

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

September 28, 2005

- ROLL CALL** Pamela Mirabella, David Krapf, Daniel Gomes, Glenn Ruley, and Daniel Borsuk (arrived at 5:19 p.m.)
- ABSENT** None.
- OTHERS** Ellen Elster, Mike Bowers, Peggy Marshburn, Terry Foley, and Laura Dorsey Huerta, County Office of Education staff; Mary Ann Mason, Deputy County Counsel and legal counsel to the County Committee on School District Organization; Vickey Rinehart, Superintendent, Knightsen School District; Knightsen School District Governing Board Member Jim Frank; Paul Thompson, Esq., legal counsel to Knightsen School District; Richard Rogers, Superintendent, Oakley Union Elementary School District; Linda Weesner, Superintendent, Lafayette School District; Jim Negri, Superintendent, Acalanes Union High School District; Dan White, Superintendent, Martinez Unified School District; Martinez USD Governing Board Member Kathi McLaughlin; City of Oakley consultant Dick Loewke; Teresa Estrada; Jeanette Wriston; Candace Morton; Sam Goth; Sandra Brehmer; Knightsen Advisory Town Councilmembers John Gonzales and Seth Cockrell; *Oakley Press* reporter Monty Norris; Ken Grullon; Desta Gebre-Medhin-Huff; Glenn Chase; Kenneth Huff; Pamela McCoy, Denise Elsken.
- PRESIDING** Pamela Mirabella, Vice Chair, presided until 5:19 p.m.; Daniel Borsuk, Chair, presided for the remainder of the meeting.
- The meeting of the Contra Costa County Committee on School District Organization, which took place at 77 Santa Barbara Road, Pleasant Hill, California, was called to order by Vice-Chair Pamela Mirabella at 5:16 p.m. with the recitation of the Pledge of Allegiance.
- APPROVAL OF MINUTES**
- June 2, 2005** The County Committee voted to approve the minutes of the June 2, 2005, County Committee meeting (M/S: Gomes/Krapf; Borsuk absent).
- September 14, 2005** The county Committee voted to approve the minutes of the September 14, 2005, County Committee meeting (M/S: Gomes/Krapf; Ruley abstained; Borsuk absent).
- PUBLIC COMMENT**
- Items Not on the Agenda** None.
- POSSIBLE REORGANIZATION OF THE KNIGHTSEN SCHOOL DISTRICT AND OAKLEY UNION ELEMENTARY SCHOOL DISTRICT** Mary Ann Mason, Deputy County Counsel and legal counsel to the County Committee on School District Organization, introduced this matter by informing the Committee that this item has been placed before it this evening in order to consider whether the Committee wishes to take the opening steps in a process to reorganize the areas of the Knightsen School District and the Oakley Union Elementary School District. However, she noted that two significant legal issues have been raised by the legal counsel for the Knightsen School District, and both of those issues are currently being reviewed by the legal counsel of the California Department of Education; a legal opinion is now pending. She reported that these two significant issues involve whether or not this committee would be able to take final action on its own or whether or not its action is simply a recommendation to the state; also, there is the issue of what the area of election would be if the County Committee approved the reorganization and whether or not a majority in both school districts and in the territory as a whole would be needed for the vote to pass. She stated that it would be advisable for the Committee to wait for the legal opinions regarding such critical jurisdictional issues. She also noted that no legal timelines are involved because the Committee has not taken any steps to adopt a tentative recommendation for reorganization.

Chairperson Daniel Borsuk opened this matter for public comment and invited speakers to come forward.

John A. Gonzales, a member of the Knightsen Advisory Town Council, spoke in opposition to any proposed reorganization because the Knightsen School District, which has been in existence for approximately 100 years, has depended on this territory for its future growth and funding.

Vickey Rinehart, Superintendent, Knightsen School District, distributed a packet of information and she called the County Committee members' attention to a large map she had mounted on the wall, which delineated school district boundaries as well as the area in question (the Cypress Lakes Corridor). She then noted the reasons given by Dr. Rick Rogers, Superintendent of Oakley UESD, in bringing this matter before the County Committee, which included a very strong community identity, the importance of neighborhood schools, and a desire to avoid repeating the Antioch-Oakley "orphans" issue. However, she stated that there has been a lot of misinformation provided to the County Committee that is inaccurate and some missing information from Dr. Rogers; therefore, she discussed the two aforementioned issues. She noted that the documents she distributed to the Committee were provided by the City of Oakley, and she reviewed a map that set forth the various new developments that are planned for the East Cypress Corridor area. On the initial school site evaluation from the State Department of Education, she pointed out that the 639 acres of the Summer Lakes development are completely surrounded by levees and that children attending the planned Oakley UESD school on the other side of the levee would have difficulty reaching it. She also noted that the map has been redrawn so that the school site has been moved from the Oakley UESD to an area within the Knightsen territory. As such, she noted, having levees surrounding the newly developed area would not lend itself to a strong community identification. In addition, with regard to the Antioch/Oakley "orphans" issue, she offered information on the interdistrict transfers that have taken place since 2002 between Antioch and Oakley, which she had requested from the Oakley UESD. She noted that, under the leadership of former Oakley UESD Superintendent Jim Haslip, that district's board changed its policy in 2003 so that students living in Oakley but who resided in the Antioch USD had first priority as interdistrict transfers. She then reviewed the pertinent data for the Committee, which indicated that the numbers of interdistrict transfers from Antioch to Oakley have continued to grow yearly. She maintained that the problem of the Oakley "orphans" was resolved. However, she noted that the only "orphan" issue exists at the high school level in that Liberty Union High School District does not allow students who have attended elementary schools in Oakley UESD to attend its high schools because of space considerations, but she noted that since both Knightsen and Oakley students are served by the Liberty Union High School District, this is not an issue for the high school students who will live in the area in question. She expressed to the Committee that she feels that the bringing of this concept to the County Committee was very misguided and that there is no true reason for the territory to be transferred. Additionally, she stated that a tremendous amount of time and money has been spent to retain Knightsen School District's property, which allows that district to remain physically strong and grow, and she urged the Committee to vote not to go any further with this concept.

Paul Glenn Thompson, Esq., legal counsel for Knightsen School District, addressed Mrs. Mason's points about the legal issues pending before the California Department of Education (CDE). He reported that in his discussions with staff members at the CDE, he was told that if this territory transfer were to be initiated by the County Committee, as opposed to being initiated by a third party via a petition, the matter would probably have to go to the CDE for final disposition. He noted that this is just the opinion at the CDE staff level and that this would be pending the CDE's final legal opinion. Also, he was told that regardless of whether or not the proposal were to go to the state, the election provision that would apply would require that the area of election encompass both school districts, and the matter would have to pass by a majority in both school districts and by a combined majority. He noted that this is the most important element because he strongly suspects that the Knightsen citizens would not vote by a majority for this transfer of territory to proceed. The CDE has assured him that he would have its final legal decision in relatively short order, and he stated that he would pass it on to Mrs. Mason as soon as he receives it. He stated to the Committee that the failure to satisfy any one of the ten criteria in order for a territory transfer to proceed would be cause for its denial. In light of this, he pointed out that if the Committee were to proceed with this matter, it would be a losing battle. He then discussed the following four negative effects that the transfer would have: 1) Knightsen School District would be left with a grossly insufficient enrollment; 2) it would result in a substantial increase in costs to

the state and to the County Committee; 3) it would promote racial and ethnic segregation; and 4) it would significantly disrupt the educational programs in Knightsen. He also noted that if this transfer of territory were to proceed, it would harm the Knightsen School District while the Oakley UESD would be fine; however, if the boundaries were to remain as they are currently drawn, both districts would be able to thrive. He then expanded on each of the four negative effects that he previously enumerated. He also discussed the remaining six criteria and how the proposed transfer of territory would have negative effects with regard to each one.

Knightsen Governing Board President Jim Frank noted that the Knightsen School District's boundaries were established in the 1800s and that the district has been managed for that period of time in a fiscally sound manner with a high level of education quality. He further noted that it is necessary to grow in order to maintain the level of high service and keep up with inflation, and the district has always looked to the north as one of its main growth areas as it becomes developed. It was expected to provide a stimulus through students and funds. He stated that the Knightsen School District has counted on projected growth patterns, and to allow the cannibalization of a district is tantamount to "landjacking." He urged the Committee not to sacrifice the Knightsen School District for the benefit of the Oakley UESD, and he stated that information presented tonight should convince the Committee that there is no need to pursue this matter further. He asked the Committee to settle the issue this evening rather than wait for any legal opinions.

Knightsen Town Advisory Council Chairman Seth Cockrell stated that they are tired of people coming to Knightsen to destroy their town. He noted that the City of Oakley has come after Knightsen's property through an annexation process even after an agreement had been made between Oakley's mayor, vice-mayor, and city manager to only go for 60 acres; instead, they went back and tried to go after 180 acres. He stated that the Board of Supervisors merged the three East County Fire Districts, and, as a result, Knightsen fire protection has deteriorated. He stated that such reorganizations do not always work and that Knightsen has been hurt. He informed the Committee that Knightsen residents created a Community Service District with well over the 66-2/3% needed, creating a tax on themselves because of the need to establish community identity. He urged the County Committee to leave Knightsen alone.

Dick Loewke, a planning and annexation consultant for the City of Oakley, stated that his purpose for attending the meeting is to provide current and accurate information that is the result of a specific plan initiated two years ago by the City of Oakley, which is now in the public hearing process and concerns a boundary reorganization involving the City of Oakley, the Contra Costa Water District, and the Diablo Water District. He reminded the Committee that he appeared before it on April 6, 2005, to explain that the City of Oakley was in the process of preparing a specific plan, and he noted that the plan has been completed and was distributed for public review on August 29 along with a very detailed, comprehensive environmental impact report (EIR). Although both documents are presently in draft form, he informed the Committee that they are available on the City of Oakley's Web site. He then distributed several current documents from the specific plan that accurately show the boundaries of the planning area, and he noted that several of the documents distributed earlier to the Committee contained a number of inaccuracies. Also, he stated that the 45-day review period for the EIR will run until October 13, and comments from the public are urged. However, the public hearing process on this matter will be completed in December 2005, and then the specific plan will be adopted and the details of the certified EIR known. He stated that he recently learned that the Local Agency Formation Commission (LAFCO) also would like the County Committee to not take action until it has the benefit of LAFCO's input. He noted that avoidance of duplication of services is important; therefore, they are trying to avoid having two school districts that would provide the same services. He informed the Committee that the plan that is the subject of the EIR report differs from what the Committee received from Superintendent Rinehart and differs from what appears on the County Committee's Web site. Also, he clarified that there are no interior levees that crisscross this particular area. In fact, a perimeter levee is planned that will run around the entire planning area, including the 350 acres being discussed. He informed the Committee of concerns that the City Council of Oakley asked that he convey this evening; namely, that children on one side of the street should be going to the same school as children on the opposite side of the street and not have to travel miles to reach a school, which would result in unnecessary traffic congestion and air pollution. Lastly, he stated that the City of Oakley is seeking coordination of use of parks and school facilities on an ongoing basis for recreational programs and after-school programs. He urged the Committee to wait on this matter until the EIR is certified and LAFCO has provided its recommendations.

Dr. Richard Rogers, Superintendent of Oakley UESD, stated that, from the comments heard this evening, there is some level of agreement that the County Committee should not take action this evening. He urged the Committee to table the matter until it receives the opinion from the CDE and the EIR from the City of Oakley. He requested clarification from Mrs. Mason on one of the matters that the CDE is considering, which is the scope of any election in the matter. He noted that comments offered by others had implied that he had provided the Committee with misleading information, and he insisted that such allegations are false. With regard to the Oakley “orphans” issue, he reminded the County Committee that it is well aware of the recent appeals of students from the Antioch USD area who were not granted interdistrict attendance transfers from Oakley UESD due to space restrictions. He also stated that this matter is not about who can provide a higher quality educational program; it is about applying the state-established criteria. He noted that in Knightsen Superintendent Rinehart’s letter to the editor on April 13, she acknowledged that five of the criteria support the transfer; therefore, her attorney’s report, which contends that all of the criteria support the status quo, appears to contradict his own client’s comments. He also alleged that there are many more contradictions in Mr. Thompson’s report to the Committee and he hoped that the Committee would be able to identify those contradictions without his having to address them. He recommended that the Committee table this matter.

Mr. Ruley asked Mrs. Mason if the Committee had the option to table the matter. She responded that the Committee does have that option. Mr. Ruley then made a motion to table the matter, and his motion was seconded by Mr. Gomes. After a brief discussion, the County Committee voted unanimously to table the matter of reviewing possible reorganization of the Knightsen School District and the Oakley UESD until such time that it has received the CDE’s legal opinion and the City of Oakley’s finalized and adopted EIR.

RECESS

The County Committee recessed at 6:15 p.m. and reconvened the meeting at 6:26 p.m.

**PUBLIC HEARING ON PETITION
TO TRANSFER TERRITORY
FROM THE MARTINEZ USD TO
THE LAFAYETTE SD AND THE
ACALANES UHSD, INCLUDING
POTENTIAL ENVIRONMENTAL
IMPACTS**

Report from Staff

Chairperson Borsuk invited Ellen Elster to explain the process that would be followed during the hearing as well as the process for appeal. Mr. Borsuk then opened the public hearing at 6:28 p.m. on a petition to transfer territory from the Martinez Unified School District to the Lafayette School District and the Acalanes Union High School District, including potential environmental impacts. Mrs. Elster reported that this petition is about the transfer of five students from the public school system in Martinez to the Lafayette and Acalanes districts rather than about students who are currently attending private schools. She noted that the County Committee hired Dr. Michael Winters, a consultant who has been conducting school district boundaries studies for 16 years, to produce an objective report that uses verifiable data to evaluate whether the petition meets the nine criteria. Mrs. Elster noted that the study established six educational needs and concerns for evaluation and pointed out that Dr. Winters concluded that the petition isolates dwelling units to the west of the area. She called the Committee members’ attention to a map included in their packet, which shows an “island” that would be created if the petition were approved. She then discussed the criteria studied by Dr. Winters and noted that he found that conditions 1, 3, 4, 5, 6, 7, and 9 have been substantially met. She informed the County Committee that Dr. Winters has concluded that Condition 2 (community identity) has not been met and states in his report that the petitioners do not actually live in Lafayette, although they have a Lafayette Zip code; the shopping areas in Martinez and Pleasant Hill are closer than those in Lafayette; and the safety element is not met because students would have to travel farther than they would to their currently assigned schools. Further, she stated that Dr. Winters has concluded that condition 8 (petition would result in increased property values) has not been substantially met. She noted that, according to the data, only five children from the petitioners’ area attend Martinez schools, and none of them are the chief petitioners’ children; also, there will be a substantial increase in property values if the petition is approved. Therefore, as she quoted from the report, “the primary purpose for filing this petition is to achieve a significant increase in property values causing financial advantage to property owners in the territory of transfer.” Upon the conclusion of Mrs. Elster’s presentation of the consultant’s report, Chairperson Daniel Borsuk invited the Chief Petitioners to offer their comments.

Comments from Chief Petitioners

Chief Petitioner Desta Gebre-Medhin-Huff addressed the consultant's conclusion that there would be no financial impact on the districts involved in the proposed transfer of territory and also his conclusion that the petitioners have not substantially met two of the conditions ("community identity" and "property values"). She claimed that these conclusions were based on inaccurate and erroneous information, as well as conflicting market data comparisons, and that the consultant should have found that these conditions were substantially met. She noted that, although the consultant's report indicates that he interviewed the chief petitioners in this matter, he, in fact, did not contact any of the chief petitioners. Regarding condition 2, "community identity," she noted that the California Code of Regulations, Title 5, section 18573(a)(2), indicates that no single factor is likely to determine that community identity exists and that the County Committee would probably need to examine several attributes of the population and the makeup of the territory in question to make a judgment of the criteria. She then enumerated the criteria established in this section for determining community identity, and she claimed that their petition has met all of the requirements and that the consultant has conveniently added parameters concerning the isolation and distance to schools as heavily weighted parameters to support the "not substantially met" rating. She further countered that she has been unable to find these specific parameters in the Education Code. Regarding condition 8, "property values," she addressed the conclusion in the consultant's report that stated that because none of the five students who attend schools in the Martinez Unified School District reside with any of the chief petitioners, the motive behind the proposed transfer is increased property value. She asserted that the basis for this conclusion is unfounded and does not take into account the number of children in their community that are attending private schools and those that are of preschool age. She stated that there are 15 children who are currently attending private schools and that this is tied to community identity and commute patterns that take them away from the Martinez USD schools. She also stated that the petitioners cannot control what happens to property values, whether positive or negative, and should not be assumed guilty of seeking increased property values through a transfer from one district to another. She noted that the consultant stated in his report that her own child, upon reaching school age, would experience less disruption if she simply requested an interdistrict attendance transfer to the Lafayette School District. However, she emphasized that the filing of this petition was the last option available to them because the Lafayette School District does not approve interdistrict attendance transfer requests. She and her neighbors have had their requests denied every time by the Lafayette School District, and she wondered why the consultant was not cognizant of this very important fact and failed to reference it in his report. Additionally, she addressed the issue of their community being described as an island, which she disputed. She reiterated that the children in her neighborhood have spent their childhoods in activities with children who attend Lafayette schools, and she would like to see those children continue their relationships throughout their school years.

Chief Petitioner Glenn Chase stated to the County Committee that he had read the consultant's report and found it to be inaccurate and personally insulting. He stated that no parents in the room would value a possible windfall from any future sale of their home over their children's welfare, yet the consultant takes it as a given in reporting his findings. He informed the Committee that his current home will be his last, and the neighborhood is generally stable with only a 3-4% annual turnover. Further, he stated that the consultant's report not only impugned the motives of the petitioners, but also used mismatched statistics to inflate any real property value increases that might result from a transfer. By comparing assessed valuations, which by law are only allowed to rise by 2% per year, with sales costs, which have risen by 25% per year or more, the consultant's report uses statistics that create a disparity between assessed and real valuation that would grow exponentially every year. In effect, the consultant has compared half the sales value of their neighborhoods' houses with the full sales value of comparable houses in the Lafayette School District. Also, while a graph in the consultant's report compares a \$600,000 value of homes in their neighborhood with a \$1.15 million value of homes in the Lafayette School District area, an average home in their neighborhood sold for \$1.1 million two years ago, which was before the huge leap in home values occurred. It is evident that the homes in their neighborhood are comparable in price to the homes in the Lafayette School District. He claimed that it is clear to everyone in the room that the consultant's report is either the result of inaccurate or incomplete data or is possibly targeted toward a preordained conclusion, and he urged the County Committee to reject the consultant's conclusions with regard to conditions 2 and 8 based on the report's extreme diversion from fairness and data presentation as well as the unjustified assumptions about the petitioners.

Comments from Lafayette School District

Linda Weesner, Superintendent of the Lafayette School District, read the following into the record: “The governing board of the Lafayette School District has officially taken a negative position regarding the petition to transfer territory from the Martinez Unified School District to the Lafayette School District and the Acalanes Union High School District.” Further, she clarified that the Lafayette School District has a longstanding belief in small class size, and the community supports having small schools. She also stated that a recently completed demographic study indicates that the Lafayette School District’s enrollments, which had been declining, have stabilized and are predicted to continue at the levels that provide sufficient student enrollment to support the current class- and school-size goals. Based on these reasons, the Lafayette School District’s board does not support any petition that would increase the district’s total enrollment. In addition, the board has concerns that although this particular petition appears on its face to address only five children, it actually addresses 56 households, each with the potential for additional students once the territory is transferred. Furthermore, she stated that if this petition is granted, it is feared that this action would cause or encourage other adjacent areas to petition for territory transfers into the Lafayette School District.

Comments from Acalanes Union High School District

Jim Negri, Superintendent of the Acalanes Union High School District, informed the County Committee that his district does accept interdistrict attendance transfers as long as they meet the district’s criteria. Because the Acalanes Union High School District does accept such transfers, its governing board has not taken up this matter for any discussion and will not discuss it until the County Committee acts upon the issue.

Comments from Martinez Unified School District

Kathi McLaughlin, Vice President of the governing board of the Martinez Unified School District, conveyed that their board has taken a strong stance in opposition to the petition because it may set a precedent for other areas of the Martinez USD to petition to move to another district. In addition, she informed the County Committee that their governing board also agrees with the consultant’s finding that the primary purpose of this particular petition is an increase in property values. She also noted that she hopes the petitioners are not voting in the Martinez city elections since they live in an unincorporated part of the county and would not be voting in those elections unless an error had been made. Instead, they should be voting only with regard to Martinez USD school board elections and on county issues. Dan White, Ed.D., Superintendent of the Martinez Unified School District, stated that the Martinez USD school board took a vote early on to take a position in opposition to the petition and reminded the County Committee that a packet of information was previously submitted to them regarding his district’s position. He also spoke to the as-yet-unresolved issue of the existing bonds in the Martinez USD and also remarked that the petition is not logical in defining the area to be transferred. In addition, he reported that the Martinez USD has experienced some declining enrollment, and his 34 years in education have taught him that enrollment can be unpredictable; therefore, even though only five students were counted by the consultant, the proposed transfer of territory could result in a much larger loss in ADA. He noted that the petitioners knew when they bought their homes that they resided in the Martinez USD and perhaps that they should assume responsibility for their actions.

At this point, members of the County Committee proceeded to ask questions of the petitioners and representatives of the affected school districts. Mr. Gomes directed a question to the petitioners regarding their claim that the consultant had presented a biased picture by not considering the whole community; he noted that only 55% of the people residing in the territory had signed the petition and asked why the petitioners have asserted that they represent all of the families residing in the territory. Mrs. Gebre-Medhin-Huff responded that the petition does indeed represent 54 out of the 56 homes in the area; however, since the signatures on the first petition were not gathered correctly, the second time they gathered signatures, they encountered households where the occupants were on vacation or traveling on business. Mr. Price also clarified that they only needed to collect signatures from 25% of the households in the petition area, and since they had only three days in which to re-collect the necessary signatures, they were unable to secure the signatures of people who were out of town. Mr. Gomes noted that the petitioners claim in their letter to have voted on Lafayette local issues; however, he checked with both the City of Lafayette and the County Elections Office, both of which confirmed that the petitioners do not vote on any Lafayette matters. Therefore, he asked the petitioners why they had made that particular statement. Mrs. Gebre-Medhin-Huff stated that this was based on information provided from one of the residents in the area and that if the information is incorrect, the mistake was not intentional.

Lastly, Mr. Gomes questioned the petitioners' assertion that the Lafayette School District does not accept interdistrict attendance transfers. Lafayette School District Superintendent Linda Weesner responded that it is true that her district does not accept any such transfers and that the district has a board policy to that effect. Acalanes UHSD Superintendent Jim Negri then clarified that his district does accept interdistrict attendance transfers but that the transfer request must first be granted by the district of residence. Mr. Ruley asked the petitioners to explain why they did not include certain neighboring households in their petition (e.g., Sun Ridge Drive, Oak Vista Court, and Hidden Pond Court), and Mrs. Gebre-Medhin-Huff responded that the two communities are overseen by different homeowners' associations and, historically, they have not had any relationship with the other community. Mr. Borsuk asked staff why the consultant had made an argument that the distance to schools was a primary reason for his stating that condition 2, community identity, was not substantially met. Mrs. Elster responded that the consultant referenced the County Committee's 1988 study that listed as a criterion the matter of safety; therefore, the consultant was referencing the County Committee's criteria regarding safety when he noted the proximity to local schools. Mr. Chase responded that the route to the school in Lafayette is safer for walking, and there is also a bus to transport students; conversely, the route to the closer Martinez school involves traveling along small, poorly maintained roads.

Comments from the Public

Chairperson Borsuk then invited members of the public to speak in support and in opposition to the petition. Candace Morton spoke in favor of the petition, stating that her students have been twice denied interdistrict attendance transfers to the Lafayette School District. She also addressed safety concerns by pointing out that the distance to the John Swett Elementary School in Martinez is the same distance to Springhill Elementary School; therefore, the matter of safety is negated since her children must be driven to either school. She did note, though, that there is a bus and a crossing guard at the Lafayette school, but the Martinez school offers neither. She stressed that the children from their neighborhood would be safer attending schools in the community where their families shop and work, which is Lafayette, and that this petition has nothing to do with increased property values. Denise Elskén, a Martinez USD board member, stated that, in her view, the petition should not be granted because the concerns set forth in it are not valid; rather, it appears that the request is based on convenience only. She pointed out that she was raised in Martinez but went to school in the Mt. Diablo USD; therefore, she believes that it is a benefit to have this opportunity since students have twice as many friends and a more diverse social life. She expressed concerns that if this petition is granted on the basis of community identity, it could set a precedent to use this criterion to allow the many students who live in Martinez and attend schools in Mt. Diablo USD to be granted transfers also based on community identity. She also informed the County Committee that an elderly friend of hers who lives in the petition area, upon being asked why she signed the petition, told her that even though she had no school-age children, the circulator of the petition indicated to her that the transfer to the Lafayette School District would increase the value of her property; for that reason, she signed the petition. Additionally, Ms. Elskén stated that five students equals \$20,000 and that it is not fair to deprive students in one school district of \$20,000 just for the convenience of parents. Kenneth Huff informed the Committee that the original school bonds were created and calculated before their homes were built and, therefore, should not be used as a reason for Martinez USD to point to them for problems with the bond debt. He also stated that their petition would not materially affect class sizes at the Lafayette School District or Acalanes UHSD and that the responsibility of a public school is to provide a free education for the children in its community; as they are part of the Lafayette community, he urged the County Committee to approve the petition. Sam Goth, a homeowner in the petition area, spoke to condition 8, property values, with regard to the consultant's report and his group's own findings. He pointed out that because the consultant reached his conclusion by using two different methods for arriving at a home's value (comparing sales prices of homes in Lafayette with the assessed valuation of homes in the petition area), comparing the two values gives the false impression that the homes in the petition area would rise to Lafayette values if the petition were approved. He noted that two homes that were sold in the last one and a half years in the petition area sold for \$1.1 million and \$850,000 (the smallest model in the area); therefore, the average of these two prices is higher than the Lafayette sales average.

With no further public comment, Chairperson Borsuk closed the hearing at 7:25 p.m.

**Findings of Whether or Not the
Petition to Transfer Territory
Substantially Meets Conditions One
Through Nine of Educ. Code 35753**

Upon a motion made by Glenn Ruley and seconded by Daniel Gomes, County Committee voted unanimously to accept conditions 1, 3, 4, 5, 6, 7, and 9 as being substantially met based upon the consultant's recommendations.

The County Committee then proceeded to discuss condition 2, community identity, which the consultant had deemed as not being substantially met. Mr. Gomes expressed his opinion that, based on his own residence some one and a half miles from the petition area, he found it hard to believe that the petitioners and their neighbors would travel to Lafayette to shop and transact other business when it would involve a 10-mile round trip. He noted that, within two-and-a-half miles of the petition area, along the Grayson/Gregory corridor, there are numerous supermarkets, churches, drug stores, a county library, theaters, banks, a museum, dental/medical offices, medical centers, a community college, two universities, a trailhead to a regional park, city parks, department stores, a bagel shop, and many restaurants. Mr. Gomes claimed that Pleasant Hill is actually the center of central Contra Costa County and that the petition area is part of that community. Mrs. Mirabella commented that she has concerns about creating ragged edges and that even if other adjoining areas were to seek a territory transfer, she would not be in favor of changing the school district boundaries to accommodate the creation of additional ragged edges; therefore, she agrees with the consultant's recommendation on condition 2. Dr. Krapf commented that his two daughters attended Martinez USD schools along with a number of children who live in or near the petition area, and he feels that those friends identified well with the Martinez schools. Mr. Borsuk stated that he also agrees with the consultant's assessment on community identity and that the petition area appears to be identified more with the Martinez community than with Lafayette. It was moved by Glenn Ruley and seconded by Daniel Gomes to uphold the consultant's recommendation in that condition 2, community identity, is not substantially met. The motion was unanimously approved by the County Committee. The County Committee then proceeded to discuss condition 8, increased property values, which the consultant deemed as not being substantially met. Mr. Gomes stated that he contacted the Local Area Formation Commission (LAFCO) and asked them about the purpose of the Commission; in addition, he asked what "sphere of influence" means. The person he spoke with explained that LAFCO makes decisions about the sphere of influence and that a sphere of influence in an unincorporated area can be annexed by a city. He further stated that the area in which the petitioners reside is located within the sphere of influence of the City of Pleasant Hill. He noted if the City of Pleasant Hill were to annex that neighborhood, the value of the homes in that area would suffer, since they would no longer have a Lafayette address. He also noted that the average price of a home in Lafayette is \$900,000, whereas the average price of a home in Martinez is \$500,000 and the average price of a home in Pleasant Hill is \$600,000. Therefore, location is important with regard to home value. Mrs. Mirabella stated that she does not agree with the consultant and believes that this condition is substantially met. Dr. Krapf commented that there is a perception that the Lafayette School District and the Acalanes Union High School District offer a superior education over other districts in the area, and that this is often capitalized on by realtors in the area; however, he would like to believe that that is not the motive of the petitioners. He is concerned, though, that one of the persons whose signature was gathered was told that her property value would increase as a result of the proposed territory transfer. Mr. Ruley commented that he would also like to believe that the petitioners are not being primarily motivated by property values; however, he does believe that a difference in value does exist between a Lafayette address within the Lafayette School District just as it does with regard to a San Ramon ValleyUSD address coupled with a Blackhawk address or an Alamo address. Mr. Borsuk stated that after considering all of the information on this condition, he is no longer convinced that the primary motivation is increased property values, and, therefore, he disagrees with the consultant's recommendation on this condition. Mrs. Mirabella then made a motion to the effect that condition 8 has been substantially met, and Mr. Borsuk passed the gavel to Mrs. Mirabella in order to second the motion. The motion, however, failed upon a 2-3 vote of the County Committee. At that point, Dr. Krapf made a motion to the effect that condition 8 has not been substantially met as recommended by the consultant, and Mr. Gomes seconded the motion. The County Committee then voted 3-2 to uphold the consultant's recommendation that condition 8 has not been substantially met (Mirabella and Borsuk dissented).

Mitigated Negative Declaration

The County Committee voted unanimously that the mitigated negative declaration prepared for this project is **not** adequate for purposes of compliance with the California Environmental Quality Act and to **not** adopt the mitigated negative declaration (M/S: Ruley/Krapf).

Petition to Transfer Territory from the Martinez USD to the Lafayette SD and the Acalanes UHSD and Resolution No. 05/06-2

The County Committee voted by the following roll call vote to disapprove the petition to transfer territory from the Martinez Unified School District to the Lafayette School District and the Acalanes Union High School District and to adopt Resolution No. 05/06-2 reflecting its decision to disapprove the petition: Mirabella, aye; Krapf, aye; Gomes, aye; Ruley, aye; and Borsuk, aye (M/S: Krapf/Ruley).

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:47 p.m.

Ellen Elster, Secretary Designee
County Committee on School District Organization

These unadopted minutes are summaries and excerpts from the meeting of September 28, 2005, and are subject to amendment and/or correction prior to the approval of the County Committee on School District Organization.