# UNADOPTED

# Minutes of
# Madera County Committee on School District Organization
# January 12, 2021

## 1.0 Call to Order

### 1.1 Flag Salute

Chair Joe Vived called the meeting to order at 4:42 p.m. The flag salute was dispensed with as it was observed earlier at the Board of Education meeting.

### 1.2 Roll Call:

Executive Secretary Massetti called the roll and determined a quorum was present.

Present: Cathie Bustos, Shelley Deniz, Tammy Loveland, Zimri Padilla, Alfred Soares, Jr., Joe Vived

Absent: Brian Ramirez

Others Present: Fred Cogan, Julie DeWall, Jessica Drake, Denis Lingo, Dianna Marsh, Jennifer Pascale, Tricia Protzman

## 2.0 Adoption of Agenda

Mrs. Pascale announced no written or verbal comments were submitted for this agenda item.

Cathie Bustos moved to adopt the agenda as presented, seconded by Shelley Deniz and carried by unanimous vote.

Ayes: Bustos, Deniz, Loveland, Padilla, Soares, Jr., Vived
Noes: None
Abstain: None
Absent: Ramirez

## 3.0 Consideration of Minutes

### 3.1 Regular Meeting December 15, 2020

Mrs. Pascale announced no written or verbal comments were submitted for this agenda item.

Alfred Soares, Jr., moved to approve the minutes of December 15, 2020, as presented, seconded by Tammy Loveland and carried by unanimous vote.

Ayes: Bustos, Deniz, Loveland, Padilla, Soares, Jr., Vived
Noes: None
Abstain: None
Absent: Ramirez

## 4.0 Public Input

Chair Vived announced this time is offered to members of the public wishing to address the Committee on matters under the jurisdiction of the Committee, but not listed on the agenda. Members of the Committee may listen to but not discuss matters not on the agenda. (G.C. 54954.2) The Committee will not take action on any items presented under public comment. Speakers are limited to 3 minutes.

Mrs. Pascale announced no comments were submitted for Public Input and no one came forward to address the Committee.

## 5.0 Letters and Communications

Executive Secretary Massetti has reviewed an inquiry from a developer looking to transfer property from one district to another. A petition needs to be submitted with required elements. As soon as the petition is verified, it will be brought forward to the Committee for review. Former Deputy Superintendent Steve Carney will be taking the lead on this project. Mr. Carney will review the roles and responsibilities of the County Committee on School District Organization in the presentation under item 7.1.

## 6.0 Old Business

None

## 7.0 Informational Items

### 7.1 Presentation: Roles and Responsibilities of the County Committee on School District Organization

The Committee was provided with a copy of the California Department of Education (CDE) District Organization Handbook.

Mr. Carney informed the Committee that reorganization of districts will become more common and complicated over the next 10 years because of the growth in Madera. Madera County is one of 35 counties that utilizes the Board of Education as the County Committee on School District Organization.

Mr. Carney reviewed the types of districts: District of Every Class (K-12), Elementary District, High School District, Unified District, Component District (ex: Chowchilla Elementary is a feeder district to Chowchilla High School).

The tasks of the County Committee include conducting public hearings and taking action on proposals/petitions.

The County Superintendent's role begins when the petition is submitted. The County Superintendent is responsible for determining the sufficiency of the petition. The County Superintendent will review the description of the property, the districts that are affected by the petition, are the proper signatures on the petition, provide administrative and financial support (to investigate and compile the report that will go to the County Committee), allow local approval of district formation, and call an election if one is

needed for the petition.

<u>Four Types of Reorganization</u>

1. Territory Transfers
    a. Initiation of proposals for territory transfer (EC 35700)
        i. A petition signed by the owner of uninhabited territory
        ii. Petition signed by at least 25% of registered voters in the inhabited territory proposed to be reorganized
        iii. Petition signed by the majority of the members…
        iv. ?
2. Formation/Break-up of a School District
3. Unification of District
4. Lapsation of District (caused by declining enrollment)

The process of territory transfers begins with the initiation of a petition. A petition may be signed by the owner of an uninhabited territory. The upcoming petition is uninhabited, which makes the process a little easier. If the land is inhabited, then the petition has to be signed by 25% of the registered voters in that area, or the petition is signed by the majority of the governing board of both districts.

Dr. Massetti explained that the reason the petition is not being brought to the Committee now, is that it is incomplete.

Determination of sufficiency and transmittal of petition within 30 days of receipt of a completed petition. There are three timelines that need to be met: 30 day approval of the petition, set a public meeting within 60 days, approve or deny the petition within 120 after the public meeting. The 30 days does not start until the superintendent approves the petition.

The County Superintendent must determine the sufficiency of the petition including:

- A reasonable description of the territory to be covered by the proposed action
- A list of school districts affected by the proposal
- A designation of no more than three of the petitioners as chief petitioners for the purpose of receiving notification of public hearings and other pertinent info
- An affidavit stating that all signatures on the petition are genuine (this does not apply to the petition coming, because the area is not inhabited)

If there has to be an election, then the County Superintendent would work with the elections office.

Once the County Superintendent deems the petition valid, it will be put on the agenda for the Committee to review. The County Superintendent will also notify the State. Public hearings must be held within 60 days of the Committee receiving a petition. The Notice of Public Hearing and agenda must be posted 10 days prior to the meeting. It must be posted at the school districts as well as at every school in those districts, or it may be published in a newspaper of general circulation and if there is not one, then in a

local newspaper where the majority of people might see it. The County Committee and the County Superintendent may add to the petition. The County Committee studies the petition. There are nine items that the County Committee reviews.

Included in study of the territory transfer are these elements:

1. Adequate size: elementary school district (901 students), high school district (901 students), unified school district (1500 students), uninhabited land (0 students)
2. Community identity (For example, a land owner may want all of the land to be in one district where most of the land is currently located.)
3. Equitable division of property/facilities (A district losing land will be losing the assessed evaluation. Bonds, revenue, and average daily attendance could impact the districts.)

Dr. Massetti noted there are a few ways to move through this process. The County Committee has to approve any district changes. One way is to go through the hearing process, which may be contentious. Or, the school districts can get together and try to negotiate. In that case, the districts would bring resolutions to the County Committee for approval. Mr. Carney noted that the State usually upholds the decisions made by the County Committee. Ms. Deniz asked if the County Committee process would be eliminated if the districts came to an agreement. Mr. Carney explained that the County Committee would still be responsible for approving the agreement and notifying the State.

4. No promotion of racial/ethnic segregation. This element may be an area for appeal. The petitioner, the district, and any person believing that the decision adversely affects the racial make-up of either district can appeal the decision.
5. Insignificant increase to state costs. ADA impact – the State says that 15% change affects a district.
6. Promotes sound educational performance. (If a district is able to offer programs that the other district cannot, that might adversely affect students and may be taken into consideration.)
7. No significant increase in facility costs. Bonding capacity, developer fees
8. Not designed to increase property values. Property cannot be moved into a different district solely because the property value is higher in another district.
9. Effects on fiscal status/management

If all of the conditions are met, the County Committee either approves or denies the project. That decision is transmitted to the State.

<u>California Environment Quality Act (CEQA)</u>
Mr. Carney believes CEQA may not be required for this petition. A project is building or moving dirt. Because this land is uninhabited CEQA may not be an issue for the petition process. That will be an issue for the district once development begins.

Dr. Massetti noted that because of COVID, the public hearings may be handled a few ways.

1. The Committee could attend in person at the Conference Center with interested parties calling in so that individuals from both districts have the same access.
2. If in-person public hearings are held in the affected districts, then one meeting will be held in each of the districts.

There is a script that will be followed. Each side will be given 20 minutes to speak. Members of the public wishing to address the topic will be given 3-5 minutes.

Dr. Massetti reminded the Committee about the Brown Act. The public may contact the Committee members individually. The Committee members must inform those individuals that they cannot comment on the issue. The public can attend the hearing to make comment. E-mails should be sent to Jennifer Pascale to be shared at the meeting. Emailing one another must be avoided, as that would be considered a serial meeting. Some people may post things on social media and it will be important that Committee members not respond.

To date, bylaws for the Madera County Committee on School District Organization have not been adopted. The County Committee should have bylaws. The Committee was provided with draft bylaws to review. The bylaws will be on the agenda for consideration and approval in February.

Mr. Carney asked Dr. Massetti to review with the Committee the amount of time the appeal process is currently taking at the State level. Dr. Massetti commented an appeal is taking about three years before the State board will hear an appeal.

**8.0 Action Items**

None

**9.0 Future Meeting Dates**

- February 9, 2021
- March 9, 2021
- April 13, 2021
- May 11, 2021
- June 8, 2021

**10.0 Adjournment**

Mrs. Pascale announced no written or verbal comments were submitted for this agenda item.

Alfred Soares, Jr., moved to adjourn the meeting, seconded by Zimri Padilla and carried by unanimous vote.

Ayes: Bustos, Deniz, Loveland, Padilla, Soares, Jr., Vived
Noes: None
Abstain: None
Absent: Ramirez

The meeting adjourned at 5:26 p.m.

Respectfully submitted,

Cecilia A. Massetti, Ed.D.
Executive Secretary

CAM/jep