

# Asset Management Advisory (7-11) Committee

May 13, 2025

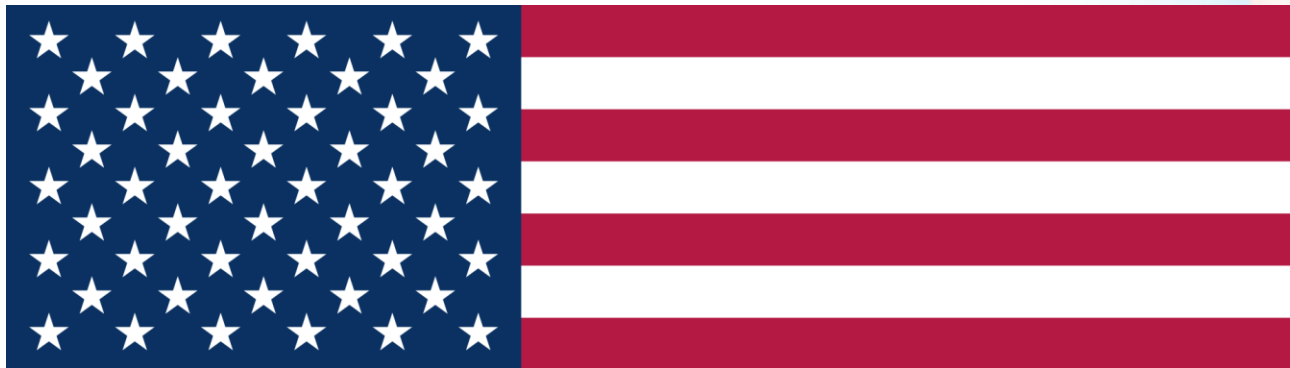
"The achievements of an organization  
are the results of the combined effort  
of each individual."

-Vince Lombardi



# Pledge of Allegiance





# Welcome and Introductions



# Committee Members

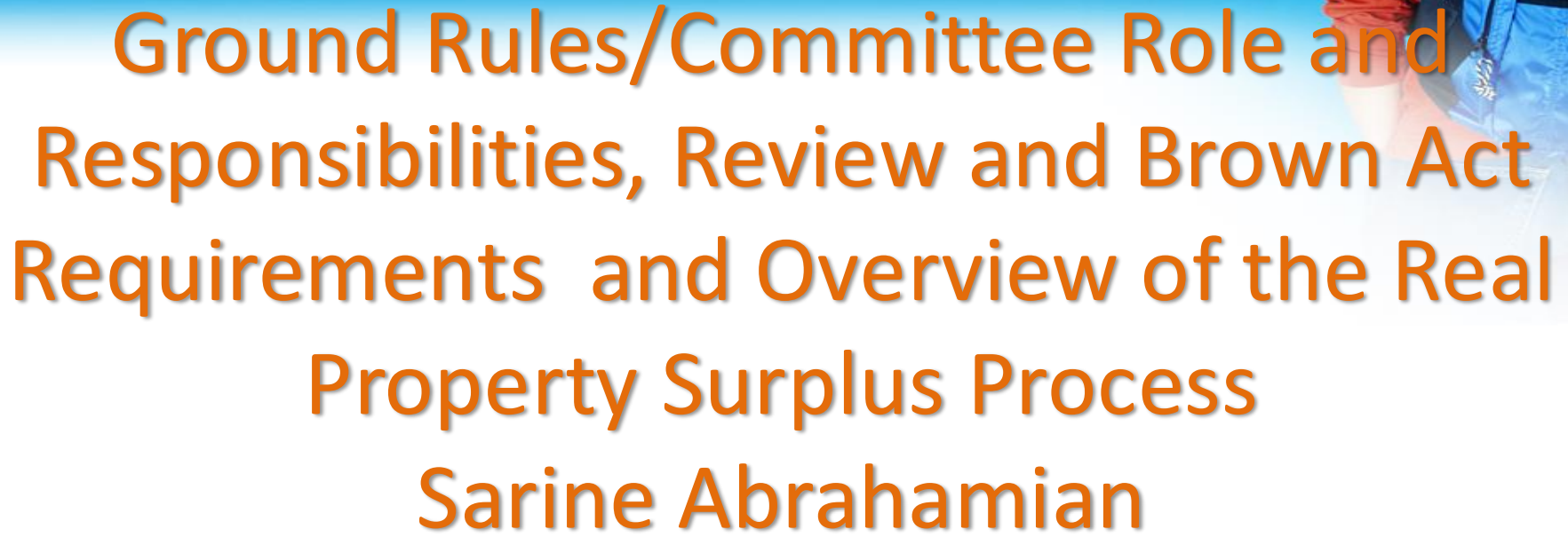
- Eugene Fields, Ethnicities/Ages/Socioeconomic
- Sophia Medina, Ethnicities/Ages/Socioeconomic
- Diana Fascenelli, Business Community
- David Imboden, Landowners and Renters
- Michelle Kauten, Teacher
- Brenna Godsey, Administrator
- Dan Rothenberg, Parent
- Jillian Miller, Parent
- Jon Sanks, Persons with Expertise in Environmental Impact, Legal Contracts, Building Codes, and Land Use Planning



# District Staff

- **Michael Christensen, Superintendent**
- **Sulema Holguin, Assistant Superintendent, Business Services**
- **Isela Vazquez, Sr. Executive Director, Facilities Development and Planning**
- **Elizabeth Gutierrez, Executive Secretary**
- **Sarine Abrahamian, District Counsel**





# Ground Rules/Committee Role and Responsibilities, Review and Brown Act Requirements and Overview of the Real Property Surplus Process

Sarine Abrahamian



# Election of Chair and Vice Chair



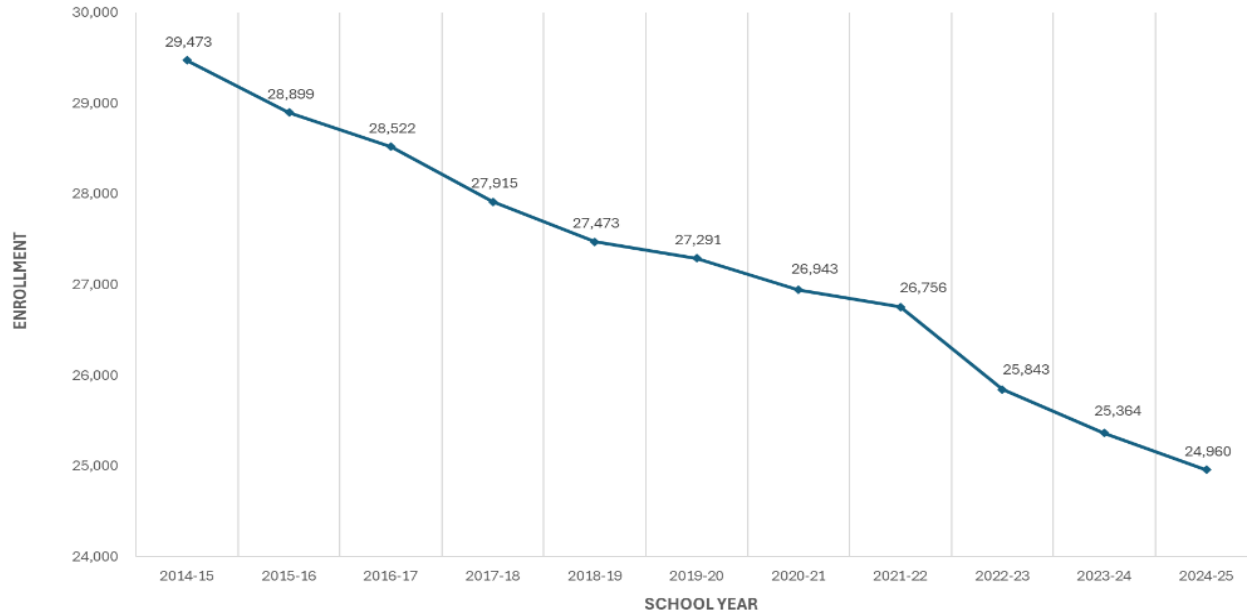
# Introduction of Property



# A Look at Orange Unified



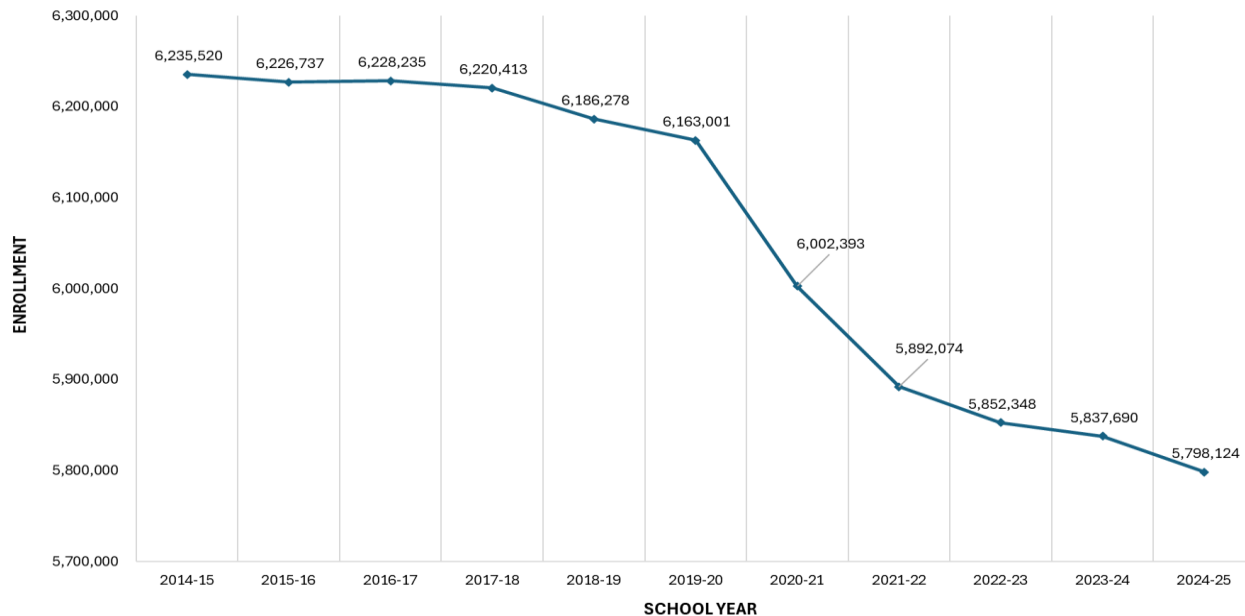
OUSD 2014-2024 Historic Enrollment



Source: California Department of Education, *CALPADS*, & Dataquest

# A Look at California

California 2014-2024 Historic Enrollment

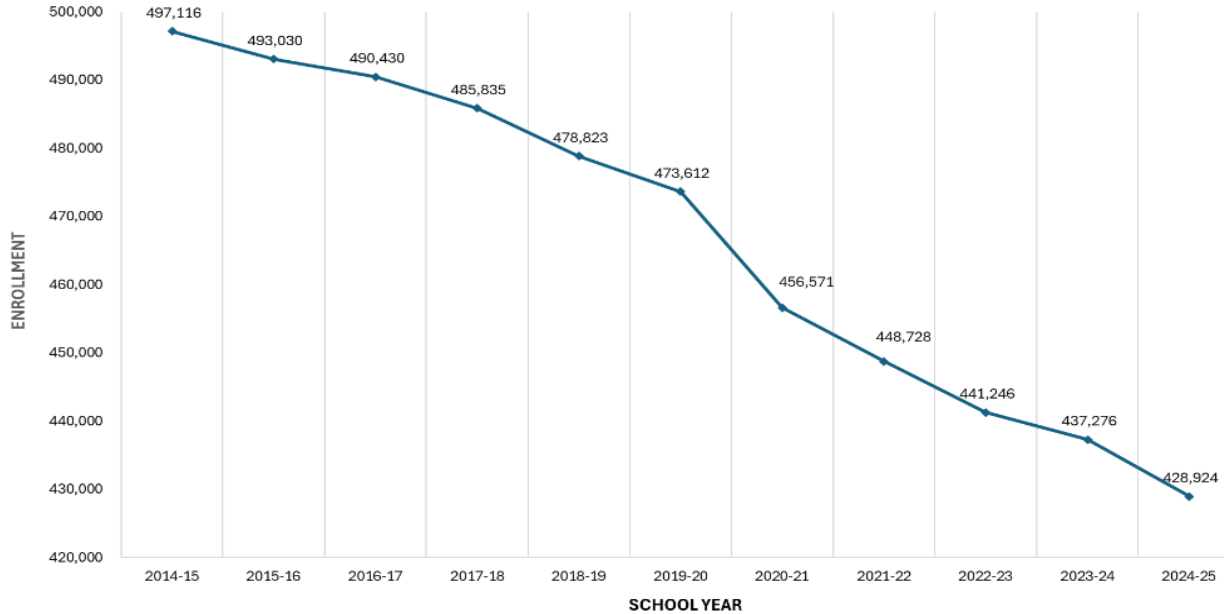


Source: California Department of Education & Dataquest

# A Look at Orange County



**Orange County  
2014-2024 Historic Enrollment**

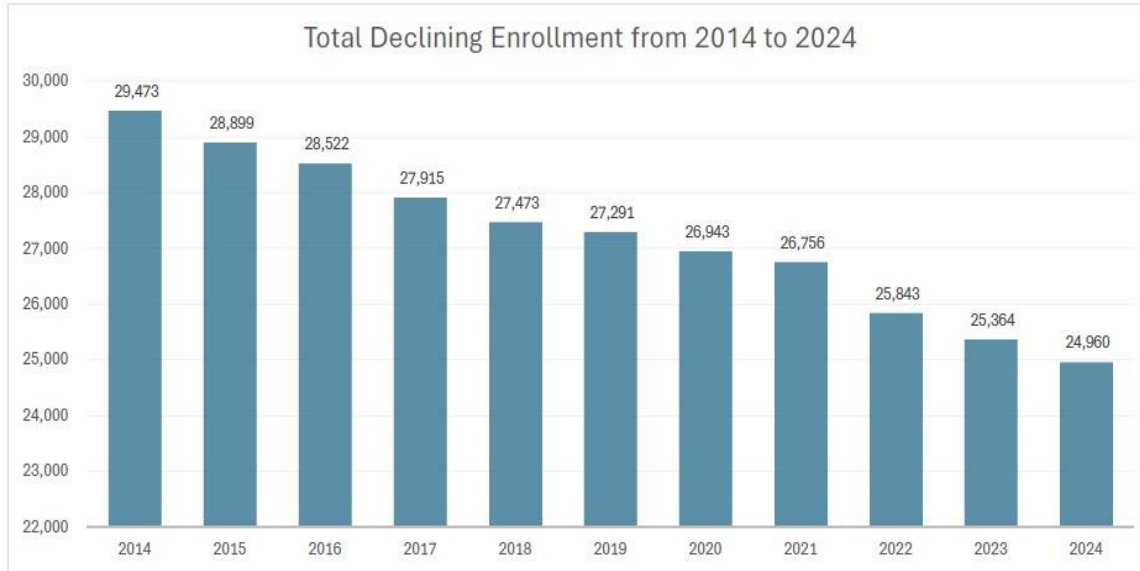


Source: California Department of Education & Dataquest

# OUSD Enrollment



Enrollment with Charter Schools

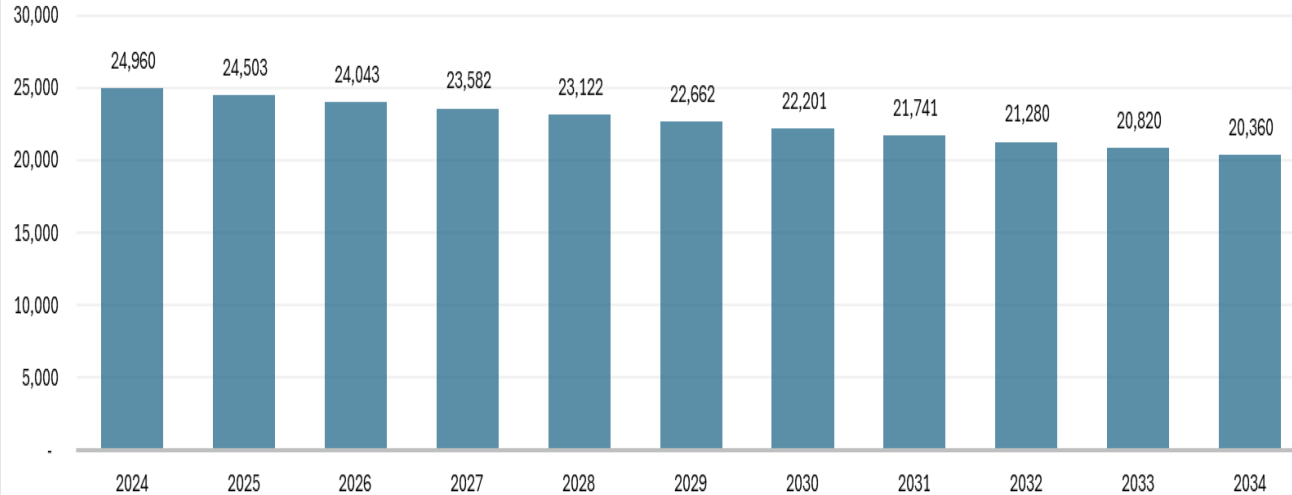


<u>Year</u>	<u>Enrollment</u>
2014	29,473
2015	28,899
2016	28,522
2017	27,915
2018	27,473
2019	27,291
2020	27,943
2021	26,756
2022	25,843
2023	25,364
2024	24,960

Source: California Department of Education, **CALPADS**, & Dataquest

# Projected Enrollment

Projected Enrollment Through 2034 With Charter Schools

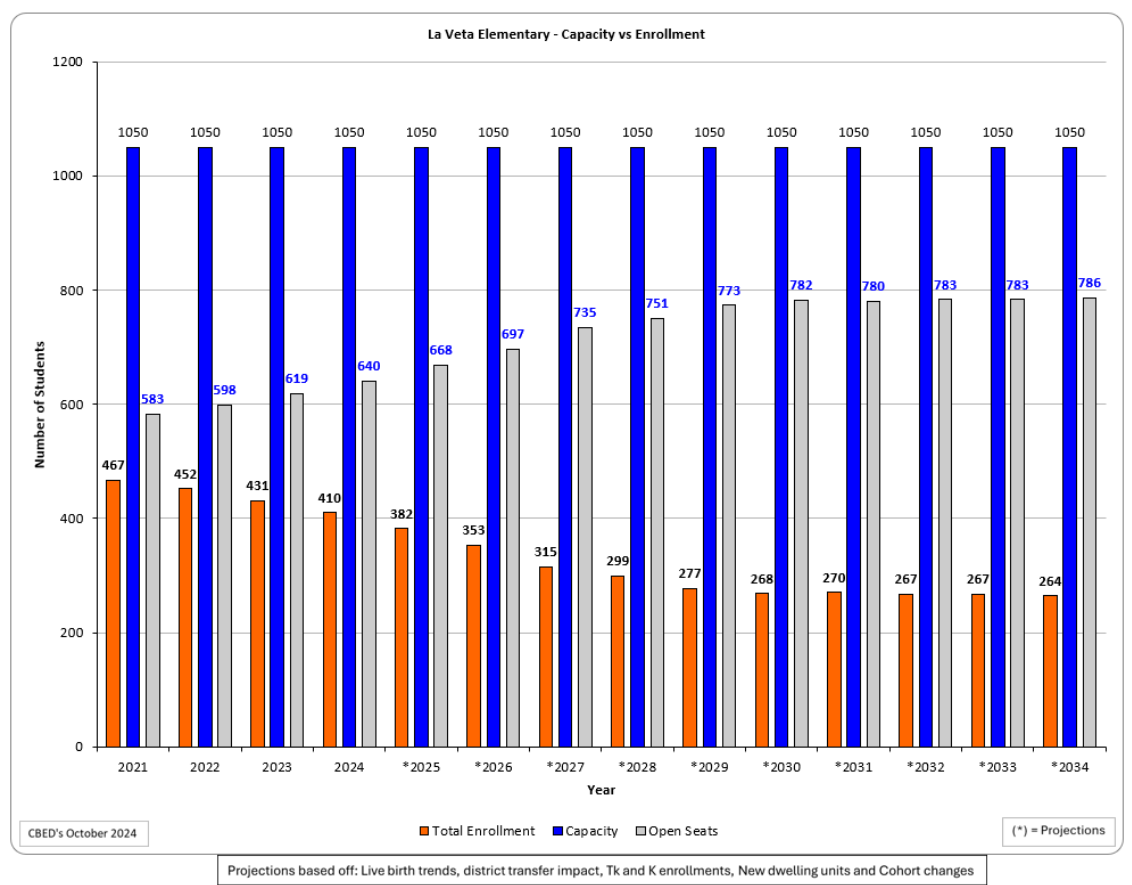


Enrollment Projections with  
Charter Schools

<u>Year</u>	<u>Projection</u>
2024	24,960
2025	24,503
2026	24,043
2027	23,582
2028	23,122
2029	22,622
2030	22,201
2031	21,741
2032	21,280
2033	20,820
2034	20,360

Source: California Department of Education, **CALPADS**, &  
Dataquest

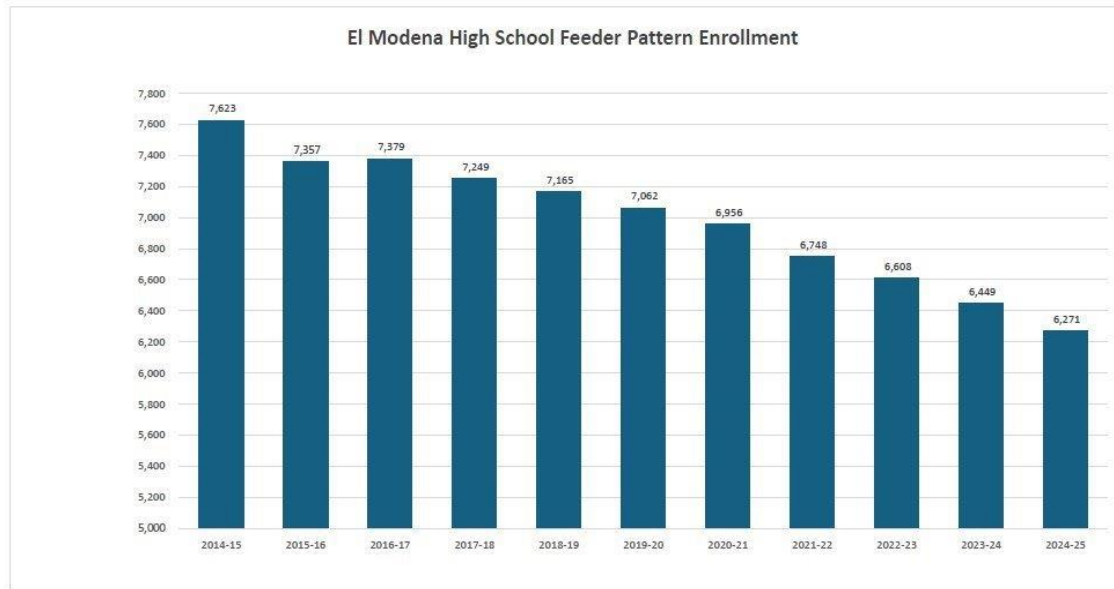
# La Veta Elementary





# El Modena High School Feeder Pattern

ACADEMIC_YEAR	Sum of ENR_TOTAL
2014-15	7,623
2015-16	7,357
2016-17	7,379
2017-18	7,249
2018-19	7,165
2019-20	7,062
2020-21	6,956
2021-22	6,748
2022-23	6,608
2023-24	6,449
2024-25	6,271
Decline	-17.74%

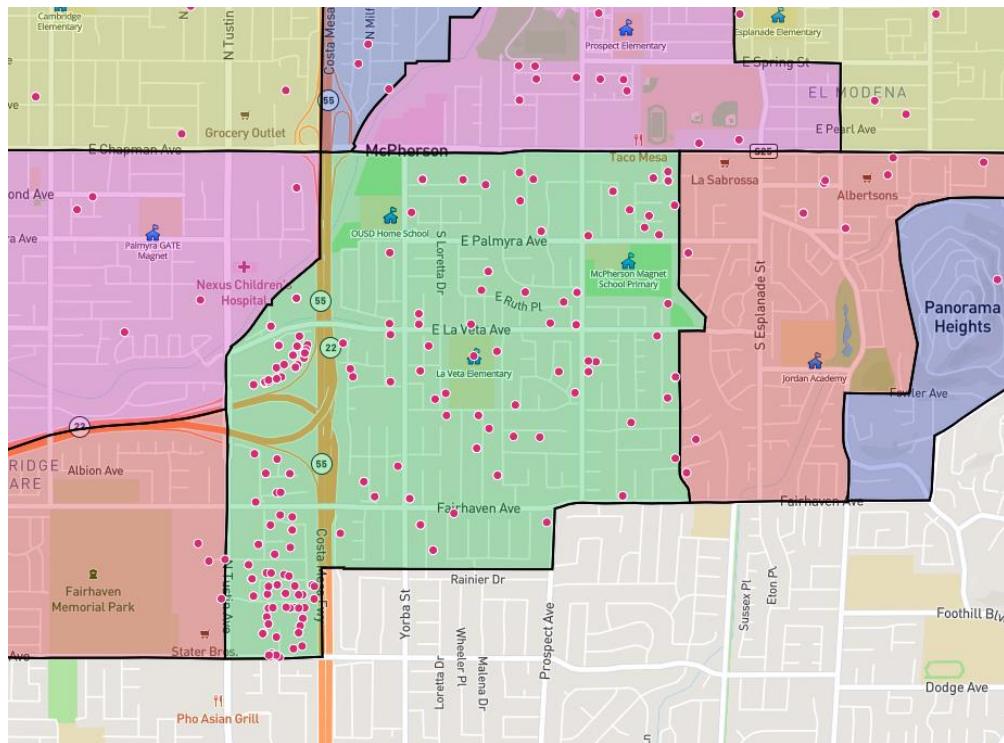


Decline -17.74% From 2014-2024

**Middle School**  
Santiago Charter  
**Elementary Schools**  
Chapman Hills  
Esplanade  
Jordan  
La Veta  
Linda Vista  
Panorama  
Prospect



# La Veta Elementary School



**Student Enrollment (2024-25): 410**  
**Inside Boundary:** 263 (64% Contained)  
**Intras:** 137 (33% Contained)  
**Inters:** 10 ( 3% Contained)

*\*Source: October 2024 California Basic Educational Data System (CBEDS)*



# Surplus Area Parameters – La Veta ES



**Address:** 2800 E La Veta Ave, Orange  
**Grade Span:** TK-6  
**Student Enrollment (2024-2025):** 410  
**Student Capacity (30:1):**  
**31 Classrooms + 4 Portables:** 1,050 seats  
**Available Seats:** 640  
**Year Built:** 1962  
**Acreage:** 16.8  
**Field Size:** 334,279 SF (7.67 Acres)  
**Useable Hardcourt Size:** 85,410 SF

*\*Board Policy 7112(a) School Loading Standard*



# Additional Questions and Comments



Thank You



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# **The Ralph M. Brown Act Public Meeting Laws and Rules Governing Committee Members**

**Sarine Abrahamian**  
**Orbach Huff & Henderson LLP**  
**[sabrahamian@ohhlegal.com](mailto:sabrahamian@ohhlegal.com)**

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## The Brown Act

- The Ralph M. Brown Act (“Brown Act”), also referred to as the “Open Meeting Act”, was enacted in 1953. (Gov. Code §§ 54950 – 54963.)
- Purposes of the Brown Act
  - **Transparency.** To ensure that the governing bodies of local public agencies conduct the people’s business in an open and transparent fashion;
  - **Public Access.** To keep the public informed of the actions, debates, and views of locally elected representatives; and
  - **Accountability.** To provide the procedural framework for local legislators to meet, debate, act, and listen collectively to their constituents.



## Brown Act Applicability

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- Applies to “member[s] of the legislative body of a local agency” which includes “[a]ny person elected to serve as a member of a legislative body who has not yet assumed the duties of office. . . .”
- Officials are expected to know and conform their conduct to the Brown Act requirements, before taking office, and at all times during their tenure.

(Gov. Code § 54952.1.)

- A “legislative body” includes governing boards of local agencies and their committees and commissions.
- Also includes advisory committees/standing committees that have continuing subject matter jurisdiction or fixed meeting schedules.
- Created by charter, ordinance, resolution, or formal action of the Board.

(Gov. Code § 54952.)

- A “meeting” means any congregation of a majority of members of a legislative body at the same time and location—whether in person, virtually, or through intermediaries—to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(Gov. Code § 54952.2(a).)

- **Serial Meetings.** Outside of a meeting, a majority of the members of a legislative body may not “use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”

(Gov. Code § 54952.2(b)(1).)

## Meetings-Developing a Collective Concurrence

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- Test: If discussion can potentially contribute to developing a collective concurrence, it likely constitutes a “meeting” for Brown Act purposes.
- Note: Even if a Committee member does not participate in a discussion, the mere act of listening may contribute to developing a collective concurrence.

## Meetings-Substance v. Procedure

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- Procedural or administrative matters do not constitute meetings if they do not involve substantive discussions of a topic within the subject matter of the Board/Committee.
- Examples: Communication limited to providing information (e.g., Superintendent's weekly report), procedural, or administrative matters (scheduling meetings, determining agenda, and time allotted to each of them).

# Meetings Continued

- **Common scenarios that are likely meetings:**

- **Group Texts/Emails.**

- ▮ Messages in which a majority of the Committee is copied
- ▮ Consecutive “Forwards” and “Replies” of electronic messages may constitute a serial meeting

- **Hub of a Wheel.**

- ▮ Consecutive conversations through intermediary to poll the Committee

- **Daisy Chain.**

- ▮ Consecutive conversations from one person to another to poll the Committee

- **Internet/Blogs.**

- ▮ List-serves in which a majority of the Committee may post comments and responses such that deliberations, discussions, or opining can be viewed as a path to a “concurrence.”
- ▮ Consider Assembly Bill (“AB”) 992



- **Common scenarios that are likely NOT meetings:**

- The following scenarios are specifically identified in Gov. Code § 54952.2(c) as not being meetings, “provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.”
- **[Individual Contacts]** (1) Individual contacts or conversations between a member of a legislative body and any other person...
- **[Conferences]** (2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body...

## Meetings Continued

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- **[Community Meetings]** (3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency...
- **[Public Entity Meetings]** (4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency...

## Meetings Continued

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- **[Parties]** (5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion...
- **[District Meetings]** (6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

## AB 992: Social Media Interactions

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- Effective January 1, 2021, amended Gov. Code section 54952.2
- AB 992 clarifies which social media interactions do not violate the Brown Act.
- Provides structure and clarity to interactions that may likely already be happening.
- Applicable to all social media platforms that are open and accessible to the public (such as Twitter, Instagram, Facebook, TikTok, and Snapchat), and any online service that allows for public interaction, such as:
  - Chatrooms and forums
  - Comment sections on blogs
  - Online media

# Brown Act Recommended Best Practices

## Social Media

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- **DO** use social media to communicate with the public about Board business.
  - Answer questions
  - Provide information and updates
  - Solicit information/feedback
- **DO NOT** use social media to communicate with other members about Committee business.
  - Comment on another member's post
  - "Like" or otherwise engage with another member's post through use of emoji
  - Share another member's post

## Agenda Requirements

- Posted 72 hours before regular meetings and 24 hours before special meetings
  - Displayed in a location freely accessible to the public and on the local agency's website.
  - Brief description of each item containing sufficient detail, to allow public to determine whether to participate (“brief general description”)
  - Exceptions to standard agenda requirements:
    - ▮ 1. Emergency (majority vote)
    - ▮ 2. Need to take immediate action that arose after agenda posted  
» (2/3 vote, unanimous if less than 2/3rds of members present)
    - ▮ 3. Making a brief announcement or brief report of activity

## Agenda Requirements Continued

### Teleconference Attendance

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- **Agenda specific to teleconferences:**

- A quorum of the legislative body to meet in person in the agency's jurisdiction;
- Posting of the members' remote location on the legislative body's meeting notice and agenda;
- Public access to each teleconferencing location; and
- Agendas must be posted at each teleconference location.
- Agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.

- AB 2449 amends the Brown Act's teleconferencing rules and adds a new alternative for abbreviated teleconferencing procedures that does not require a proclaimed state of emergency.
- Hybrid model of physical and remote attendance
- A member may request virtual attendance for "just cause" or due to "emergency circumstances".
- AB 2449 requires that at least a quorum of members participate in person from a single physical, publicly accessible location, clearly identified on the Agenda, within the local agency's territorial jurisdiction. (Gov. Code § 54953(f)(1).)
- Real-time public access and the ability to make comments must be provided via teleconference (Gov. Code § 54953(f)(1)(A)).



## AB 2449: Just Cause for Remote Attendance

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- **Just Cause:** Just Cause justifying virtual attendance may include, but is not limited to:
  - Childcare
  - Contagious illness
  - Defined physical or mental disability that has not otherwise been accommodated
  - Traveling while on official business of legislative body or another state or local agency
- **Notice Requirements:** A member must provide the legislative body with notice and a general description of the circumstances justifying their need for virtual attendance.
  - A member can give notice of their virtual appearance at the start of the meeting.
- **Limitations:** Members are limited to two virtual attendances based on “just cause” per calendar year. (Gov. Code § 54953(f)(2)(A)(i).)

## AB 2449: Emergency Circumstances Remote Attendance

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- **Emergency Circumstances:** Emergencies justifying virtual attendance are unforeseen situations that prevent in-person attendance, including, but not limited to physical or family medical emergencies.
- **Notice Requirements:** A member must make a request “as soon as possible” and provide a general description of the circumstances justifying their request. (Gov. Code § 54953(f)(2)(A)(ii).)
- **Approval Process:** The legislative body must take action and approve the remote attendance by majority vote at the start of the meeting for the member to be allowed to participate remotely for that meeting. (Id.)

## AB 2302: Annual Remote Participation Caps

- **Frequency-Specific Limitations:** AB 2302 introduces a new tiered framework for the total number of remote meetings a member may attend annually, based on the frequency of the legislative body's meetings. (Gov. Code § 54953(f))
- **Annual Caps Based on Meeting Frequency:**
  - **Bodies Meeting Once Per Month or Less:** Members may participate remotely in up to two meetings per calendar year.
  - **Bodies Meeting Twice Per Month:** Members may participate remotely in up to five meetings per calendar year.
  - **Bodies Meeting Three or More Times Per Month:** Members may participate remotely in up to seven meetings per calendar year.
- **Important Distinction:**
  - Members must adhere to the separate limitation of two "just cause" appearances per year. These caps are in addition to the two meetings per year allowed under "just cause" provisions. (Gov. Code § 54953(f)(2)(A)(i).)
  - Any additional remote participation must meet "emergency circumstances" criteria and be approved by the legislative body.

## AB 2449: Record Keeping Requirements

- AB 2449 requires record keeping of the following:
  - Which member has made a request to appear remotely;
  - Who will be in physical attendance at the meeting and confirmation there will be a physical quorum;
  - How many times each member has appeared remotely; and
  - The member's reason for appearing remotely, and any action taken by the legislative body. (Gov. Code § 54953(f)(1)(B)).

# Thank You

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**Sarine Abrahamian**  
**Orbach Huff & Henderson LLP**  
[sabrahamian@ohhlegal.com](mailto:sabrahamian@ohhlegal.com)

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# Asset Management Advisory (7-11) Committee: Committee's Role and Responsibilities and K-12 Surplus Property Disposition Options Presentation

Sarine Abrahamian  
[sabrahamian@ohhlegal.com](mailto:sabrahamian@ohhlegal.com)  
Orbach Huff & Henderson LLP

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# Formation of 7-11 Committee

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- Board adopts resolution authorizing formation of 7-11 Committee (“Committee”) and Bylaws: occurred on November 14, 2024
- District prepares and posts application form for the public to apply for the Committee: occurred in November 2024
- Applications received; Board appointed members: occurred on April 16, 2025

# Role of the Advisory Committee

**RESOLUTION NO. 12-24-25  
OF THE BOARD OF EDUCATION  
OF THE ORANGE UNIFIED SCHOOL DISTRICT  
ESTABLISHING THE ORANGE UNIFIED SCHOOL DISTRICT'S  
ASSET MANAGEMENT ADVISORY COMMITTEE AND  
APPROVING BYLAWS FOR THE COMMITTEE**

**WHEREAS**, the Board of Education of the Orange Unified School District ("District") wishes to establish an Asset Management Advisory Committee ("Committee") pursuant to Education Code section 17387, et seq., to receive recommendations regarding the use and/or disposition options for the unused or underutilized portions of real property located at 2800 East La Veta Avenue, Orange, CA 92869, and for other District owned properties (collectively "Properties") as may be determined by the Board and brought to the Committee for consideration from time to time; and

**WHEREAS**, pursuant to Education Code section 17389, the Committee must consist of no fewer than seven (7) and not more than eleven (11) members who will be appointed by the Board at a later date at a regularly scheduled Board meeting, noticed pursuant to the Ralph M. Brown Public Meeting Act, Government Code sections 54950, et seq. (Brown Act), and representing each of the following:

- The ethnic, age group, and socioeconomic composition of the District;
- The business community, such as store owners, managers, or supervisors;
- Landowners or renters, with preference to be given to representatives of neighborhood associations;
- Teachers;
- Administrators;
- Parents of students; and
- Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities or cities and counties in which surplus space and real property is located; and

**WHEREAS**, the District wishes to establish the Committee, which shall be named the "Orange Unified School District Asset Management Advisory Committee"; and

**WHEREAS**, District staff is authorized to post an application for membership to the Committee on the District's website, advertise the posting and solicit applications from interested community members that satisfy the representative categories; and

**WHEREAS**, the Board shall appoint the members to the Committee at a later date; and

**WHEREAS**, the Board approves the Committee Bylaws attached hereto as **Exhibit A** ("Bylaws"),

"The Board of Education of the Orange Unified School District ("District") wishes to establish an Asset Management Advisory Committee ("Committee") pursuant to Education Code section 17387, et seq., to receive recommendations regarding the use and/or disposition options for the unused or underutilized portions of real property located at 2800 East La Veta Avenue, Orange, CA 92869, and for other District owned properties (collectively "Properties") as may be determined by the Board and brought to the Committee for consideration from time to time."



# 7-11 Committee Overview

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- **Board Appointed.** Before the District disposes of excess real property, it must appoint a 7-11 Committee to advise on the use or disposition of excess real property which is not needed for school purposes. (Ed. Code, §17388.)
- **Members.** 7 to 11 members of the community. (Ed. Code, §17389.)
- **Recommendation Report.** Forward to the Board a recommendation report uses (Ed. Code, § 17390.)
- **Information To Be Presented to Committee** could include:
  - Districtwide Enrollment Data Presentation
  - District Budgetary Considerations/Information
  - Property Condition/Maintenance Reports

# Criteria for Appointing Committee Members

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- Per Education Code section 17389, the Committee must be between 7 and 11 members and representative of the following:
  - Ethnic, age group, and socioeconomic composition of the district
  - Business community (e.g., store owners, managers, or supervisors)
  - Landowners or renters (Preference to be given to representatives of neighborhood associations)
  - Teachers
  - Administrators
  - Parents of students
  - Persons with expertise in environmental impact, legal contracts, building codes, and land use planning including, but not limited to, knowledge of the zoning and other land use restrictions of the cities or cities and counties in which surplus space and real property is located

# Role of the Committee

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- Per Education Code section 17390, the Advisory Committee must do all of the following:
  - Review the projected school enrollment, and other data as provided by the district, to determine the amount of surplus space and real property;
  - Establish a priority list of use of surplus space and real property that will be acceptable to the community;
  - Cause to have circulated throughout the attendance area a priority list of surplus space and real property and provide for hearings of community input to the committee on acceptable uses of space and real property;
  - Make a final determination of limits of tolerance of use of space and real property;
  - Forward to the District governing board a report recommending uses of surplus space and real property.

# Committee Process and Timeline

## Asset Management Advisory Committee Timeline

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
<b>Education of Committee</b>  Agenda: Review property information, role and responsibilities, attendance area data, and steps if the property is ultimately surplus.  <i>Part a of process (5/13/25)</i>	<b>Education of Committee</b>  Agenda: Election of officers, review Brown Act requirements, and reviewing possible alternatives to surplus property. Answer Committee questions.  <i>Educate committee</i>	<b>Education of Committee</b>  Agenda: Answer Committee questions regarding alternatives. Review requested sample report.  <i>Educate committee</i>	<b>Q and A, Begin Draft Report</b>  Agenda: Answer any additional committee questions. Revise template language for Saugus report introduction.	<b>Draft Recommendations</b>  Agenda: Committee drafts recommendations -status quo, surplus, alternative. Consensus of committee members developed.  <i>Part b,c,d of process</i>	<b>Revise Draft, Prepare Final Committee Report</b>  Agenda: Discussion of community meeting input. Final recommendations developed and submitted to the Board for consideration.  <i>Part e of process</i>

# Surplus Property Disposition Process – Post Committee Recommendation

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- **Surplus.** Board declares property surplus by adoption of resolution
- **Public Offerings/Notice.** Properties are offered to public entities as follows:
  - To local and state entities, UC Regents, CSU, etc.
    - By Newspaper publication of resolution for three (3) successive weeks
    - By direct, mailed notice
  - Notice to local Planning Agency
  - The Naylor Act applies when the property has been used entirely or partially for school playgrounds, playing fields, or other outdoor recreational uses.
  - Depending on which agency, has 40 or 60 days to respond

(Ed. Code §§ 17485 et seq.; Ed. Code § 33050; Ed. Code § 17464; Gov. Code § 65402)

# Surplus Property Disposition Process, cont'd

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- If no offers are received by public entities or no agreement is reached with a public entity, then move to public bidding. (Ed. Code § 17464)
- **Formal Bidding.** Steps for formal bidding for highest price.
  - Board adopts resolution of intent to lease or sell which must include property description, minimum price, terms and conditions of sale or lease, and date bids will be considered. (Ed. Code § 17466)
  - District must provide notice to previous owner (Ed. Code § 17470)
  - District must post and publish notice of bid (Ed. Code § 17469)
  - Bid opening – Occurs on day and time set forth in the resolution (Ed. Code § 17473)
  - Open session bid opening
  - Oral bids also considered

# Surplus Property Disposition Process: Waiver

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- (Optional) Request a Waiver. The Board may, after a public hearing and other specified procedures, request that the State Board of Education waive the surplus steps outlined in the prior slides, the public offering steps and/or the formal bidding steps. (Ed. Code § 33050.)
- If waiver of public offering and/or formal bidding requirements granted, options may include listing property for sale or lease or disposing of property through a Request for Proposal (RFP) process.

## Alternatives to Surplus Property Process

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- Other options for District owned Real Property (no need to surplus)
  - Exchange (Ed. Code § 17536, et seq.)
  - Joint Use (Ed. Code § 17527, et seq.)
  - Joint Occupancy (Ed. Code § 17515, et seq.)
  - Fee-producing infrastructure facilities (Gov. Code § 5956, et seq.)
  - Employee Housing Projects (Ed. Code § 17391(b))
  - Community Recreation Act (Ed. Code § 10900, et seq)



# Summary of K-12 Property Disposition Options

## Surplus and Alternatives to Surplus

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- Option 1: Recommend Surplus of Property
  - Sale of Property
  - Long-Term Lease of Property for up to 99 years
- Option 2: Recommend Alternatives to Surplus, e.g.,
  - Short-Term Lease of Property
  - Long-Term Lease of Property
  - Exchange
- Option 3: Consider Recommending District explore Options 1 and 2

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[sabrahamian@ohhlegal.com](mailto:sabrahamian@ohhlegal.com)  
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