



Ocean View School District

17200 Pinehurst Lane,
Huntington Beach, CA 92647
Tel: 714 847-2551
Fax: 714 847-1430
Web: www.ovsd.org

Superintendent
Julianne Hoefer, Ph.D.

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SUPPLEMENTAL COMMUNICATION

May 20, 2025

The Honorable Pat Burns, Mayor, and Members of the City Council
Huntington Beach City Council
2000 Main Street
Huntington Beach, CA 92648
Attn: Lisa Lane Barnes, City Clerk
lisalane.barnes@surfcity-hb.org

Meeting Date: 5/20/2025

Agenda Item No. 24 (25-412)

Re: May 20, 2025, City Council Meeting - Agenda Item 24

Dear Mayor Burns and Members of the City Council:

We write in response to Agenda Item No. 24 (File #25-412) on the City Council's May 20, 2025, agenda.

OVSD is dismayed to see that three City Councilmembers have placed this item on the agenda for the Huntington Beach City Council to "[d]irect the City Attorney's Office to review the actions taken by the Ocean View School District Board as they relate to Measures A and B and, if warranted, work with the Mayor to file a complaint with the appropriate agency."

To be clear, as the agenda item notes, the OVSD voted unanimously to adopt a resolution that supports the adoption of both Measures A and B in the forthcoming special municipal election ballot. This support from five school board members who span the partisan and ideological spectrum within OVSD is a powerful statement of community support for the positions about which residents of Huntington Beach should be aware.

Notably, this type of resolution by local agency governing bodies is commonplace. It is stunning to see that three members of the City Council are unfamiliar with this common practice, especially considering that the City Council itself acted similarly just last fall, adopting at least two resolutions (Resolution Nos. 2024-43 and 2024-50), expressing the City's position on two statewide ballot measures in the November 2024 election. Indeed, at the October 1, 2024, City Council meeting, the Council repealed by Minute Action a nearly 50-year policy against taking positions on statewide ballot measures.

Fortunately, the City need not investigate itself for misuse of government funds with respect to adoption of those resolutions. Resolutions by governing bodies such as the OVSD Board of Directors or the Huntington Beach City Council supporting ballot measures have long been allowed so long as any expenditures do not arise to the type of unpermitted campaign expenditures. (*Stanson v. Mott* (1976) 17 Cal.3d 206, 222; *Vargas v. City of Salinas* (2009) 46 Cal.4th 1, 8 [purpose of Government Code Sections limiting use of public funds was to incorporate the principles set forth in *Stanson*]; *San Leandro Teachers Assn. v. Governing Board* (2009) 46 Cal.4th 822, 833- 834 [purpose of 1995 amendment to Education Code section 7054 was to incorporate the principles set forth in *Stanson*]; *DiQuisto v. County of Santa Clara* (2010) 181 Cal.App.4th 236, 275 [holding that de minimis use of public resources was not prohibited under *Stanson*].) As to the OVSD's unanimous resolution supporting the adoption of Measures A and B, in order to provide inclusive, high-quality educational opportunities and resources to all students and families and to safeguard the public operation of the library in the best interests of the public, that resolution is similarly allowable. Furthermore, the limited communication of this resolution by the OVSD Board members, its Superintendent,

and staff, are all allowed under California law. (*Vargas, supra*, 46 Cal.4th at p. 38–39 [Mailing of the city resolution on the ballot measure, and supporting information in the regularly published “City Round-Up” newsletter that included updates on numerous city actions, that was not a “special edition” sent “specifically because of the upcoming election,” where the “style and tenor of the publication . . . was entirely consistent with an ordinary municipal newsletter and readily distinguishable from traditional campaign material” is allowable]; *DiQuisto, supra*, 181 Cal.App.4th at p. 275 [creation of an email regarding the government official’s position on a ballot measure that took 10 minutes to create and “push of a button” to send was de minimis and not a Stanson violation].)

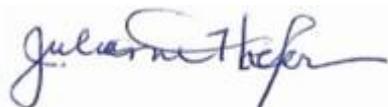
Notably, however, the City has absolutely no jurisdiction or authority to undertake any type of “investigation” into the actions of the OVSD. OVSD is not under the control of the City and not subject to its jurisdiction. The City Attorney has no authority to seek enforcement of state laws regarding campaign finance and public funds. Individuals are welcome to file any complaints with the Fair Political Practices Commission (“FPPC”), which the FPPC will promptly dispose of. But it is the City that would be engaging a waste of public resources were it to pursue this matter.

To be clear, if the City approves such an investigation, OVSD will not cooperate in any way, shape, or form.

This waste of public resources, however, seems to be a pattern by the City Council. Two weeks ago, the Council ordered a similar “investigation” into the not-for-profit Friends of the Huntington Beach Public Library as to its tax status under the jurisdiction of the Internal Revenue Service (“IRS”), and two political action committees that support Measures A and B under the jurisdiction of the FPPC. This appears to be nothing more than an effort by members of the City Council to improperly and illegally use the City’s resources to intimidate its political opponents and seek retribution. These actions may well violate both federal civil rights laws, 42 U.S.C., § 1983, and California law protecting persons from threats of intimidation or coercion in the exercise of their civil rights, Civ. Code, § 52.1.

We encourage the City Council to reject this measure and to cease engaging in such improper activities seeking retribution against political opponents who support Measures A and B. Please contact me if you have any questions.

Sincerely,



Julianne Hoefler, Ph.D.
Superintendent



Patricia Singer
President, Board of Trustees

c: OVSD Board of Trustees
City Manager, City of Huntington Beach