

ROSSMOOR

COMMUNITY SERVICES DISTRICT



Special Meeting of the Board Agenda Package

JUNE 22, 2021

PUBLIC COPY

**AMENDED AGENDA
BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT**

SPECIAL MEETING

Please be advised that all persons wishing to attend this meeting may do so in person or via Zoom.
Join Zoom Meeting: <https://zoom.us/j/98120341211?pwd=NGtBQzdkbVpVa0lMdlZiVEhDRnlRUT09>
Enter Meeting ID: **981 2034 1211** and Passcode: **Rossmoor**

RUSH PARK AUDITORIUM
3021 Blume Drive
Rossmoor, California

Tuesday, June 22, 2021

7:00 p.m.

This agenda contains a brief description of each item to be considered. Except as provided by law; no action shall be taken on any item not appearing in the agenda. To speak on an item, complete a Speaker Request Form(s) identifying the item(s) and topic and deposit it in the speaker request box. To speak on a matter not appearing in the agenda, but under the jurisdiction of the Board of Directors, you may do so during Public Comments at the beginning of the meeting. Speaker request forms must be deposited prior to the beginning of Public Comments. When addressing the Board, it is requested that you state your name for the record. Address the Board as a whole through the President. Comments to individual Directors or staff are not permitted. Speakers are limited to three (3) minutes per item with nine (9) minutes cumulative for the entire meeting. Supporting documentation is available for review in the Rush Park main office, 3001 Blume Drive, Rossmoor, 90720—9:00 a.m. - 5:00 p.m., Monday-Friday. The Agenda is available online at: <http://www.rossmoor-csd.org>.

A. ORGANIZATION

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Directors DeMarco, Nitikman, Rips, Searles
President Barke
3. PLEDGE OF ALLEGIANCE: Director Nitikman
4. PUBLIC COMMENT: *Any person may address the Board of Directors at this time regarding items(s) on this agenda.*
California Government Code Section 54954.3(a)

B. REGULAR AGENDA

1. REVIEW AND POSSIBLE ACTION REGARDING UPHOLDING, MODIFYING, CANCELLING AND/OR RESCINDING THE APPROVAL OF A FACILITY USER PERMIT FOR THE ORANGE COUNTY BOARD OF EDUCATION FOR USE OF THE RUSH PARK AUDITORIUM FOR ETHNIC STUDIES FORUMS ON JULY 27, 2021 AND AUGUST 24, 2021



Scan QR Code to Join Zoom Meeting:

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL

Consideration of discipline or dismissal of a public employee.
Government Code Section 54957(b)(1).


D. ADJOURNMENT

It is the intention of the Rossmoor Community Services District to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the District will attempt to accommodate you in every reasonable manner. Please contact the District Office at (562) 430-3707 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

CERTIFICATION OF POSTING

I hereby certify that the attached Amended Agenda for the June 22, 2021, 7:00 p.m. Special Meeting of the Board of Directors of the Rossmoor Community Services District was posted at least 72 hours prior to the time of the meeting.

ATTEST:



JOE MENDOZA
General Manager

Date: June 17, 2021

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM B-1

Date: June 22, 2021

To: Honorable Board of Directors

From: General Manager Joe Mendoza

Subject: REVIEW AND POSSIBLE ACTION REGARDING UPHOLDING, MODIFYING, CANCELLING AND/OR RESCINDING THE APPROVAL OF A FACILITY USER PERMIT FOR THE ORANGE COUNTY BOARD OF EDUCATION FOR USE OF THE RUSH PARK AUDITORIUM FOR ETHNIC STUDIES FORUMS ON JULY 27, 2021 AND AUGUST 24, 2021

RECOMMENDATION

It is recommended that the Rossmoor Community Services District (RCSD) Board of Directors review the application of the Orange County Board of Education requesting the use of the Rush Park Auditorium for Ethnic Studies Forums on July 27, 2021 and August 24, 2021 as approved by the RCSD General Manager and provide direction to the General Manager regarding upholding, modifying, cancelling and/or rescinding the user permit. In addition, it is recommended that this item be placed on the agenda to provide notice to any interested party of the issuance of the user permit.

INFORMATION

The Orange County Board of Education (OCBE) is hosting Ethnic Studies Forums to facilitate informational discussions with interested constituents. The OCBE submitted an application on June 11, 2021 to the RCSD for use of the Rush Park Auditorium on Tuesday, July 27, 2021 and Tuesday, August 24, 2021 to hold Ethnic Studies Forums. The application indicated that they anticipate approximately 300 people in attendance. The forums will begin at 6 p.m. on both dates, and the Auditorium reserved from 3 p.m. to 10 p.m. to accommodate the forums, as well as set up and clean up.

At the June 8, 2021 RCSD Board meeting, a number of speakers addressed the Board during Public Comments regarding the Ethnic Studies Forums being held in Rossmoor. Concerns were raised regarding safety and security, parking, use of a Rossmoor facility for a OCBE hosted meeting, etc. In addition, there were a number of speakers who expressed their support of having these forums available for the community to learn more about Ethnic Studies. Subsequently, emails and phone calls on this matter were also received by the District.

At their June 2, 2021 meeting, the Orange County Board of Education had an item on their agenda regarding "Ethnic Study Forum" (Attachment 1). This included a *Resolution to Establish A Public Forum-California Ethnic Study Model Curriculum (ESMC) Sparks and Williams*. As stated in the resolution that is still pending, the Ethnic Study Model Curriculum (EDMC) was created by the passage of AB 2016 in 2016 and signed into law by the Governor. The California State Board of Education approved the ESMC on March 18, 2021. Therefore, the OCBE is addressing implementation.

Page 78 of Attachment 1 outlines the purpose of the forums the OCBE wishes to hold. Page 79 identifies that the forums are being held to inform the Orange County community regarding "complex issues surrounding the implementation of the state approved Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT) in our K-12 schools."

In the June 2, 2021 OCBE agenda report, RCSD – Rush Park Auditorium was identified as a location for the forums (page 81). This information was made public through the OCBE website and other postings. Therefore, while the completed OCBE application was not received until June 11, 2021 by the District, there were preliminary discussions between the General Manager and Orange County Board of Education staff representatives regarding use of a Rossmoor facility for forums and what would be required.

As with any application received for facility usage, District policy is applied. District Policy 6010 regarding *Requests for Use of District Parks and Facilities* is included as Attachment 2. The General Manager has had discussion with the applicant regarding security. The Orange County Sheriff's Department is also in the process of evaluating security needs. OCBE has indicated they will comply with the Sheriff's recommendations and fund any associated costs. Following a thorough evaluation, on June 14, 2021, the General Manager approved the application by and issued a facility user permit to OCBE for the use of the Rush Park Auditorium.

In reaction to the community's concerns, this item is being scheduled in order to allow the Board of Directors to review the issuance of the facility user permit and to provide direction to the General Manager to uphold,

modify, cancel and/or rescind the user permit. In addition, this item provides notice of the issuance of the user permit should any interested party desire to file an appeal thereof pursuant to the provisions of Policy No. 6010.90.

ATTACHMENTS

1. Orange County Board of Education Item: Board Recommendations #21
– Ethnic Study Forum (June 2, 2021)
2. RCSD Policy No. 6010: Requests for Use of District Parks and Facilities

Item: Board Recommendations #21

June 2, 2021

Mailed Distributed at meeting

470

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: June 2, 2021

TO: Nina Boyd, Associate Superintendent

FROM: Ken L. Williams, D.O., Board President
Lisa Sparks, Ph.D., Trustee Area 5

SUBJECT: Ethnic Study Forum

RECOMMENDATION:

Board action on Ethnic Study Forum.

**Resolution to Establish
A Public Forum-California Ethnic Study Model Curriculum (ESMC)
Sparks and Williams**

Whereas, there are 92 non-English languages and ethnicities in the state, with the primary languages being Arabic, Armenian, Cantonese, Korean, Russian, Spanish, Tagalog, and Vietnamese; and

Whereas, pre-existing law requires the State Board of Education, with the assistance of the Superintendent of Public Instruction, to establish a list of textbooks and other instructional materials that highlight the contributions of minorities in the development of California and the United States; and

Whereas, the Ethnic Study Model Curriculum (ESMC) was created by the passage of AB 2016 in 2016, and subsequently signed into law by the governor; and

Whereas, the Ethnic Study Model Curriculum (ESMC) was approved March 18, 2021, by the California State Board of Education (SBE). It is currently an optional curriculum for school districts in California with another current state bill assigned in committee that would create it to be a state mandate; and

Whereas, the Orange County Board of Education (OCBE) recognizes previous U.S. Supreme Court and California courts and legislative intent, regarding certain rulings recognizing parents possess a fundamental right to direct the upbringing and education of their children (*Troxel v. Granville*, 530 U.S. 57, 65 (2000); *In re Marriage of Harris*, 34 Cal. 4th 210, 223 (2004)); and

Whereas, the OCBE upholds that principle that students do not “*shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.*” (*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969)). As a result, students cannot be compelled to engage in expression with which they disagree; and

Whereas, this board upholds traditional government and community standards and believes while government and/or their institutions or public schools can provide guidance and recommendations, but cannot command students to use words, pronouns, or engage in other world views that may conflict with their family, cultural, religious values and beliefs; and

Whereas, the OCBE desires to follow all state laws, and that all schools be free of racism and prejudice, and remain safe places for all students. Also, the OCBE desires that all students are treated with dignity and respect, regardless of ethnic background, creed, race, religion, gender preference and sexual orientation; and

Whereas, community members, leaders, parents, and many people of the Orange County Community attended earlier OCBE publicly held meetings, and expressed deep concerns of the curricular materials and samples proposed in ESMC; and

Whereas, the Orange County Board of Education at the March and April board 2021 board meetings heard public comments from constituents articulating their concerns about ESMC. These references are found in the transcripts publicly documented from the March and April 2018 Orange County Board of Education meetings; and

**Resolution to Establish
A Public Forum-California Ethnic Study Model Curriculum (ESMC)
Sparks and Williams**

Whereas, at the April 07, 2021, board meeting, Chief Academic Officer Jeff Hittenberger presented a public summary of the newly state approved ESMC; and

Whereas, the OCBE desires to: 1) Obtain additional academic opinions, 2) Further evaluate and obtain knowledge of the precise proposed curricular content and materials ESMC, 3) Understand the legal ramifications as to the constitutional rights of parents and students, 4) Demonstrate due diligence to obtain additional information in terms of what curricula will be removed and replaced with the ESMC curricula; and

Whereas, in our rich American history filled with love of country, patriotism, and fairness to all, public forums and town hall meetings have been treasured historically as one of the best approaches for transparency of issues to the community including needed public dialogue and input on public policy and governance, and

Therefore, the OCBE will hold two (2) evening special community meetings in July and August, 2021 to obtain additional evidence and facts from state officials and/or experts on implementation of ESMC. The meeting will use a similar format of earlier community forums sponsored by the OCBE regarding procedures, protocols, practices, respect and civility; and

Therefore, this special board meeting or public forum will be entitled, Ethnic Study Model Curriculum (ESMC)-A *Public Community Forum*. The public meeting will be held at the OCDE board room unless other larger facilities are located and continued COVID civil restrictions are in effect. A special committee assigned by the board President will request input from each board member for the experts recommended by the individual board member, to be seated on the expert panel. The expert shall provide testimony, give evidence, and offer critical information that will be of educational, legal and academic value to the board.

**California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT):
A Public Forum to Inform Orange County Families
Tentative dates: July & August, 2021**

Purpose:

The trustees of the county office of education in Orange County voted in favor of holding a special forum for our Orange County community with dedicated time to evaluate the various complex issues surrounding the implementation of the state approved Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT) in our K-12 schools.

As such, the purpose of holding this special forum is to invite experts to provide testimony, evidence-based scientific data and related legal and scholarly information to shed light on the proper and legal implementation of California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT). In addition, the purpose of this forum to accomplish the following:

- Educate Parents and Community members about changes in mandates regarding California's ESC and CRT in public schools.
- Educate Parents and Community members about their parental choices in regards to student participation California's Ethnic Study Curriculum (ESC)and Critical Race Theory (CRT).
- Review state approved adopted curriculum for primary, middle school and high school of California's Ethnic Study Curriculum (ESC)and Critical Race Theory (CRT).
- Provide Orange County school districts with information on California's Ethnic Study Curriculum (ESC)and Critical Race Theory (CRT).
- Answer questions and concerns of constituents about California's Ethnic Study Curriculum (ESC)and Critical Race Theory (CRT).

GOALS

- The purpose of this forum is focused on the goal of "*how to best to serve*" the academic needs of our K12 students.
- Topics and discussion shall be supported in a scholarly, objective scientific manner relying on empirical research, findings, and evidence as related to the proposed lesson plans.
- Ad hominem attacks on opposing views and incivility will not be tolerated or allowed.

Orange County Board of Education

Special Board Meeting / Public Hearing

California's Ethnic Study Curriculum (ESC) and Critical Race Theory (CRT)

July & August, 2021

6:00 to 9:30 p.m.

Format

- 4:30- 6:00 pm *Newsmedia Event (print, Local television, cable news)-Board Experts, Board members.*
- 6:00 p.m. *Call to Order, Agenda Adoption, Invocation, Pledge of Allegiance*
- 6:05 p.m. *Public Comments (PC) - (30 Minutes- 2 Minute each)*
- 6:35 p.m. *Board President hands meeting to Meeting Facilitator*
- 6:35 p.m. *Moderator provides overview of meeting format*
- 6:40 pm *Expert Panel (Five) introductions*
- 6:45- 7:45 *Expert Panel Opening remarks (12 min per panelist)
(Start in right to left order)*
- 7:45- 8:15 p.m. *Board begins first Round-robin questions to panelist,
12 min per Trustee)
(Begin with Sparks, Williams, Barke, Shaw, Gomez)*
- 8:15- 8:30 p.m. *Break*
- 8:30 –9:30 p.m. *Expert Closing Remarks (12 minutes per panelist)
(Start Left to Right order)*
- 9:30 p.m. *Moderator Closing remarks to Board President*
- 9:31- *Public Comments with Board President closes meeting after PC*

Ethnic Studies Forum Proposed Budget Estimate \$7,500.00

Rossmoor Community Services District
Rush Park Auditorium, 3001 Blume Drive, Rossmoor, CA 90720

Rental fee per hour - \$98.00

Permit fee - \$20.00

Event Attendant - \$20.00 per hour with 4 hour minimum

Security Deposit - \$350.00

Cleaning Deposit - \$250.00

Security – Propose 2 OC Sheriffs

Media – PA sound system with microphones for Board and panelist, internet connectivity

ROSSMOOR COMMUNITY SERVICES DISTRICT

Policy

No. 6010

REQUESTS FOR USE OF DISTRICT PARKS AND FACILITIES

6010.00 Public Parks and Facilities: Rossmoor Community Services District (District/RCSD) parks and facilities include the Montecito Center, Rossmoor Park, Rush Park, Foster and Kempton Mini-Parks Parks and buildings designated for rent within those parks. These parks and facilities are managed by the District in response to the needs of the residents of Rossmoor and are made available for the use of community-based organizations, non-profit organizations, private individuals and commercial groups. The aim of the District is to provide parks and facilities that are a benefit and source of pride to the entire community.

6010.01 General/Short- Term Use: District parks and facilities may be used by groups, individuals or organizations. Uses include, but are not limited to: classes, events and cultural, educational, health, self-improvement and sports programs.

6010.02 Dedicated Use: Specific space or rooms within the District may be authorized for dedicated use (one to two years) when specifically approved by the Board pursuant to Policy No. 6030 Facilities—Dedicated Use of Specific District Facilities.

6010.03 Long-term Use: A recurring monthly or weekly use of District parks or facilities shall be governed by Policy No. 6020 District Parks and Facilities—Long-Term Use.

6010.04 Non-Profit Use: Use of District parks and facilities by non-profit use shall be governed by Policy No. 6021 Non-Profit Use of District Parks and Facilities.

6010.05 For Profit Use: Commercial persons or groups requesting use of District facilities for the purpose of making a profit shall be governed by Policy No. 6022 Commercial Use of District Property

6010.10 General Manager Authority: The General Manager shall have the authority to limit the hours of use for all events based on the type of activity planned, proximity to homes, the noise level anticipated from the attendees and the availability of parking needed to accommodate the event. Use of a park or facility by any group or individual shall not exceed eight (8) hours including preparation time, on any one day. Unless otherwise approved by the Board, no outdoor events, including preparation time or clean up time, in Rush or Rossmoor Park shall be scheduled to begin before 8:00 a.m. or conclude after dusk on non-lighted parks and facilities or 10.00 p.m. on lighted parks and facilities. Preparation time includes, but is not limited to, any organized activity such as exercising, warming up, practicing, preparation of a field for play, preparation of a facility for the event, or any other activity if it generates excessive noise. The General Manager shall make such determinations, consistent with this or other applicable Board policies. Such determinations may be appealed to the Board as provided in Section 6010.90.

6010.20 Priority of Use: The use of District parks and facilities shall be awarded in the following order of priority: District sponsored activities; Rossmoor community organizations; Rossmoor residents; other organizations or individuals. Also, organizations currently using District facilities will be given the right of first refusal or to renew their current usage in accordance with the latest fee schedule. The General Manager may require documentation to authenticate the addresses and identities of the requester and his/her organization.

6010.30 Sunday Organized Use: User Permits for Sunday organized use of playing fields will require approval of the Board. Organized use is defined as any group which is a member of a league or association whose primary purpose is to participate in a recreational activity which has scheduled

or regular play and can be identified by a uniform or other recognizable apparel or equipment which would indicate that the participants are a part of organized play. Use of a facility by an informal gathering such as a family or a social gathering is not considered organized play within the meaning of this policy.

6010.40 User Permit Required: The use of any buildings or meeting rooms as set forth in Policy No. 6011.20 shall require the person or group to obtain a User Permit from the District. Use of any green space, court or field for organized activity by a group of ten persons or more shall require a person or group to obtain a User Permit. User Permits for any outdoor picnic, meeting, or public gathering of seventy five (75) or more shall be governed by Policy No. 6012 Group Picnics, Public Gatherings and Special Events.

6010.41 User Permit Procedures: An applicant for a User Permit must be 18 years of age (See Policy 6060.30) in order to apply for the use of a park or facility. The permittee shall make an application on forms provided by the District, accompanied by a processing fee. See Policy No. 6015 Establishment of Fees And Charges For Use Of District Parks, Buildings and Facilities. It is the responsibility of the person in charge of the event, as identified on the User Permit, to enforce the rules of this policy. Failure to enforce the rules of the District's policies is immediate grounds for revocation of a User Permit.

6010.42 Permit Requests and Deposits: A request for a User Permit should be received by the District a minimum of ten (10) calendar days prior to the requested date and may be submitted six (6) months prior to the requested date. A "reservation" fee will be required to be paid at the time the User Permit is submitted and all other required fees, in accordance with Policy 6015, must be paid at least ten (10) calendar days prior to the scheduled event or the request is invalid. If another applicant requests the same facility or field on the same date and time, the original applicant will be notified and requested to pay any unpaid fees and if that person does not do so within two (2) business days, the later applicant's request will be honored. In all cases, fees and deposits paid within ten (10) calendar days of the scheduled event must be in cash.

6010.43 Response to Applicants: Unless otherwise specified, the District will make reasonable efforts to respond to applicants within five (5) working days of receipt of application unless the request requires Board approval or if the General Manager is required to research a particular aspect of a request which is not specifically covered by Board policy. In the latter case, every attempt will be made to approve or disapprove a User Permit Request in a timely manner.

6010.44 Revocation of User Permit: A User Permit may be revoked by the General Manager upon a finding that any policy of the District has been violated by the holder of the permit or a person using District property under the authority of said User Permit. A person desiring to contest the revocation must do so as set forth in section 6010.90.

6010.50 Agreement Required: The rental of any park or facility for a commercial use shall require an Agreement between the user and the District for a sharing of revenue on terms negotiated by the parties.

6010.60 District Indemnification: Application for a User Permit for groups of more than 50 individuals wishing to use a field or facility must sign the District's Hold Harmless Agreement. Applications for groups of 150 or more individuals must include a Certificate of Insurance naming the Rossmoor Community Services District as additional insured and sign the District's standard Hold Harmless Agreement. Insurance coverage shall include Personal Injury, Property Damage and Automobile Liability in an amount of not less than one million dollars (\$1,000,000) per occurrence / Insurance coverage shall also include Worker's Compensation and Employer's Liability with limits as required by the Labor Code of the State of California, if applicable.

6010.70 Cancellation of Request By Applicant: In the event of a cancellation by the applicant, notice to the District shall be given as far in advance of the scheduled event as possible. An applicant who cancels a reservation may receive a refund for fees or deposits made to the District if the cancellation is made at least ten (10) days prior to the scheduled use. The refund will be denied, however, if another applicant has requested the same reservation and was denied that reservation because the initial applicant was advised of the secondary request and consequently paid all deposits and fees. Cancellations that do not meet the ten (10) day calendar deadline, or applications made less than ten (10) days in advance of the scheduled event, may receive a partial refund of fees and deposits only if the General Manager finds:

- a. The applicant made a reasonably good faith effort to promptly notify the District and the facility was subsequently rented for same date and time, or
- b. Extenuating circumstances beyond the applicant's control justify the refund.

In all cases, the processing and cancellation fees will be retained by the District.

6010.80 Cancellation by General Manager: Any reservation may be canceled by the General Manager if in his/her judgment the event violates any District policy. In the event of such a cancellation, notice shall be given to the applicant as far in advance of the scheduled event as possible, with a full refund of all fees and deposits made.

6010.90 Appeal to the Board: An applicant for or holder of a User Permit or any other interested person who disputes the decision of the General Manager regarding an application, denial or revocation or other matter regarding a User Permit may appeal that decision to the Board by filing a written request to the General Manager for the matter to be placed on the Board Agenda for the next scheduled Regular Board meeting and payment of the appeal fee as set forth in the Fee Schedule. The matter may be placed on a subsequent Board Agenda if there is insufficient time to place the matter on the agenda for the next regularly scheduled meeting of the Board. Any such appeal must be in writing and must be delivered to the General Manager within ten (10) calendar days of the contested action and must state the specific action or inaction that is being challenged. The decision of the Board shall be final.

Adopted: October 8, 2002
Amended: August 10, 2004
Amended: March 8, 2005
Amended: August 12, 2008
Amended: July 14, 2009
Amended: July 10, 2012
Readopted by Ordinance 2014-01: January 14, 2014
Amended: November 11, 2014
Readopted by Ordinance 2014-03: November 11, 2014