



CITY OF OXNARD

MEMORANDUM

September 6, 1973

Copy to Mayor Tolman

*Copy to Bob Brown
9-11-73
for Info of the
Study Committee*

To: *pw*
City Manager

From: William W. Armstrong, Assistant City Attorney

SUBJECT: Community College District -- Withdrawal

In response to your August 27 request, I've dug into the Education Code as it relates to the subject matter; additionally, I discussed the subject with the County Counsel and her assistant who handles school district matters for the office. It was the consensus that the code makes no provision for simple exclusion of territory from a community college district -- it apparently is the legislative intent that once included territory may not thereafter be permitted to lie fallow in a school district vacuum. See Ed C Secs 3100 and 3100.7. Accordingly, the Code provides for the consolidation, annexation and transfer of territory; it permits formation of a new district from territory of existing districts. The latter would appear to be most adaptable to the City's needs.

Division 5, Chapter 2, Article 2 of the Education Code provides the procedure by which a new Oxnard community college district may be formed to include part of the territory now comprising the present community college district. Sec 1991. The action is initiated by filing with the county superintendent of schools a petition for the new district signed by:

1. 25 percent of the registered voters residing in the territory proposed to be included in the new district; or
2. a majority of the members of the governing board of the present community college district. Sec 1992.

The superintendent is required to check its sufficiency and transmit the petition, within 20 days after its filing, to the secretary of the state board of education. Sec 1993. The petition is then set for hearing before the board, and the secretary is required to give 30 days prior notice of the time, place and purpose of hearing to:

1. the governing board and superintendent of the present community college district;

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2. the county superintendent of schools and the county committee on school district organization; and
3. the persons designated in the petition as the "chief petitioners".
Sec. 1994.

At the hearing the state board shall hear those persons who present themselves to speak to the petition and shall consider the findings and recommendations of the state superintendent of public instruction. Thereafter the board shall approve or disapprove the formation of the new district; and if the former, the board shall determine whether the ensuing election should be held only in the territory of the proposed new district or held in the territory included in the present community college district. The secretary shall thereafter notify the county superintendent of schools of the board's approval of the new district, and the superintendent 20 days thereafter shall call the election in the manner prescribed in Education Code Division 4 and within the territory determined by the state board. The ballot utilized shall provide "yes" and "no" alternatives to the question, "For the formation of the new Oxnard Community College District".

WWA

William W. Armstrong

WWA:def

cc: Bob Brown