals given. No questions from the County Committee members.

Chairperson Henness closed the public hearing. A motion was made by Virginia Wilson, seconded by Sheila Benecke and carried by a unanimous vote of all members present that in accordance with California Public Resource Code sections 21000 through 21177 and Title 14, sections 15070 through 15075 of the California Code of Regulations, the Orange County Committee on School District Organization finds there **is not** substantial evidence that the project will have a significant effect on the environment and **adopted** the proposed Negative Declaration of Environmental Impact on the proposed transfer of territory from the Orange USD to the Tustin USD.

7. DISCUSSION/ACTION ON
PETITION

Chairperson Henness explained that it was time to hear final comments regarding the proposed transfer of territory.

Dr. Benkert recounted that on December 16, 2011 the Orange County Committee on School District Organization received a petition to transfer territory from the Orange USD to the Tustin USD. The petition was validated by the Orange County Registrar of Voters on January 13, 2012. The County Committee held public hearings on March 14th at locations in both the Orange USD and the Tustin USD.

Dr. Benkert then asked Karen Meyers, OCDE legal counsel, to provide some clarification on the proposed transfer of territory issue in regards to voting and the criteria.

Karen Meyers, OCDE Legal Counsel, explained that Education Code lists criteria that the County Committee is to use when deciding to approve or disapprove the petition. Ms. Meyers explained that the decision is a two-step process. She explained that all nine criteria must be substantially met, and if so, then the County Committee could approve or disapprove of the petition. She explained that even if all nine criteria were found to be substantially met, the County Committee could still disapprove the petition.

She explained that because of the possibility of an appeal, each criterion should be voted on. If the County Committee voted that the one or more of the criterion was not substantially met, Ms. Meyers recommended that the County Committee continue to vote on the other criteria even though the petition would not be eligible for approval.

Comments by the chief petitioner

Mr. Bob Winters addressed the committee regarding comments previously made to clarify/correct some information.

Comments by representatives from the Orange Unified School District

Joe Sorrera, OUSD Assistant Superintendent & CBO, restated that the Orange USD board had taken a neutral position on the transfer and there were no further comments.

Comments by representatives from the Tustin Unified School District

Tony Soria, TUSD Chief Financial Officer, stated that the Tustin Unified School District had taken a neutral position on the transfer and there were no further comments.

Public Comments

There were no public comments given.

No questions from the County Committee members.

Vote on Each Criteria Specified in Education Code Section 35753

Chairperson Henness explained that the County Committee would vote on each of the nine criteria individually and all votes would be made by a roll call vote.

Criteria #1: It was moved by Sheila Benecke and seconded by Meg Cutuli, and adopted by a unanimous 9-0 vote that Criterion #1 (the reorganized districts will meet the adequate enrollment condition) **is** substantially met.

Criteria #2: It was moved by Sheila Benecke and seconded by Barbara Michel, and adopted by a unanimous 9-0 vote that Criterion #2 (the school districts are each organized on the basis of a substantial community identity) **is** substantially met.

Criteria #3: It was moved by Karin Freeman and seconded by Virginia Wilson, and adopted by a unanimous 9-0 vote that Criterion #3 (the transfer of territory will result in an equitable division of property and facilities of the original districts) **is** substantially met.

Criteria #4: It was moved by Virginia Wilson and seconded by Meg Cutuli, and adopted by a unanimous 9-0 vote that Criterion #4 (the transfer of territory will not promote racial or ethnic discrimination or segregation) **is** substantially met.

Criteria #5: It was moved by Virginia Wilson and seconded by James Reed, and adopted by a unanimous 9-0 vote that Criterion #5 (the transfer of territory will not result in any substantial increase in costs to the state) **is** substantially met.

Criteria #6: It was moved by Robert Singer and seconded by Shelia Henness, and adopted by a unanimous 9-0 vote that Criterion #6 (the transfer of territory will not significantly disrupt the educational programs in the school districts and the school districts affected by the transfer of territory will continue sound educational performance) **is** substantially met.

Criteria #7: It was moved by Sheila Benecke and seconded by Meg Cutuli, and adopted by a unanimous 9-0 vote that Criterion #7 (the transfer of territory will not result in a significant increase in school facilities costs) **is** substantially met.

Criteria #8: It was moved by Sheila Benecke and seconded by Virginia Wilson, and adopted by a unanimous 9-0 vote that Criterion #8 (the transfer of territory is not primarily designed to result in a significant increase in property values) **is** substantially met.

Criteria #9: It was moved by Sheila Benecke and seconded by Virginia Wilson, and adopted by a unanimous 9-0 vote that Criterion #9 (the transfer of territory will not negatively affect the fiscal management or fiscal status of either school district affected by the transfer of territory) **is** substantially met.

Petition: It was moved by Virginia Wilson and seconded by Karin Freeman, and adopted by a unanimous 9-0 vote that in accordance with Education Code sections 35706 and 35709, the Orange County Committee on School District Organization **approves** the petition to transfer territory from the Orange USD to the Tustin USD. Said transfer **does** substantially comply with all of the conditions enumerated in Education Code Section 35753.

8. PRESENTATIONS FROM THE PUBLIC None
9. DISCUSSION ITEMS: Chairperson Henness asked Dr. Benkert to give an update on the County Committee vacancy.
- Dr. Benkert explained that due to the sudden loss of one of our County Committee members, Dean McCormick on March 24th, the County Committee must appoint a new member to fill the vacancy within 70 days, by June 1st.
- The County Committee by-laws state that such a vacancy shall be filled by the majority vote of the remaining County Committee members and the appointment shall be for the duration of the unexpired term, in this case November 2012. Since the vacancy occurred in the at-large seat, candidates may live in any supervisorial area in the county.
- In order to assist the County Committee in this process, staff mailed packets asking for candidate nominations from the remaining County Committee members, the Nominating Committee members, school district superintendents and community college chancellors. Nominations are due by Friday, April 27, 2012.
10. NEXT MEETING Chairperson Henness stated that the next meeting is scheduled for Wednesday, May 9, 2012 6:00pm at the Orange County Department of Education, 200 Kalmus Drive, Costa Mesa, California 92626.
11. ADJOURNMENT Motion by Sheila Benecke, seconded by Virginia Wilson and carried by a unanimous vote to adjourn the meeting. There being no further business Chairperson Henness 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.