

Santa Cruz County Board of Education
Santa Cruz County Office of Education
400 Encinal Street
Santa Cruz, CA 95060

Special Board Meeting
November 2, 2018
Time: 2:00 p.m.
Superintendent's Conference Room

AGENDA

1.0 **CALL TO ORDER, ROLL CALL AND ESTABLISHMENT OF QUORUM**

Bruce Van Allen (President), Jane Royer Barr, Rose Filicetti, Sandra Nichols, Sue Roth,
Dana Sales, Abel Sanchez
Michael Watkins, Secretary

2.0 **PLEDGE OF ALLEGIANCE**

Bruce Van Allen (President) will lead the Pledge of Allegiance.

3.0 **APPROVAL OF AGENDA**

Agenda deletions and/or changes of sequence will be approved or the agenda will be approved as submitted.

4.0 **PUBLIC COMMENT**

This is an opportunity for the public to address the Board regarding items not on the agenda. The Board President will recognize any member of the audience not previously placed on the agenda who wishes to speak on a matter directly related to school business. Each speaker, on any specific topic, may speak up to **three (3) minutes** unless otherwise limited or extended by the President. The President may allot time to those wishing to speak but no action will be taken on matters presented (E.C. Section 35145.5). If appropriate, the President, or any Member of the Board, may direct that a matter be referred to the Superintendent's Office for placement on a future agenda. Please refer to item, *Please Note*, on the last page of this agenda.

5.0 **PUBLIC HEARINGS/NEW BUSINESS AND ACTION ITEMS**

5.1 **Closed Session Disclosure (Open Session)**

Bruce Van Allen (President) will disclose that the Board will, in closed session, discuss matters relating to the possible purchase of certain real properties as noted in 5.2. Comments from the public will be taken prior to commencing closed session.

5.2 **Conference with Real Property Negotiators (Closed Session)**

The Board will consider the purchase of certain real property and/or give further direction concerning price and/or terms for the purchase to the Board's negotiator. (Govt. Code Section 54956.8)

Agency Representatives: Mary Hart, Deputy Superintendent, Business Services
Reuben Helick, Cushman & Wakefield
Jerry Behrens, Lozano Smith

Property: 231 Green Valley Rd., Watsonville, CA, Santa Cruz County
APN: 048-061-37

Negotiating Parties: Santa Cruz County Office of Education and Sereno Group

5.3 Report Out on Closed Session (Open Session)

Bruce Van Allen (President) will report on any reportable action(s) taken by the Board in Closed Session.

5.4 Adopt Resolution 18-21: Relocation Assistance Guidelines

The Board will be asked to adopt Resolution 18-21, Relocation Assistance Guidelines, in order to implement payments and to administer relocation assistance to displaced persons.

Presenter: Michael Watkins, Superintendent

Call for Motion and Roll Call Vote: Bruce Van Allen (President)

6.0 ADJOURNMENT

Bruce Van Allen (President) will adjourn the meeting

PLEASE NOTE:

Public Participation:

All persons are encouraged to attend and, when appropriate, to participate in meetings of the Santa Cruz County Board of Education. If you wish to speak to an item on the agenda, please be present at the beginning of the meeting as any item, upon motion, may be moved to the beginning of the agenda. Persons wishing to address the Board are asked to state their name for the record. The president of the Board will establish a time limit of three (3) minutes, unless otherwise stated by the president, for comments from the public. Consideration of all matters is conducted in open session except those relating to litigation, personnel and employee negotiations, which, by law, may be considered in closed session. Expulsion appeal hearings are heard in closed session unless a request for hearing in open session is made by the appellant.

Backup Documentation:

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the County Office of Education, located 400 Encinal Street, Santa Cruz, CA 95060, during normal business hours.

Translation Requests:

Spanish language translation is available on an as-needed basis. Please make advance arrangements with Jim Guss by telephone at (831) 466-5900. Traducciones del inglés al español y del español al inglés están disponibles en las sesiones de la mesa directiva. Por favor haga arreglos por anticipado con Jim Guss por teléfono al número (831) 466-5900.

ADA Compliance:

In compliance with Government Code section 54954.2 (a), The Santa Cruz County Office of Education will, on request, make this agenda available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec 12132), and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability-related modification or accommodation in order to participate in the meeting should contact Jim Guss, Administrative Aide to the Superintendent, 400 Encinal St., Santa Cruz, CA 95060, (831) 466-5900.



BOARD OF EDUCATION

Ms. Jane Royer Barr
Ms. Rose Filicetti
Ms. Sandra Nichols
Ms. Sue Roth
Mr. Dana M. Sales
Mr. Abel Sanchez
Mr. Bruce Van Allen

Michael C. Watkins, Superintendent • 400 Encinal Street, Santa Cruz, CA 95060 • 831-466-5600 • FAX 831-466-5607 • www.santacruzcoe.org

To: Santa Cruz County Board of Trustees

From: Mary Hart, Deputy Superintendent, Business

Date: November 2, 2018

RE: Resolution 18-21. Adopting Relocation Assistance Guidelines.

Due to the ever changing needs of our programs, and in preparation for the future possibility that the Santa Cruz County Office of Education (SCCOE) may identify property to purchase to house Educational Services (such as the Career Advancement Charter), we advise that the County Board of Education put in place the attached Resolution.

This resolution will give the SCCOE the ability to pursue and entertain properties that currently are occupied in a swift manner in the future.

RESOLUTION 18-21**ADOPTING RELOCATION ASSISTANCE GUIDELINES**

WHEREAS, the Santa Cruz County Office of Education (COE), through its Board of Education (Board), needs, from time to time, to acquire real property for its educational programs and services; and

WHEREAS, such real property acquisitions may result in the unavoidable displacement of residents and businesses from the real property to be acquired; and

WHEREAS, Government Code section 7267.8 and Title 25 of the California Code of Regulations at section 6006 require that, prior to displacing persons from property, each public entity shall adopt rules and regulations that implement the requirements of the Relocation Assistance Act (Govt. Code sec. 7260 et seq.) and that are in compliance with the Department of Housing and Community Development Relocation Assistance regulations set forth in 25 CCR 6000 et seq. (the Relocation Assistance Guidelines); and

WHEREAS, Title 25 of the California Code of Regulations at section 6010 requires that, prior to displacing persons from property, each public entity shall make certain prior determinations that it will comply with the provisions of the Relocation Assistance Act (Govt. Code sec. 7260 et seq.) and the Department of Housing and Community Development Relocation Assistance regulations set forth in 25 CCR 6000 et seq.; and

WHEREAS, Title 25 of the California Code of Regulations at section 6032 requires that each public entity shall develop a relocation assistance advisory program which will comply with the provisions of the Relocation Assistance Act (Govt. Code sec. 7260 et seq.) and the Department of Housing and Community Development Relocation Assistance regulations set forth in 25 CCR 6000 et seq.; and

WHEREAS, it is the desire of the COE to provide advisory services, to the extent required by law, which offer assistance to minimize the hardship of displacement and to ensure that all persons displaced from their dwellings are relocated and all persons displaced from their places of business or farm operations are assisted in reestablishing the business or farm operations.

NOW, THEREFORE, IT IS RESOLVED, DETERMINED, AND ORDERED by the Board of Education as follows:

Section 1. The rules and regulations set forth in the Relocation Assistance Act (Govt. Code sec. 7260 et seq.) and Title 25 of the California Code of Regulations, Chapter 6, Subchapter 1, beginning at section 6000 and up to and including section 6176, are hereby adopted as the relocation assistance rules and regulations of the COE to implement payments and to administer relocation assistance to displaced persons.

Section 2. The relocation assistance rules and regulations of the COE as adopted in paragraph one above shall be deemed to be automatically revised to conform to any subsequent amendment of the Relocation Assistance Act (Govt. Code sec. 7260 et seq.) and any subsequent amendment of Title 25 of the California Code of Regulations, Chapter 6, Subchapter 1, beginning at section 6000 and up to and including section 6176.

Section 3. The attached Exhibit “A” is hereby adopted as the COE’s procedures to implement the “Grievance Procedures” required by Article 5, commencing with section 6150, of Title 25 of the California Code of Regulations.

Section 4. The County Superintendent or the County Superintendent’s designee is authorized to take all actions necessary to enforce and administer these rules and regulations, including, but not limited to, entering into contracts with qualified public agencies and/or private consultants to assist in fulfilling the duties set forth herein, or any other duties required by the Relocation Assistance Act (Govt. Code sec. 7260 et seq.) or the Department of Housing and Community Development Relocation Assistance regulations (25 CCR 6000 et seq.). The County Superintendent or the County Superintendent’s designee reserves the right to tailor the Relocation Assistance Guidelines depending on the scope and extent of real property acquisitions, so long as consistent with applicable law.

PASSED AND ADOPTED by the Santa Cruz County Board of Education on this 2nd day of November 2018 by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Bruce Van Allen, President
Santa Cruz County Board of Education

Michael Watkins, Secretary
Santa Cruz County Office of Education

EXHIBIT “A”
to Resolution 18-21
Adopting Relocation Assistance Guidelines

Pursuant to Article 5, commencing with section 6150, of Title 25 of the California Code of Regulations, the following procedures are adopted to implement the “Grievance Procedures” required by said Article 5. (All references to section numbers are to Title 25 of the California Code of Regulations unless otherwise specified.)

1. The County Superintendent of Schools of Santa Cruz County shall designate, as his authorized designee, an individual who did not make the initial determination regarding relocation benefits, to review a grievance claim by a person eligible for relocation assistance. The designated individual shall be responsible for implementing the Relocation Assistance Guidelines in accordance with law.

2. If the grievant is not satisfied with the termination in section 1, the County Superintendent of Schools of Santa Cruz County shall either conduct, or designate an individual (other than the person who made the initial determination regarding relocation benefits) to conduct a review and reconsideration of the determination made in section 1 per section 6156(b). If the parties agree, this review may be skipped in favor of a formal review in section 3.

3. Any “Formal Review and Reconsideration” grievance review requested by a complainant/grievant pursuant to section 6158 shall be conducted by the County Superintendent of Schools of Santa Cruz County’s authorized, impartial designee. The Santa Cruz County Office of Education’s staff shall provide such clerical and other support services as the Committee may need or reasonably request.

4. The decision rendered in section 3 shall be administratively final and conclusive and not subject to further administrative appeal. Any petition for judicial review of the decision shall be pursuant to California Code of Civil Procedure section 1094.5 and must be brought within the time allowed by California Code of Civil Procedure section 1094.6.

[Home Table of Contents](#)**§ 6152. Right of Review.**

25 CA ADC § 6152

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONSBarclays Official California Code of Regulations [Currentness](#)

Title 25. Housing and Community Development

Division 1. Housing and Community Development

Chapter 6. Department of Housing and Community Development Programs

Subchapter 1. Relocation Assistance and Real Property Acquisition Guidelines

Article 5. Grievance Procedures

25 CCR § 6152

§ 6152. Right of Review.

(a) Any complainant, that is any person who believes himself aggrieved by a determination as to eligibility, the amount of payment, the failure of the public entity to provide comparable permanent or adequate temporary replacement housing or the public entity's property management practices may, at his election, have his claim reviewed and reconsidered by the head of the public entity or an authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this article, as supplemented by the procedures the public entity shall establish for such review and reconsideration.

(b) A person or organization directly affected by the relocation plan may petition the department to review the final relocation plan of a public entity to determine if the plan is in compliance with state laws and guidelines or review the implementation of a relocation plan to determine if the public entity is acting in compliance with its relocation plan. Review undertaken by the department under this section shall be in accordance with the provisions of sections 6158 and may be informal. Before conducting an investigation, the department should attempt to constrain disputes between parties.
Failure to petition the department shall not limit a complainant's right to seek judicial review.

(c) If a relocation appeals board has been established pursuant to Section 33417.5 of the Health and Safety Code, a city by ordinance may designate the board to hear appeals from local public entities which do not have an appeal process. In the absence of such an ordinance, public entities shall establish procedures to implement the provisions of this Article.

Note: Authority cited: Section 50460, Health and Safety Code. Reference: Section 7266, Government Code.

HISTORY

1. Amendment of subsection (b) and new Note filed 8-12-97; operative 9-11-97 (Register 97, No. 33).

This database is current through 10/19/18 Register 2018, No. 42

25 CCR § 6152, **25 CA ADC § 6152**

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[Home Table of Contents](#)**§ 6156. Stages of Review by a Public Entity.**

25 CA ADC § 6156

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 25. Housing and Community Development

Division 1. Housing and Community Development

Chapter 6. Department of Housing and Community Development Programs

Subchapter 1. Relocation Assistance and Real Property Acquisition Guidelines

Article 5. Grievance Procedures

25 CCR § 6156

§ 6156. Stages of Review by a Public Entity.

(a) Request for Further Written Information. A complainant may request the public entity to provide him with a full written explanation of its determination and the basis therefore, if he feels that the explanation accompanying the payment of the claim or notice of the entity's determination was incorrect or inadequate. The public entity shall provide such an explanation to the complainant within three weeks of its receipt of his request.

(b) Informal Oral Presentation. A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed within the period described in subsection (d) of this section, and within 15 days of the request the public entity shall afford the complainant the opportunity to make such presentation. The complainant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the complainant to discuss the claim with the head of the public entity or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The public entity shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

(c) Written Request for Review and Reconsideration. At any time within the period described in subsection (d) a complainant may file a written request for formal review and reconsideration. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material which may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, the complainant's request should be granted.

(d) Time Limit for Requesting Review. A complainant desiring either an informal oral presentation or seeking a formal review and reconsideration shall make a request to the public entity within eighteen months following the date he moves from the property or the date he receives final compensation for the property, whichever is later.

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25 CCR § 6156, **25 CA ADC § 6156**

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[Home Table of Contents](#)**§ 6158. Formal Review and Reconsideration by the Public Entity.**

25 CA ADC § 6158

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 25. Housing and Community Development

Division 1. Housing and Community Development

Chapter 6. Department of Housing and Community Development Programs

Subchapter 1. Relocation Assistance and Real Property Acquisition Guidelines

Article 5. Grievance Procedures

25 CCR § 6158

§ 6158. Formal Review and Reconsideration by the Public Entity.

(a) General. The public entity shall consider the request for review and shall decide whether a modification of its initial determination is necessary. This review shall be conducted by the head of the public entity or an authorized, impartial designee. (The designee may be a committee). A designee shall have the authority to revise the initial determination or the determination of a previous oral presentation. The public entity shall consider every aggrieved person's complaint regardless of form, and shall, if necessary provide assistance to the claimant in preparing the written claim. When a claimant seeks review, the public entity shall inform him that he has the right to be represented by an attorney, to present his case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he has exhausted administrative appeal.

(b) Scope of Review. The public entity shall review and reconsider its initial determination of the claimant's case in light of:

(1) All material upon which the public agency based its original determination including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness.

(2) The reasons given by the claimant for requesting review and reconsideration of the claim.

(3) Any additional written or relevant documentary material submitted by the claimant.

(4) Any further information which the public entity in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

(c) Determination on Review by Public Entity.

(1) The determination on review by the public entity shall include, but is not limited to:

(A) The public entity's decision on reconsideration of the claim.

(B) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale.

(C) A statement to the claimant of the right to further administrative appeal, if the public entity has such an appeal structure, or if not, a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought.

(2) The determination shall be in writing with a copy provided to the claimant.

(d) Time Limits.

(1) The public entity shall issue its determination of review as soon as possible but no later than 6 weeks from receipt of the last material submitted for consideration by the claimant of the date of the hearing, whichever is later.

(2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the public entity shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but no later than 2 weeks from receipt of the last material submitted by the claimant or the date of the hearing, whichever is later.

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