

**VENTURA COUNTY BOARD OF EDUCATION  
MINUTES OF REGULAR MEETING OF  
January 13, 2006**

**A. CALL TO ORDER**

1. Call To Order, Pledge of Allegiance to the Flag, and Moment of Reflection  
The Regular meeting of the Ventura County Board of Education, Agenda No. 06-01, was called to order by Mr. Marty Bates, President, at 8:04 a.m. on Friday, January 13, 2006, in the Conejo Room of the Administrative Services Center, 5189 Verdugo Way, Camarillo. The Pledge of Allegiance to the Flag was led by Mr. Bates and followed by a moment of reflection.
  
2. Roll Call  
Trustees Present:  
Mary Louise Peterson, Area 1 – *Arrived at 8:10 a.m.*  
Marty Bates, Area 2  
Dean Kunicki, Area 4  
Ron Matthews, Area 5  
Chris Valenzano, Area 3 – *Absent for Military Deployment*  
  
VCSSO Personnel Present:  
Charles Weis, Ventura County Superintendent of Schools and Ex-Officio Secretary and Executive Officer of the Board  
Nancy Manley, Executive Assistant to Dr. Weis  
Stan Mantooth, Associate Superintendent, Administrative Services  
Tom Etchart, Director, Business Services  
Poul Hanson, Director, Facilities
  
3. Approval of Agenda  
Mr. Matthews moved the agenda be approved. Mr. Kunicki seconded the motion, and it carried 3:0. Mrs. Peterson and Mr. Valenzano were absent.

**B. PUBLIC COMMENTS**

1. *Carl Olson, Woodland Hills*  
Mr. Olson presented a letter requesting a resolution of support for approving accuracy in textbooks. In addition, Mr. Olson addressed cost of delays in construction of school projects. He is a member of an organization that has developed a program to cut back on the delays. He would like to give a presentation on how to speed up the process.

**C. HEARINGS**

None.

**D. CLOSED SESSION**

None.

**E. PRELIMINARY**

None.

**F. CORRESPONDENCE**

The following correspondence was included in the Board packet:

1. Letter from Dick Jaquez, Vice-President, Oxnard Union High School District Board, dated January 3, 2006, regarding action taken by the Ventura County Board of Education on December 28, 2005.
2. Letter from Thomas M. Griffin, Attorney, Oxnard Union High School District, dated December 23, 2005, regarding Proposed Waiver of Education Code Section 35803.
3. Letter from Vista Real Charter High School, dated December 19, 2005, regarding new information brochure and written complaints expressed by students and parents regarding information received from OUHSD.
4. Minutes of December 1, 2005 meeting of Governing Board of Vista Real Charter High School, Inc.
5. Letter from SAGE, dated December 6, 2005, regarding charter school petition.
6. Ventura County School Boards Association Newsletter and Dinner Meeting Announcement for January 30, 2006.
7. CCBE Announcement of *Effective Governance* Workshop, March 17, 2006.

**G. PRESIDENT'S AND BOARD MEMBERS' REPORTS**

1. Dr. Weis asked which Board members plan to attend the VCSBA Dinner meeting on January 30, 2006: Mr. Bates and Mr. Matthews plan to attend. Mr. Kunicki was unsure.

**H. PRESENTATIONS**

None.

## I. DISCUSSION/INFORMATION/ACTION

1. Petition to State Board of Education to enable the Ventura County Board of Education to take over the duties of the County Committee on School District Organization

Per the Board's direction, a petition letter was submitted to the State Board of Education requesting that the duties of the Ventura County Committee on School District Organization be transferred to the Ventura County Board of Education, in accordance with Education Code Sections 4020 and 4021. Further information on the process for moving forward was included in the explanatory materials.

*Mrs. Peterson arrived at 8:10 a.m.*

The following members of the Public asked to address this item.

*Janet Lindgren, Camarillo*

Mrs. Lindgren stated that she is a member of the Ventura County Committee on School District Organization. She requested that the Board reconsider their request to the State Board to transfer the duties of the County Committee to the County Board. The County Committee is nearing completion of its deliberations on the petition. The question is whether the petition meets the criteria outlined in Education Code. AB780 makes the County Committee the lead agency on CEQA. As a simple negative declaration would not suffice, a more thorough study will be available in the future. If the work of the County Committee is terminated, the Board is responsible for furthering the delay in reaching a decision. Mrs. Lindgren also stated her support for the present formation process of the County Committee. There are two members from each Supervisorial Area and a Member at Large. This 11 member board is twice as large as if the Board took over the duties.

*Socorro Lopez Hanson, President, Oxnard Union High School District Board*

Mrs. Lopez Hanson read a letter to the Board stating that OUHSD opposes the request to the State Board of Education to transfer the duties of the County Committee to the Board. They oppose this for three reasons: The Board has adopted a resolution in support of the unification effort, in advance of the CEQA study and in advance of the analysis of the criteria; it would be a waste of taxpayer funds to start the process over at this late date; the agenda for the meeting of January 13 is a violation of the Brown Act, as the agenda description makes it clear that the decision to support the transfer of duties was made on December 28, 2005, even though the item was not on the agenda.

Mr. Kunicki questioned Mrs. Lopez Hanson's statement that the Brown Act was violated. Mrs. Lopez Hanson stated that a decision was made on December 28, 2005 to submit a petition to the State Board of Education. Dr. Weis indicated that the Board only followed their action previously taken at their May 23, 2005 meeting.

Mrs. Lopez Hanson stated that she had reviewed the minutes of the May 23, 2005 meeting. The County Committee has not determined whether it will go to election. This is the basis for Mrs. Hanson's statement that the Brown Act was violated.

Mrs. Peterson stated that under AB780, a decision on the petition was required within 120 days. Because the decision was not reached, the County Committee process was over. One of the reasons the County Committee could not complete the process was due to the 11<sup>th</sup> hour concern brought forth by Oxnard Union High School District regarding CEQA. For OUHSD to state that the Board is now biased is not fair. The Board is trying to move the process forward, and not to allow the legal strategies of one district to stop the process. OUHSD attempted a legal strategy to run out the clock. The Board should not allow this.

Mrs. Peterson stated that when the Board made the motion to petition the State, it did so with the understanding that the AB780 process was complete due to the fact that the 120 day clock had expired. Mrs. Peterson stated that the County Board is directly accountable to the voters and this is a better representation process than the County Committee appointment process. Mr. Matthews indicated that there are excellent arguments on both sides of the issue.

Mr. Bates indicated that no action was required on this item, as the letter has already been submitted to the State Board of Education.

2. Reaffirm Action Taken by Ventura County Board of Education to Transfer the Duties of the Ventura County Committee on School District Organization to the Ventura County Board of Education

Mrs. Peterson moved the Board reaffirm the action taken by the Ventura County Board of Education to transfer the duties of the Ventura County Committee on School District Organization to the Ventura County Board of Education.

Mr. Kunicki seconded the motion, and it carried 3:1, with Mr. Matthews voting nay.

3. Reaffirm Action Taken by Ventura County Board of Education regarding Funding for the Ventura County Committee on School District Organization

Mrs. Peterson voted the Board rescind the action taken by the Ventura County Board of Education regarding funding for the Ventura County Committee on School District Organization. Mr. Kunicki seconded the motion for discussion.

Mr. Kunicki noted that there has been an initial expenditure of funds and that these expenditures should be honored. Mrs. Peterson agreed.

Mrs. Peterson addressed Mr. Kunicki's comments, stating that the Board has the intention of petitioning the State Board of Education to transfer duties. The County Committee contends that it can continue to deliberate. Mrs. Peterson stated that she does not want the Board to continue to fund their deliberations.

Mr. Kunicki stated that some monies have already been expended. The Board should request an accounting of what has been expended and authorize the payment. Any further expenditures would require a request. This would allow time for the Board to get further legal opinions.

Dr. Weis distributed a legal opinion from Frank Fekete, County Committee Counsel, stating that the County Committee is a separate Committee specified by Education Code, much like a Personnel Commission. The County Committee has the authority to expend funds and that authority cannot be blocked by this Board.

Mrs. Peterson requested an opinion from the Attorney General on this issue. The Board is being asked to approve funding for the County Committee, therefore the Board should be the oversight agency. Dr. Weis stated that the concerns mentioned are concerns regarding the content of the law.

Mr. Bates requested an additional legal opinion on this issue and asked that the Board move to Agenda Item I.4 before action be taken on this agenda item.

Mrs. Peterson moved that Agenda Item I.3 be tabled, until the Board addresses Agenda Item I.4. Mr. Kunicki seconded the motion, and it carried 4:0.

4. Selection of an Attorney to Represent the Ventura County Board of Education in Matters Relating to School District Organization

Per the request of the Board President, the selection of an attorney to represent the Ventura County Board of Education in matters relating to School District Organization, including the petition to the State Board of Education, will be discussed. Action to be determined by the Board.

Mr. Bates stated that at the CSBA conference he attended a legal presentation by Mr. Roman Munoz, of Atkinson, Andelson, Loya, Ruud & Romo. Mr. Bates then asked Mr. Kunicki to investigate attorneys who could represent the Board in matters relating to School District Organization.

Mr. Kunicki reported that he talked to three legal firms from throughout the state and that the firm of Atkinson, Andelson, Loya, Ruud & Romo, was quite knowledgeable and experienced in unification issues. Mr. Kunicki distributed a packet of information from this firm.

*Mrs. Peterson requested a 15 minute break for the Board to review the proposal provided by the firm. The Board reconvened the meeting at 9:07 p.m.*

Mr. Kunicki stated that, in order to research this firm, he contacted legislators and business people in Sacramento. He questioned their lobbying activities, reputation, and relationships with various State agencies and the State Superintendent of Public Instruction. All indicated that the firm was fair and effective.

Mr. Bates asked if the proposed firm represents either of the affected districts. Mr. Kunicki responded that the firm represents the Community College District but no local districts.

Mrs. Peterson stated her appreciation that this law firm has experience with reorganization issues. Hiring this law firm would show that the Board is trying to move forward in a fair manner.

Mr. Matthews moved the Board contract with the firm of Atkinson, Andelson, Loya, Ruud & Romo to represent the Ventura County Board of Education in matters relating to school district organization. Mrs. Peterson seconded the motion, and it carried 4:0.

Mr. Mantooth recommended that the wording in the contract be changed to County Board of Education, rather than County Office of Education. Mr. Bates stated that Mr. Kunicki and Mr. Bates will talk with the law firm regarding the appropriate signatories.

*Mr. Bates directed that the Board return to Agenda Item I.3.*

3. Reaffirm Action Taken by Ventura County Board of Education regarding Funding for the Ventura County Committee on School District Organization (Continued)

Mr. Kunicki asked that the Board request an accounting of what funds have been expended thus far by the County Committee, and authorize the Board President to authorize that amount of funds to the County Committee. In the meantime, the Board should request an opinion from the attorney as to further funding.

Mrs. Peterson requested that Dr. Weis ask Mr. Mantooth to take a leave from his duties as Secretary to the County Committee until such time as these issues are resolved. Mrs. Peterson asked that Dr. Weis inform the Board of his decision regarding this request at the next meeting.

Mr. Bates requested clarification of Mr. Kunicki's request. Mr. Kunicki responded that the County Committee was under the understanding that the County Board was providing funding and therefore entered into agreements with the firms noted. These firms should not be penalized due to the pending action of the Board. The Board can rescind the approved funding, but the Board should also supply an amount of funding to pay the existing invoices.

Mr. Mantooth clarified the expenditures of the County Committee to date. Dr. Winters' contract was completed for approximately \$20,300. No invoices have been received to date against the \$10,000 contract of Mr. Frank Fekete. Mr. Mitch Kahn, CEQA Attorney, has submitted invoices totaling \$3,500 against his not to exceed contract of \$5,000. Mr. Kahn has also contracted with the firm of Impact Sciences, environmental consultant. Under his contract, it is not anticipated that the County Committee will expend additional funds for the next 30 days.

Mr. Kunicki stated that the EIR consultant, Impact Sciences, is an excellent firm and he highly recommends them. If an EIR is needed, they will provide an excellent, unbiased view.

Mrs. Peterson moved the Board rescind the action taken by the Ventura County Board of Education regarding funding for the Ventura County Committee on School District Organization, except for payment of expenses already incurred for the contracts issued to attorneys and consultants as follows: Dr. Winters, \$20,300; Mr. Frank Fekete, not to exceed \$10,000; Mr. Mitch Kahn, not to exceed \$5,000. The Board will require a detailed accounting of services and fees provided, and based upon such billing, will approve the amount of the expenditures. Mr. Kunicki seconded the motion, and it carried 3:1, with Mr. Matthews voting nay.

5. Adoption of Language Arts Curriculum for Court & Community Schools and the Phoenix Program Character-Based Literacy, Grades 7-12

Mrs. Peterson moved the Board adopt the Language Arts Curriculum for Court & Community Schools and the Phoenix Program Character-Based Literacy for Grades 7-12. Mr. Bates seconded the motion, and it carried 4:0.

6. Williams Lawsuit Settlement Quarterly Report to County Board of Education

Dr. Weis presented the Williams Lawsuit Settlement Quarterly Report for July 1-September 30, 2005 and October 1-December 31, 2005 with zero complaints. This item was presented for information only.

7. 2004-05 Audit Report

Mr. Mantooh introduced Jeff Carter, of Vavrinek, Trin, Day & Co., LLP, who reviewed the 2004-05 Audit Report. Mr. Carter stated that the audit includes a state compliance exception based on the independent study program at the Community School. This exception resulted in a reduction of 37 ADA and a repayment to the state of approximately \$300,000. No other exceptions were found. This exception is reflected in the financial statements and supplementary information provided.

Mr. Kunicki questioned whether the unrestricted balance of \$22 million was available for expenditure. Mr. Mantooh explained that although these funds are unrestricted, and can therefore be spent on various programs, the funds have already been designated to meet certain expenses. These funds will be addressed during the budget study sessions.

Mr. Mantooh noted that it is mandated that a minimum of a 2% reserve be maintained. There is no restriction as to how much can be set aside in reserves. Typically, a minimum amount is set aside, with an equivalent amount being set aside from other funds. The reserve balance will likely be due to the Conference Center construction and retiree health benefit expenses.

Mr. Kunicki asked if the Board can determine that the reserves be increased. Mr. Mantooth noted that some funds are restricted in the amount that can be held in reserve or the funds will be recaptured. Mr. Kunicki requested that at future Board budget study sessions, that staff present a global outlook to increase the reserve to address needs. Mr. Mantooth stated that staff does work to anticipate future expenditures, i.e. technology expenditures, and to set aside the necessary reserves. Mr. Kunicki would like to see the Board further address reserves.

*Mr. Kunicki moved the meeting be extended to 10:30 a.m. Mrs. Peterson seconded the motion, and it carried 4:0.*

Mr. Mantooth explained what steps have been taken to address the attendance issue that occurred. FCMAT was contracted to review the program and all staff were inserviced on appropriate attendance accounting and independent study documentation procedures.

Mr. Kunicki moved the Board accept the 2004-05 Audit Report for the Ventura County Office of Education as presented by the auditor. Mr. Matthews seconded the motion, and it carried 4:0.

Mr. Mantooth thanked Mr. Carter and staff for their work on the budget.

8. Approval of Board Budget Consultant Agreement for 2005-06

Dr. Weis presented an agreement for Board Budget Consultant services, to be provided by Dr. Tom Kimberling, for the 2005-06 fiscal year. The agreement incorporates a maximum amount of \$4,000, per the Board's adopted budget. Mr. Matthews moved the Board approve the Board Budget Consultant Agreement for 2005-06 fiscal year. Mrs. Peterson seconded the motion, and it carried 4:0.

9. Change Order Number One to Viola Constructors for Construction of the Ventura County Office of Education, Conference & Educational Services Center

Mr. Mantooth reported that Change Order Number One, dated December 12, 2005, includes deductive changes, but no additions to the contract with Viola Constructors. It is anticipated that additional deductive change orders will total approximately \$300,000. This change order includes no request to change contract time. Mr. Kunicki moved the Board approve Change Order Number One to Viola Constructors for Construction of the Ventura County Office of Education, Conference & Educational Services Center. Mrs. Peterson seconded the motion, and it carried 4:0.

## **J. BOARD MEMBER COMMENTS**

1. Mr. Bates noted that the Board will be hearing two expulsion appeal cases at the February 10, 2006 meeting. Dr. Weis stated that this meeting will have to be extended to allow time for these hearings and the Budget Study Session.

2. Mr. Bates reported that he will continue to try to find a date for a meeting during which a Vision and Goal Setting agenda item can be addressed.
3. Mr. Kunicki asked that staff look into providing a farm worker program through ROP. Simi Valley Unified School District is discussing the possibility of adding additional ROP courses. Construction trades also need to be addressed. Dr. Weis stated that Mrs. Velarde is currently working on both these areas – farm workers and construction. Mrs. Peterson added that she talked to the Ventura Construction Agency and directed them to contact Mrs. Velarde. Mr. Bates indicated that there is a dire need for ROP throughout the county and the Board should have a vision of expanding the ROP. This should be addressed as the Board considers the budget.
4. Dr. Weis asked that the Board join with him in advocating for a higher cap for the ROP. Ventura County currently has the lowest cap in the State – 2.4%. The average cap is 7%, with some counties having a cap at 33%. Students in Ventura County are not getting equal access to ROP, and ROP needs to grow for the benefit of the students and the County. To change the cap would most likely require legislation.
5. Mr. Kunicki addressed the County Committee issue. It is his belief that the issues probably are the loss of ADA and control. Does this Board feel there would be a possibility of getting the affected districts together for an open conversation? Mrs. Peterson suggested that the Board hold community meetings in the Oxnard and Camarillo areas to make the public aware of the issues. Possibly the law firm would have facilitators who could assist in the prevention of litigation. Mr. Bates stated that he feels the problem lies with the two education agencies, not the general public.

Mr. Mantooth stated that if the Board were to become the County Committee, the Board would have the power to initiate a new petition under AB780 or via the traditional route. Imbedded is the ability to meet with the affected districts. The County Committee did meet with the affected districts via subcommittee meetings. The minutes of these meetings are available on the website.

Mr. Kunicki stated that the Board is not attacking the County Committee in its action to petition the State Board of Education to transfer the duties to the County Board. Mr. Kunicki asked if it would be advisable for the County Board to send a letter to the affected districts, to see if there is interest in pursuing a meeting. One of the goals of the Board is to develop working relationships with local school districts. He suggested that a facilitator could be in attendance.

Mr. Bates stated that the State Board of Education has not taken action to approve the Board's request to transfer the duties. To take action prior to the action by the State Board of Education would be questionable.

6. Mr. Kunicki stated that the Board elected him as County Committee on School District Organization Representative. This committee will meet on January 30, 2006, and he would appreciate the Board's input on whether he should vote on a representative. Mr. Bates stated that this would be put on the agenda for the January 23, 2006 meeting.

**K. FUTURE AGENDA ITEMS**

1. Report or Suggested Action from Subcommittee to Research Establishing Task Force to Address County-Wide Gang Prevention and Rehabilitation/Recovery of Gang Members (TBD).
2. VCBE Visioning and Goal Setting, requested by Mrs. Peterson (TBD).

**L. FUTURE MEETING**

Date: Monday, January 23, 2006  
Time: 6:00 p.m.  
Location: 5189 Verdugo Way, Conejo Room, Camarillo  
Purpose: Regular Meeting of the Board

Date: Friday, February 10, 2006 (*Budget Study Session*)  
Time: 8:00 a.m.  
Location: 5189 Verdugo Way, Conejo Room, Camarillo  
Purpose: Regular Meeting of the Board

Date: Monday, February 27, 2006  
Time: 6:00 p.m.  
Location: 5189 Verdugo Way, Conejo Room, Camarillo  
Purpose: Regular Meeting of the Board

**M. ADJOURNMENT**

The meeting adjourned at 10:25 a.m.

***Approved by Board Action on 02/10/06.***

*Board meetings are recorded by audio tape pursuant to Government Code Section 54953.5(b).  
Copies of these audio tapes are available by request to this office at (805) 383-1900.*