

MONTEREY COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION
NOVEMBER 13, 2019
APPROVED MINTUES

1. Opening Business

1.1 Call to Order: Chair Ronald Panziera called the Monterey County Committee on School District Organization meeting of November 13, 2019, to order at 6:06 PM in the Dr. Ray Charlson Board Chambers of the Monterey County Office of Education.

1.2 Roll Call

COUNTY COMMITTEE MEMBERS PRESENT:

Ronald Panziera, Chair
John McPherson, Vice-Chair
Harvey Kuffner
Judy Pennycook
Mary Claypool
Lupe Sánchez
Dr. Deneen Guss, Secretary to the County Committee

COUNTY COMMITTEE MEMBERS ABSENT WITH NOTIFICATION:

Janet Wohlgemuth

STAFF TO SUPERINTENDENT:

Garry Bousum
Ginny Brown
Carla Stewart

GUESTS:

NMCUSD Staff and Community Members
Lagunita Staff and Community Members

1.3 Pledge of Allegiance: Garry Bousum led the Pledge of Allegiance.

1.4 Adoption of Agenda:

MSC 19-20-05 (6-0) Harvey Kuffner, Lupe Sánchez

"That the Monterey County Committee on School District Organization approves the agenda as presented."

2. Communications

2.1 Correspondence: Ronald Panziera stated that four pieces of communication had been received – three from North Monterey County Unified School District's (NMCUSD) legal counsel, and one from a member of the NMCUSD staff. Copies were placed at each Committee Member's seat and in the rear of the room for the public.

Judy Pennycook read a statement regarding NMCUSD's claim that she has a conflict of interest due to the fact that her grandson attends Lagunita School. A copy of said statement will be attached to these minutes as Exhibit A.

- 2.2 Oral Comments from the Public (*Limited to Items Not on the Agenda*): Jung Hwa Kim, a parent in Pacific Grove, requested consideration of conducting regular Board meetings in the evenings in order to allow parents and students to attend. She also requested information on special needs issues and how they are being addressed.

3. Unfinished Business Non Action Items

- 3.1 Christy White, Inc. Presentation of Review of the Feasibility Study Regarding the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District

Dr. Deneen Guss introduced Christy White, Special Consultant and Auditor. Ms. White presented a PowerPoint and reviewed the Feasibility Study that was compiled and prepared for the County Committee, including background of territory transfer petition, petitioners' reasons for the transfer, study scope and methodology, and the nine criterion that the Board would be considering. The nine criterion are: adequate number of pupils, community identity, equitable division of assets and liabilities, not promote racial or ethnic discrimination or segregation, no substantial increase in state costs, no significant disruption of the educational program, no significant increase in school housing costs, not primarily designed to increase property values, and no substantial negative effect on the fiscal status or management.

- 3.2 Comments by Petitioners: Amy Bordi, Chief Petitioner, spoke regarding the intent of the territory transfer petition.
- 3.3 Comments by North Monterey County Unified School District: David Soldani, Legal Counsel, presented a PowerPoint and spoke regarding the petition's inability to meet the nine criterion. Shin Green also spoke regarding the financial impact to the district if the potential transfer of territory is granted.
- 3.4 Salinas Union High School District: No representatives were present; however, the district remains neutral on the request.
- 3.5 Comments by Lagunita Elementary School District: Daniel Stonebloom, Principal/Superintendent, spoke regarding the rationale for the territory transfer request. He also stated that the districts will be meeting on December 3 in the hopes of coming to an agreement to avoid additional costs.

4. Unfinished Business Action Items

- 4.1 Determination on Whether the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Substantially Meets Each of the 9 Criteria Contained in Education Code § 35753 and Findings Pursuant to Education Code § 35707

4.1.1 Criterion 1

The County Committee Will Vote on Whether or Not Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Substantially Meets the "Adequate Enrollment" Criterion [Education Code Section 35753(a)(1)]:

"The reorganized districts will be adequate in terms of number of pupils enrolled."

The following individuals spoke in opposition to the transfer: Lillian Mulvey, Liz Samuels, Maureen Vanderpool, and Shin Green.

MSC 19-20-06 (6-0) John McPherson, Harvey Kuffner

"That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District **does** substantially meet the "adequate enrollment" criterion [Education Code section 35753(a)(1)]."

4.1.2 Criterion 2

The County Committee Will Vote on Whether or Not the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Substantially Meets the "community identity" Criterion [Education Code Section 35753(a)(2)]:

"The districts are each organized on the basis of a substantial community identity."

The following individuals spoke in opposition to the transfer: Liz Samuels, Martha Chavarria, Kelly More, Krisha Kerr-Poole, Rick Diaz, Margarita Palacios, Kyle Samuels, and Valerie Bigham.

The following individuals spoke in favor of the transfer: Caroline Hodges.

MSC 19-20-07 (4-2) Harvey Kuffner, John McPherson
Lupe Sánchez and Mary Claypool opposed.

"That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District **does** Substantially meet the "community identity" criterion [Education Code section 35753(a)(2)]."

4.1.3 Criterion 3

The County Committee Will Vote on Whether or Not the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Substantially Meets the "Equitable Division of Property and Facilities" Criterion [Education Code Section 35753(a)(3)]:

"The proposal will result in an equitable division of property and facilities of the original district or districts."

The following individuals spoke in opposition to the transfer: Rick Diaz.

MSC 19-20-08 (5-0-1) Judy Pennycook, John McPherson
Harvey Kuffner abstained.

"That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District **does** Substantially meet the "equitable division of property and facilities" criterion [Education Code section 35753(a)(3)]."

4.1.4 Criterion 4

The County Committee Will Vote on Whether or Not the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Substantially Meets the Integration and Non-segregation" Criterion [Education Code Section 35753(a)(4)]:

"The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation."

The following individuals spoke in opposition to the transfer: Alex Rivera, Emmet Meza, Therese Phillips, Adrian Ayala, Liz Samuels, Ezekial Ibarra, Shin Green, and Catalina Perez.

The following individuals spoke in favor of the transfer: Caroline Hodges.

MSC 19-20-09 (4-0-2) John McPherson, Judy Pennycook
Mary Claypool and Lupe Sánchez abstained.

"That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District **does** substantially meet the "integration and non-segregation" criterion [Education Code section 35753(a)(4)]."

4.1.5 Criterion 5

The County Committee Will Vote on Whether or Not the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Substantially Meets the "Insignificant or Incidental State Costs" Criterion [Education Code Section 35753(a)(5)]:

"Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization."

The following individuals spoke in opposition to the transfer: Shin Green.

MSC 19-20-10 (6-0) Harvey Kuffner, Lupe Sanchez

"That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District **does** substantially meet the "insignificant or incidental state costs" criterion [Education Code Section 35753(a)(5)]."

4.1.6 Criterion 6

The County Committee Will Vote on Whether or Not the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Substantially Meets the "Sound Educational Performance and Non-disruption of Educational Programs" Criterion [Education Code Section 35753(a)(6)]:

"The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization."

The following individuals spoke in opposition to the transfer: Ezekial Ibarra, Kelly More, Patty Padilla-Salsberg, Mary James, Ray Torres, Martha Chavarria, Shin Green, and Kyle Samuels.

MSC 19-20-11 (5-1) Judy Pennycook, John McPherson
Lupe Sánchez opposed.

"That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District **does** substantially meet the "sound educational performance and non-disruption of educational programs" criterion [Education Code Section 35753(a)(6)]."

4.1.7 Criterion 7

The County Committee Will Vote on Whether or Not the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Substantially Meets the "Insignificant or Incidental School Housing Costs" Criterion [Education Code Section 35753(a)(7)]:

"Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization."

The following individuals spoke in opposition to the transfer: Ray Torres, Martha Chavarria, Shin Green, and Kyle Samuels.

MSC 19-20-12 (5-1) Harvey Kuffner, Judy Pennycook
Lupe Sánchez opposed.

"That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District **does** substantially meet the "insignificant or incidental school housing costs" criterion [Education Code section 35753(a)(7)]."

4.1.8 Criterion 8

The County Committee Will Vote on Whether or Not the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District Is or Is Not designed to "Primarily Designed for Purposes Other than Increased Property Values" Criterion [Education Code Section 35753(a)(8)]:

"The proposed reorganization is primarily designed for purposes other than to significantly increase property values."

The following individuals spoke in opposition to the transfer: Kyle Samuels, Noemi Loveless, David Soldani.

Discussion ensued on how property values were calculated, and how the properties were identified. Members of the County Committee stated they would support deferring vote on this criterion until further analysis is done.

John McPherson made a motion to defer action on the criterion, seconded by Lupe Sánchez. The motion failed due to a 3-3 vote.

Harvey Kuffner made a motion that the petition does not meet the criterion, seconded by Lupe Sánchez. The motion failed due to a 3-3 vote.

John McPherson made a motion that the petition does the criterion, seconded by Ron Panziera. The motion failed due to a 3-3 vote.

Legal Counsel recommended that staff inquire through the consultant or other resources what kind of evaluations have been done for this kind of property analysis and see what kind of analysis could be done in a timely manner.

The County Committee was unable to take action due to split votes; action on the criterion was deferred to the future meeting, and direction was provided to staff.

"Action to Determine That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District does/does not substantially meet the "primarily designed for purposes other than increased property values" criterion [Education Code section 35753(a)(8)] was **deferred** to a future meeting."

4.1.9 Criterion 9

The County Committee Will Vote on Whether or Not the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita

Elementary School District and Salinas Union High School District Substantially Meets the "Continuation of Sound Fiscal Status" Criterion [Education Code Section 35753(a)(9)]:

"The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization."

The following individuals spoke in opposition to the transfer: Kari Yeater, Shin Green, and Adrian Ayala.

The Committee agreed to defer the decision.

MSC 19-20-13 (6-0) John McPherson, Lupe Sánchez

"Action to determine That the Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District does/does not substantially meet the "continuation of sound fiscal status" criterion [Education Code section 35753(a)(9)] was **deferred** to a future meeting."

4.2 Possible Action the County Committee on School District Organization May Consider

- 4.2.1 To Approve or Deny the Petition for Petition for Transfer of Territory from North Monterey County Unified School District to Lagunita Elementary School District and Salinas Union High School District; **OR,**
- 4.2.2 Area of Election: If the Petition is Approved, the County Committee will take action on the election area.
- 4.2.3 California Environmental Quality Act: If the Petition is Approved, the County Committee Will Take Action to Direct Administration to File a Notice of Exemption.

Action on Items 4.2.1 through 4.2.3 were deferred to a future meeting.

5. The meeting was adjourned at 10:07 PM.

APPROVED: _____
Ronald Panziera, Chair