

Fresno County Committee on School District Organization
County of Fresno, California

PUBLIC HEARING AND BUSINESS MEETING MINUTES

Thursday, June 26, 2014, 6:00 p.m.

Golden Plains Unified School District
San Joaquin Elementary School - Multipurpose Room
8535 S. 9th Street, San Joaquin, California 93660

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairperson Dr. Lawrence "Larry" Wilder called the meeting to order at 6:03 p.m. Attendees recited the Pledge of Allegiance.

II. ROLL CALL

Susan B. Bailey, Recording Secretary, called roll. There are eleven Committee seats. Six members establish a quorum. Votes are recorded in the following order: For-Against-Absent-Abstain.

Members present: Daniel Babshoff, Frank Butterfield, Terry Cox, Brian Heryford, Clint Horwitz, Warren Jennings, Dr. Nellie Neri, Tracy Rodriguez, and Dr. Larry Wilder.

Members absent: Ken Marcantonio, Joan Minasian (Member Minasian's April 2014 absence was excused due to illness).

Quorum established at time of roll call.

Corrections/additions to the agenda:

Member Heryford asked that the FCCSDO declare an emergency and recommended an amendment to the agenda to include an action item on tonight's presentation.

Motion - Chairperson Wilder moved to amend the agenda pursuant to Member Heryford's request. Seconded by Member Cox. Motion passed by unanimous vote 9-0-2-0. (See second motion on page 2 of Minutes for clarification.)

Others present: Jan M. Biggs, Senior Administrator, Fresno County Office of Education ("FCOE"); Jesus Cruz, Golden Plains Unified School District ("GPUSD") Superintendent; JoAnn Minnite; GPUSD Administrative Assistant; Nella Bettinsoli; Christopher Skinnell, Attorney/ Consultant for GPUSD, Nielsen Merksamer LLP; Kathy Chaffin, Vice-President, GPUSD Board of Trustees.

III. PUBLIC HEARING - GOLDEN PLAINS UNIFIED SCHOOL DISTRICT

Public Hearing Issue: Whether the Fresno County Committee on School District Organization ("FCCSDO") shall approve the proposal of the Golden Plains Unified School District ("GPUSD") to implement Plan 3, its plan for the rearrangement of trustee areas and for use in GPUSD's November 2014 election of trustees and subsequent elections. Pursuant to Education Code § 5019, a county committee on school district organization may establish, rearrange, and/or abolish trustee areas, or adopt one of the alternate methods of electing governing board members specified in California Education Code § 5030.

A. Open Public Hearing Regarding Golden Plains Unified School District

Chairperson Wilder opened the public hearing at 6:05 p.m.

Motion - Member Heryford made a motion to include action item "J"—Approval/Disapproval of GPUSD's Plan 3. Seconded by Member Neri. Motion passed by unanimous vote 9-0-2-0.

B. Greetings, Introductions

Mr. Biggs introduced Jesus Cruz, GPUSD's Superintendent.

C. Role of the FCCSDO, Presenter of Facts

D. Public Hearing Procedural Guidelines

The public hearing proceeded according to the outline in the agenda.

E. Presentation by Proponents of the Proposal (GPUSD)

Superintendent Cruz introduced Kathy Chaffin and Chris Skinnell, tonight's speaker.

Special Counsel Skinnell stated that he worked with Doug Johnson, GPUSD's demographer, of National Demographics Corporation ("NDC") in regards to re-districting the trustee areas and analyzing the voting rights laws. After review, it was determined there is no need to abolish the current at-large voting system of the GPUSD pursuant to the California Voting Rights Act ("CVRA"). However, they also determined that the populations within the trustee areas were significantly out of balance. A ten percent total deviation is legitimate but it was more like 200 percent. The federal voting rights act was also considered (constraints on shape of trustee areas).

The process: Attorney Skinnell made a presentation to the GPUSD Governing Board ("Board") at an initial meeting on March 11, 2014. The Board then held a public meeting to receive testimony. School boards have a fair amount of discretion regarding policy criteria and the rebalancing of trustee areas (topography/geography/political boundaries). On March 11, 2014, the Board adopted a resolution to move forward on the re-districting matter and adopted criteria to guide the process. On March 28, 2014, NDC submitted three trustee area draft plans. On April 8, 2014 the Board held a public hearing.

There were not a whole lot of trustee area plan options due to the small population in the GPUSD, the few census blocks, and the high density San Joaquin area. Attorney Skinnell reviewed the three draft plans with the FCCSDO using a PowerPoint presentation. At the GPUSD's public hearing, a request was by the Board and public members to see if it was possible to meld plans two and three. They wanted to know if it was possible to keep Trustee Area 1 rural and not reach San Joaquin. They also wanted to know if the other areas could be divided so that Cantua would be in two trustee areas instead of one, to give that area's residents the ability to reach out to more than one representative. NDC then produced draft plan four and presented it to the Board. Attorney Skinnell reviewed draft plan four with the FCCSDO. In draft plan four each of the trustee areas include a part of the San Joaquin area. On May 13, 2014, the Board held a public meeting and after discussion decided on plan three, instead of plan four, as it is the most similar to the currently existing trustee area boundaries and the courts have recognized this as a

legitimate consideration. The decision was basically a policy choice by the Board as all four plans comply with both federal and state law. Attorney Skinnell asked for the FCCSDO's approval of plan three on behalf of the GPUSD Board of Trustees.

Member Heryford asked if the GPUSD trustees would continue to reside in their respective trustee areas in plan three. Attorney Skinnell answered in the affirmative. All of the plans presented comply with that criterion of the Board. The Board's vote for plan three was unanimous—five in favor and two absent).

Member Horwitz asked for clarification regarding how the “at-large” component of the plan works. He indicated some concern because three areas have two trustees each and one area (Trustee Area 1) has one trustee. There are approximately 2,100 voters in Areas 2, 3, and 4 and just over 1,000 voters in Area 1. Attorney Skinnell stated that it is a “from trustee area system” (i.e., candidates have to live within each of the trustee areas) but all voters in the GPUSD get to vote on candidates of all seven trustee areas. Voting is district wide. The Education Code is a bit unusual in that it permits multi-member trustee areas. (Perhaps a holdover from unification of years ago based on underlying districts that were unified and representatives were apportioned accordingly).

F. Speakers in Support of the Proposal

None.

G. Speakers in Opposition to the Proposal

Nella Bettinsoli has lived there her entire life in Cantua Creek. Ms. Bettinsoli has voted for 44 years and is now going to be in another district which is fine. However, in looking at the map, it appears that the city of San Joaquin will be electing seven board members who will be representing the rest of the population. (Inaudible) ... district by district.

Attorney Skinnell stated (inaudible) ... Your point is correct, San Joaquin is going to have sizeable influence because that's where most of the population is. In rebalancing the trustee areas it became necessary to take population (inaudible)....

Nella Bettinsoli confirmed that her question was answered but is still opposed to it. Ms. Bettinsoli stated that she thinks trustees should be voted on district by district. When Cantua annexed and unified that's the way it was supposed to be but it was written up different. Cantua tried to get out of unification. They were told that when they unify they could get out the same way they got in and that's impossible. Ms. Bettinsoli reiterated that her preference is district-by-district voting and not at-large voting.

H. Summation/Closing Statements

i. Proponents of the Proposal (GPUSD)

No speakers.

ii. Opponents of the Proposal

No speakers.

Mr. Jan Biggs acknowledged Nella Bettinsoli's concerns and clarified that the decision regarding election method is effectively that of the GPUSD Board. It is not the role of the FCCSDO to second guess the judgment of the Board as long as it is complying with the laws.

I. Close Public Hearing Regarding Golden Plains Unified School District

Chairperson Wilder closed the public hearing at 6:25 p.m.

J. Approval / Disapproval of GPUUSD's Plan 3

The FCCSDO did not deliberate amongst itself but did ask questions earlier in the meeting.

Motion - Member Heryford stated "I make a motion to approve the Board's recommendation that we adopt the Trustee Area Draft 3." Member Horwitz seconded the motion. Member Jennings abstained. The motion passed (8-0-2-1).

IV. BUSINESS MEETING

Chairperson Wilder opened the business meeting at 6:26 p.m.

V. APPROVAL OF APRIL 22, 2014 MINUTES

Member Butterfield made a motion to approve the April 22, 2014 minutes as presented. Member Neri seconded the motion. Motion passed unanimously 9-0-2-0.

VI. ACCEPTANCE OF PLAQUE BY MEMBER DANIEL BABSHOFF ON BEHALF OF PAUL BETANCOURT

Chairperson Wilder presented a plaque for Paul Betancourt for his years of service on the FCCSDO (2006-2014). Member Babshoff accepted the plaque on Mr. Betancourt's behalf.

VII. OLD BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. DISCUSS/SET NEXT MEETING AND/OR PUBLIC HEARING(S)

There is currently no reorganization issue that needs to be addressed by the FCCSDO. Members will be polled for meeting availability once an issue arises.

X. ADJOURNMENT

Chairperson Wilder called for adjournment. Member Heryford moved to adjourn the meeting. Member Babshoff seconded the motion. Motion passed unanimously (9-0-2-0). The meeting adjourned at 6:30 p.m.

APPROVED: November 14, 2016