

SANTA CLARA COUNTY COMMITTEE ON
SCHOOL DISTRICT ORGANIZATION

1290 Ridder Park Drive
San Jose, CA 95131

Minutes of Annual Meeting
Board Room
December 14, 2011
3:00 p.m.

Preceding the regular meeting and beginning at 3:00 p.m. the county committee held a public hearing regarding the redistricting for the Santa Clara County Board of Education. The public hearing was held in the board room at the County Office of Education. Comments below are in summary format, not verbatim. Audio recording of the hearing is available on the county committee webpage of the Santa Clara County Office of Education website at www.sccoe.org.

The following committee members were present at the opening of the public hearing:

Nick Gervase
Brett Barley
Pam Parker
Josephine Lucey
Frank Biehl
Teresa O'Neill

The following members arrived after the public hearing:

Nejleh Abed (3:15)
Mandy Lowell (3:40)

The county committee members and staff reviewed all redistricting scenarios including a revised map developed by the committee's request. The committee heard comments from the following speakers, a brief outline of comments is included, audio is available for full comments:

Jacquelyn Maruhashi with the Asian Law Alliance asked about outreach to the Asian community and her concern that better maps are needed to see all geographic boundaries and that the current maps are difficult to read and to see what changes were made.

J. Nakamura stated that none of the scenarios take into account the Asian and Hispanic communities in San Jose and the current plans are not adequate. He asked that the committee not approve any of the plans at this date and that more input from the public is needed.

Jamie Chen of the South Bay Labor Council spoke about her concerns about the consultants hired to work with the committee as the consultant contracts with charter schools. She urged the committee to work with a consultant who does not have a conflict of interest.

Judy Pipkin with the Santa Clara County Democratic Party stated that EdTec, Inc. contract is a conflict of interest and that the contract needs to be considered in the interest of fairness.

Chris Stampolis spoke about the contract between the County Office of Education and Tom Griffin stating that EdTec, Inc. is a part of that contract. He stated that the January 11th COE board transmittal shows the contract as a joint contract not a sub contractor – that shows a conflict of interest

Staff to the county committee read a letter from Serge Bonte, a resident of Mountain View. The letter is attached.

Teresa O’Neill moved to close the public hearing. There was opposition from Member Frank Biehl. The opposition to the closing of the hearing was removed as there will be an opportunity for further public hearings in the future.

The public hearing was closed at 3:15 p.m.

1. Call to Order

The regular meeting of the county committee was called to order immediately following the close of the public hearing – 3:16 p.m.

2. Set the Agenda

Agenda was set as noticed with the exception of item 5 a) which was moved until after item 5 c).

3. County Committee Election Results – Welcome and Introductions

Staff member, Suzanne Carrig reviewed the results of the County Committee election. Brett Barley was elected to Supervisorial District 1, Frank Biehl in Supervisorial District 3, and Mandy Lowell was re-elected to Supervisorial District 5.

There was discussion of Mandy as potential County Committee chair but as she was not at the meeting until 3:40 the committee asked to have the election of officers item moved until after 5. c).

4. Review and Consideration of Minutes

The committee reviewed the meeting minutes of the November 16, 2011 meeting. Member Pam Parker made a motion to approve the minutes. The motion was seconded by Member Nejleh Abed and approved by a 5-0-2 vote; Frank Biehl and Brett Barley abstained.

5. Action Items

5(b). County Committee Action on Redistricting Consultant Contract

County Committee members heard comments from the following speakers (full comments are available from the audio file on the county committee webpage):

Chris Stampolis made claims that there is a conflict of interest between Josh Newman of EdTec and the County Office/County Committee as EdTec works with Bullis Charter School. Mr. Stampolis asked the committee to seriously review this conflict of interest. Mr. Stampolis stated that the California Voter Rights Act does not apply to the current redistricting process.

Member Frank Biehl stated that he would like to know the Registrar of Voters deadline for new boundaries for the November 2012 election. Attorney Tom Griffin stated that Education Code section 1002 does not contain a deadline but the theory is that county committee's use a March 1st deadline.

Member Brett Barley asked if the risk of a lawsuit increases after March 1st. Attorney Tom Griffin stated that is likely.

Member Nick Gervase asked Tom Griffin and Josh Newman to comment on the conflict of interest accusations.

Tom Griffin stated that he subcontracts with Josh Newman as the County Office of Education does not allow for a dual contract. He stated that Josh Newman, nor himself, has a financial interest in Bullis Charter School and that Josh Newman develops maps based solely on the request of the County Committee.

Several County Committee members commented on the conflict of interest accusations and asked if the County Office of Education currently has any lawsuits with charter schools. Chuck Weis, County Superintendent stated there are none.

Member Nejleh Abed stated that all plans have been based on the committee's requests.

Member Jo Lucey stated that the county committee is not even done looking at all the potential scenarios at this point.

Anna Song, COE board member, spoke about the conflict of interest with EdTec and that she should have known about that when she saw the original proposal on January 11, 2011. She stated that Josh Newman was involved in the Bullis renewal process five years ago but she just made the connection about a week ago.

Judy Pipkin with the Santa Clara County Democratic Party stated that there is a fundamental conflict of interest for Josh Newman.

Josh Newman with EdTec, Inc. stated that his work with Bullis included budget work for the first renewal and that he has not worked with them or the COE since.

Chuck Weis, County Superintendent of Schools, clarified that the contract being discussed is actually between him as superintendent and attorney Tom Griffin. Dr. Weis stated that when considering a conflict of interest the county typically looks at a financial conflict of interest.

After further discussion the committee members decided to continue with the current contract with the understanding that the County Superintendent will further investigate the allegations of conflict of interest.

Member Frank Biehl moved that the County Committee recommends that the County Superintendent extend the current contract providing that he determines there is no conflict of interest.

The motion was seconded by Member Nejleh Abed and unanimously approved.

5(c). County Committee Action on Redistricting Scenario

County Committee members brought the new members up to date with the process and past discussions regarding redistricting. County Committee members reviewed maps 4 and 5A-December. Staff and consultant were directed to provide updated data on maps 4 and 5A-December specifically including ethnic data, school district information, making larger maps, and also making the maps interactive for the public.

Chris Stampolis spoke more about the conflict of interest. He stated that Member Abed should not be involved in the discussions as she is the spouse of a seated board member. He stated that CVRA is not applicable in the process and that there are many political issues at the COE that are underlying the redistricting process. Mr. Stampolis further stated that Santa Clara should stay in the same area as Berryessa and Milpitas as it is in all other political districts.

Member Frank Biehl reviewed the process his district board uses when a member of the board has a potential conflict with an issue. Member Biehl stated that county counsel should review this issue for the county committee.

J. Nakamura spoke more about the maps being considered by the committee and asked that they look at demographic data and school district data. At this time he does not feel that any of the plans are optimal for Asians or Hispanics.

Jacquelyn Maruhashi with the Asian Law Alliance spoke to the issue of the public having a difficult time participating in this process as the maps are not interactive. She feels that providing interactive maps will help create more meaningful discussion.

After public comments, the county committee took action on this agenda item.

Member Mandy Lowell made a motion to table the action item until a future meeting. The motion was seconded by member Jo Lucey and unanimously approved (Member Pam Parker had left the message prior to the vote).

5(a). Election of County Committee Chair and Vice Chair

Jo Lucey nominated and made a motion for Mandy Lowell as County Committee Chair. Nejleh Abed seconded the motion which was unanimously approved.

Jo Lucey nominated Nejleh Abed as Vice Chair of the committee. The motion was seconded by Nick Gervase and unanimously approved.

6. Communications

No members of the public addressed the County Committee on any issue that was not on the current agenda.

7. Set Next Meeting

The county committee will hold a public hearing on Wednesday, January 18th at the Cupertino School District and the Santa Clara Unified School District offices.

The committee members will determine at a future date the next meeting for the redistricting issue. The dates will be either January 25, 2012 or February 1, 2012. Staff will provide the date, time, and place when available.

8. The meeting was adjourned at 5:40.

Respectfully Submitted by:

Suzanne Carrig,
Secretary Designee to the County Committee