

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

Bond Waiver

# California State Board of Education January 2019 AgendaItem #W-08

## Subject

Request by the **Saddleback Valley Unified School District** to waive California *Education Code (EC)* Section 15282(a), relating to term limits for a member of its Citizens’ Oversight Committee for all construction bonds in the district.

## Waiver Number

3-11-2018

## Type of Action

Action, Consent

## Summary of the Issues

The Saddleback Valley Unified School District (USD) is requesting a waiver of *EC* Section 15282(a) to allow the district to have three members of the Citizens’ Oversight Committee (COC) continue for an additional two-year term. The district did outreach last year, via advertising in the Orange County Register and the Saddleback Valley News, as well as on the district’s bulletin board and web site, to recruit new members to serve on the COC and only received one applicant, who is now serving on the committee.

## Authority for Waiver

California *EC* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve this request from the Saddleback Valley USD to waive *EC* Section 15282(a) to allow the district to have three members of the COC continue for an additional two-year term. This is the seventh waiver received by the SBE over the last decade regarding the composition of the Saddleback Valley USD COC. The district states that this will be their final waiver requested, as the bond funds will soon be exhausted.

## Summary of Key Issues

Under the provisions of *EC* sections 33050 through 33053, the Saddleback Valley USD is requesting that specific language of *EC* Section 15282(a) relating to term limits for a member of its COC be waived. The purpose of the COC is to inform the public concerning the expenditure of bond revenues. The COC reviews and reports on the proper expenditure of taxpayers’ money for school construction. The COC holds public meetings and advises the public as to whether the district is in compliance with all of the statutory requirements of the bond and school construction projects.

The Measure B Bond Citizens’ Oversight Committee is the citizens’ oversight body for $180 million in General Obligation Bonds for Saddleback Valley USD. Three members, including the Chair, termed out in July 2018. The district has encumbered 99 percent of the bond funds and expects to complete the bond in 2019. Approval of this waiver will help preserve continuity and enable these members to continue to provide advice and guidance to the COC and district until the end of the bond, aiding in the efforts to successfully manage the final phase of the building program.

### Demographic Information

The Saddleback Valley USD has a student population of 26,990 and is located in Orange County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available on the California Legislation Information web page at** <https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.>

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved all previous waivers regarding Citizens’ Oversight Committees.

The district is requesting to waive the same provision of the term limits for a member of its Citizens’ Oversight Committee. Waiver #32-1-2017, available on the SBE web page located at <https://www.cde.ca.gov/be/ag/ag/yr17/documents/may17w08.doc>, was previously approved by the SBE as part of the May 2017 Agenda and it expired on June 30, 2018.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval or denial.

## Attachments

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:**  Saddleback Valley USD General Waiver Request 3-11-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* (*EC*) Section 15282(a)

| **Waiver Number** | **School District** | **Period of Request** | **Local Board Approval Date** | **Public Hearing Date** | **Bargaining Unit, Representatives Consulted, Date, and Position** | **Advisory Committee Consulted** |
| --- | --- | --- | --- | --- | --- | --- |
| 3-11-2018 | Saddleback Valley Unified School District | **Requested:**July 1, 2018 to June 30, 2020**Recommended:**January 10, 2019 to June 30, 2020 | 10-11-2018 | 10-11-2018Notice published in newspaper, posted at three school sites and the District Office | California School Employees Association (CSEA)Chris Felde,CSEA President9/18/2018**Neutral** | Bond Oversight Committee2/7/2018**No Objections** |

Created by the California Department of Education

November 7, 2018

# Attachment 2: **Saddleback Valley Unified School District General** **Waiver Request 3-11-2018**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3073635

Waiver Number: 3-11-2018

Active Year: 2018

Date In: 11/7/2018 10:10:08 AM

Local Education Agency: Saddleback Valley Unified School District

Address: 25631 Peter A. Hartman Way

Mission Viejo, CA 92691

Start: 7/1/2018

End: 6/30/2020

Waiver Renewal: Yes

Previous Waiver Number: 32-1-2017

Previous SBE Approval Date: 5/21/2018

Waiver Topic: School Construction Bonds

*Ed Code* Title: Citizen Oversight Committee – Term Limits

*Ed Code* Section: 15282

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive: 15282 (a) The Citizens’ Oversight Committee shall consist of at least seven members to serve for a term of two years without compensation [and for no more than three consecutive terms].

Outcome Rationale: The Measure B Bond Citizens’ Oversight Committee (COC) is the oversight body for $180 million in General Obligation bonds. Three (3) members, including the Chair, termed out in July 2018. The District has encumbered 99 percent of the bond funds and expects to complete the bond in 2019. These current members of the COC have institutional memory of the bond process and all construction activity. Approval of this waiver will help preserve continuity and enable these experienced members to continue to provide advice and guidance to the COC and District until the end of the bond. They have been consistent in their attendance and involvement with this Committee and have expressed their willingness to continue to serve.

Student Population: 26,990

City Type: Suburban

Public Hearing Date: 10/11/2018

Public Hearing Advertised: Notice published in newspaper, posted at three school sites and the District Office

Local Board Approval Date: 10/11/2018

Community Council Reviewed By: Bond Oversight Committee

Community Council Reviewed Date: 2/7/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Stella Escario-Doiron

Position: Chief, Facilities, Construction and Maintenance

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Bargaining Unit Date: 09/19/2018

Name: California School Employees Association

Representative: Chris Felde

Title: President, CSEA

Position: Neutral