

**CONTRA COSTA COUNTY BOARD OF EDUCATION**  
**Serving in the Capacity as the County Committee on School District Organization**

**Contra Costa County Office of Education**  
**The Ronald L. Stewart Center**  
**77 Santa Barbara Road, Pleasant Hill, California**

**May 7, 2003**

A meeting of the County Committee on School District Organization was called to order at 6:00 p.m. with the recitation of the Pledge of Allegiance.

- ROLL CALL** Pamela Mirabella, Daniel Gomes, Glenn Ruley, Daniel Borsuk, and Cheryll LeMay
- ABSENT** None.
- CHAIR** Cheryll A. LeMay, Ed.D.
- OTHERS** Joseph Ovick, Ellen Elster, Peggy Marshburn, Nicki Swenson, Diane Misasi, and Laura Dorsey Huerta, County Office staff; Gary McHenry, Gary Eberhart, Linda Mayo, Dick Allen, April Treece, Connie Tolleson, Barbara Sandoval, Jeff Stover, Judy Dawson, Gloria Magleby, Vicki Zumwalt, and Paul Adler. A partial list of attendees is on file at the County Office of Education.
- APPROVAL OF MINUTES** The minutes of April 9, 2003, were approved as presented (M/S: Mirabella/Gomes).
- PUBLIC COMMENT** Dr. Cheryll A. LeMay, Chair, noted that seven speakers had submitted Speaker's Forms and requested that the comments be limited to three minutes and to new information only. She also announced that, after Public Comment, the Committee would take formal action on the petition before it. Speaking in favor of selecting an alternative method of electing governing board members were the following: Vicki Zumwalt, a member of the Bay Point Municipal Advisory Council, and Jeff Stover, a parent and member of the Bay Point Municipal Advisory Council. Speakers in favor of selecting an alternative method of electing governing board members presented the following arguments: the voters of the county should be able to determine the feasibility of membership by district for the MDUSD board; a change in membership to include a representative from the Bay Point community would not only serve the Bay Point community, but others in the district, as well; the petition is supported by Senator Tom Torlakson and Assemblyman Joe Canciamilla, who have both served previously as District 5 Supervisors representing the Bay Point area, and by the current District 5 Supervisor, Federal Glover. In addition, Vicki Zumwalt expressed disappointment with the Committee's consideration of the cost of the process of presenting this matter before the voters. Speaking in opposition to selecting an alternative method of electing governing board members were the following: Gary McHenry, Superintendent, Mt. Diablo USD; Barbara Sandoval, a parent of an MDUSD student; Linda Mayo, Trustee, Mt. Diablo USD; and Gary Eberhart, President, Mt. Diablo USD. Speakers in opposition to selecting an alternative method of electing governing board members presented the following arguments: the current MDUSD board has been doing a good job of serving all of the students of the district (which was attested to by various Bay Point representatives at the hearings on April 9, 2003); a compelling case has not been made for a change; the current board works well together to unify the district, and there are no political or hidden agendas; the election process has been fair, and no electoral discrepancy has been alleged or disclosed; the district's voters have proven that they support districtwide issues, which have included two large district bond measures and districtwide candidates who seek to serve the needs of every student, not just one community or one issue; there has been a lack of additional speakers in support of changing the method of selecting MDUSD board members from outside of the Bay Point community, which indicates that the public feels that it has been fairly heard and decisions justly reached; speakers in favor of the proposed change have not offered arguments as to how such a change will benefit the remainder of the district's students and their families outside of Bay Point; electing board members by trustee

area could result in divisiveness and in candidates who are politically motivated by self-interest; and during the last election, no one even ran for the board from the Bay Point community. Lastly, Paul Adler, representing Supervisor Federal Glover, read a letter to the Committee from the Supervisor indicating his support for an alternative method of electing MDUSD governing board members and urging the Committee to vote in favor of this proposed change. Mr. Glover's points included that the Bay Point community would have more say in the election of a representative, parents in the Bay Point area would feel more connected and involved with their own representative on the board, and there would be a smaller geographical area in which to run for office, which would possibly stimulate more candidates to run for the school board. Dr. LeMay thanked everyone for their concerns and comments.

**REQUEST FROM BAY POINT  
MUNICIPAL ADVISORY  
COUNCIL THAT THE COUNTY  
COMMITTEE INITIATE ACTION  
TO SELECT AN ALTERNATIVE  
METHOD OF ELECTING  
GOVERNING BOARD MEMBERS  
FOR THE MT. DIABLO UNIFIED  
SCHOOL DISTRICT**

Ellen Elster, Deputy Superintendent and staff to the County Committee on School District Organization, clarified that the County Committee had requested that she research the election process and costs connected with it. She noted that had this information been considered inappropriate for the County Committee to receive, the Office of the County Counsel would not have provided this information to them. Mrs. Elster invited the Committee to discuss the matter before it, which was to consider initiating action to select an alternative method of electing governing board members for the Mt. Diablo Unified School District. Mrs. Mirabella clarified that she had been the County Committee member who requested information on the election process and costs and that she always requests this information from staff in order to be better informed when such matters are considered. She then asked who would be responsible for proposing how individual trustee areas would be drawn. Mrs. Elster responded that the County Committee would be responsible for determining the trustee areas. Mrs. Mirabella then stated that she would not be able to support any action to select an alternative method of electing trustees because she feels any such proposal should come from the members of the district itself, and she also expressed concerns about what the citizens of the other cities that are part of the Mt. Diablo Unified School District are thinking about the proposed change since they did not send representatives to speak at the hearings on this matter. Mr. Borsuk asked if the community would have an opportunity to appeal the County Committee's decision in this matter, and Mrs. Elster informed the Board that there is no avenue for appeal of the County Committee's decision. Mr. Ruley stated that he agreed with Mrs. Mirabella's views on this matter. Mrs. Mirabella then moved that the request from the Bay Point Municipal Advisory Council that the County Committee initiate action to select an alternative method of electing governing board members for the Mt. Diablo Unified School District be denied, and Mr. Gomes seconded the motion. Prior to the vote being taken, Mr. Borsuk stated that he wished to make a statement. He informed the Board and public that a number of months ago he had had an opportunity to attend one of the community meetings that the Mt. Diablo Unified School District had conducted in the Bay Point area. He stated that he was very impressed with the number of representatives from the Mt. Diablo Unified School District who had attended the meeting and with the amount of energy the district put into it. Additionally, he stated that there is no question in his mind that the Mt. Diablo Unified School District is putting the spotlight on Bay Point and that he could see no reason for changing how the school board members are elected because the district is making a valiant effort to meet the Bay Point community's needs (e.g., maintaining schools well, putting plans in place for a new high school, etc.). He urged Bay Point to encourage more candidates to run for election from their community. The County Committee then voted unanimously to deny the request from the Bay Point Municipal Advisory Council that the County Committee initiate action to select an alternative method of electing government board members for the Mt. Diablo Unified School District.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:31 p.m.

Joseph A. Ovick, Ed.D., Ex Officio Secretary  
County Board of Education

These unadopted minutes are summaries and excerpts from the special meeting of May 7, 2003, and are subject to amendment and/or correction prior to the approval of the County Committee on School District Organization.