

San Mateo County Committee on School District Organization  
Regular Meeting  
Monday, May 3, 2021

**APPROVED MINUTES**

**Date:** May 3, 2021

**Place:** Held Remotely via Zoom

**County Committee on School District Organization Members Present:**

Virginia Bamford, Lynne Esselstein, Maria Hilton, Bill Lock, Lillian Markind, Dennis McBride, Hilary Paulson, Rosie Tejada, Colleen You

**County Committee on School District Organization Members Absent:**

Greg Dannis, Melchoir Thompson

**Staff Present**

Anne Campbell, Independent Consultant, County Committee on School District Organization  
Niambi Clay, Secretary, County Committee on School District Organization  
Timothy Fox, Deputy County Counsel

**1. Call to Order**

Chairperson Paulson called the meeting to order at 7:00 p.m. and welcomed those present.

**2. Approval of Agenda**

Chairperson Paulson asked for a motion to approve the Agenda for the May 3, 2021, meeting. Committee Member Lock made a motion and Committee Member Esselstein seconded. The CCSDO unanimously (Bamford, Esselstein, Hilton, Lock, Markind, McBride, Paulson, Tejada, and You), by roll call vote, approved the May 3, 2021, agenda as presented.

**3. Approval of Minutes**

Chairperson Paulson asked for approval of the Minutes of the December 7, 2020, regular CCSDO meeting. Committee Member McBride asked about the abstention noted under “Approval of Agenda” because it is rare to have abstention for the approval of an agenda. Committee Member Bamford stated she accidentally abstained because she thought it was for the approval of minutes. After a motion by Committee Member Tejada and a second by Committee Member Bamford, the CCSDO approved, by roll call vote, by a vote of eight in favor (Bamford, Esselstein, Hilton, Lock, McBride, Paulson, Tejada, and You) and one abstention (Markind), the Minutes of the May 3, 2021, regular CCSDO meeting as presented.

**4. General Staff Report**

Secretary Clay reported about the State Secretaries meeting on April 9, 2021, which provided helpful information about the role of Secretary to the County Committee and about future issues that may confront the CCSDO. She highlighted a few key points from the meeting. First, there

is a new law in effect related to appeals. In the past, individuals could appeal both approvals and disapprovals up to the state level, but now they can only appeal approvals. This is a big change which will reduce the number of appeals going to the state. Second, they discussed district trustee area and the Census data, which is coming out later than anticipated. There was discussion about school districts being on a tight timeline to examine and determine their trustee areas once Census data is provided. This, in combination with the California Voting Rights Act (CVRA), may lead to increased CCSDO activity. Secretary Clay indicated she could share the full report and notes from that meeting if CCSDO members were interested.

## **5. Receipt of Petition for Transfer of Territory**

Deputy County Counsel Fox introduced the steps being taken by the various parties in the current petition before the Committee to transfer territory from La Honda-Pescadero to Portola Valley and Sequoia. First and foremost, the petitioner prepares a petition and has the right to describe the action they propose should be taken in regards to the boundaries of school districts. That process has been completed, and the petition has been received by the Superintendent, who acts as the clerk for the CCSDO.

Next, the process moves to phase two, where the Superintendent's duty is to investigate whether or not the petition is sufficient for purposes of action by the CCSDO. That process generally requires verification the signatures on the petition are legally obtained and are the requisite number. Petitions each have different requirements for how many signatures are required based on the percentage of the number of people in the territory proposing the transfer. The Superintendent, in this case, Secretary Clay and Consultant Campbell, undertake that process and the Elections Office may assist in verifying the adequacy of petitions. Deputy County Counsel Fox explained that occasionally petitioners submit petitions that have issues in regard to compliance with procedural rules. This process also ensures the proposal is adequately described by the petition so that it is actionable by the CCSDO. Instead of indicating a given neighborhood be transferred, the preference is that petitioners be specific on the area of territory to transfer and provide before and after maps. There are no formally adopted processes to describe this, but at times there are petitions where adequacy is an issue. In the case of transferring one parcel, which can be identified on maps, that concern may not be as significant.

Deputy County Counsel Fox explained once the Superintendent determines the petition describes an action the CCSDO can legally take, the next step is the hearing phase, phase three. The law requires the CCSDO hold hearings in each of the affected districts' territories. There is uncertainty about how this will work in a virtual meeting environment, but the team will work to ensure compliance with the requirement to notify affected school districts and those who have requested notice.

Deputy County Counsel Fox described phase four of a territory transfer petition is for deliberation and action. This process can vary, but a timeline must be followed and there may be meetings to discuss the effects of the territory transfer. CCSDO members may have questions for staff, ask staff to report back on the fiscal impact of a territory transfer, or ask for clarity through additional maps and supporting materials. Sometimes the districts themselves may want to present additional information about the effects of the territory transfer. All of this is input to the decisions ultimately made by the CCSDO at the end of stage four, when the CCSDO deliberates on the legal criteria applying to territory transfers. The California Code of Regulations and relevant statutes provide a list of considerations and factors that act as

benchmarks for territory transfers because the state does not want CCSDOs to permit territory transfer with certain effects such as worsening school segregation, making a school district more dependent upon the state schools fund, or providing for an unfair allocation of property among the school districts. Deputy County Counsel Fox stated the team goes down the list and determines whether they can make the requisite findings and ensures the petition won't have the negative impacts the state criteria are designed to prevent.

Deputy County Counsel Fox indicated that finally, there is a vote on the merits of the petition itself. If it is determined that none of the legal criteria would be violated by the petition, the CCSDO votes on whether they think the petition presents a good reorganization proposal of the affected districts. Once that happens, there is usually a stage five, notification of the Elections Office to hold an election in the territory of the affected property, which is the property to be transferred. They have discussed holding elections in a broader area of territory, and the law allows that discussion in cases in which a territory transfer has certain kinds of effects on a district, but in this instance the territory proposed to be transferred is technically uninhabited within the meaning of the Education Code. This petition is signed by the residents of the property proposed to be transferred, and it is strange to see a petition signed by human beings while declaring their territory is uninhabited. But the Education Code sets a benchmark for the number of registered voters living in a territory proposed for transfer who voted in the election preceding the filing of the petition. The state law prohibits holding an election when the number of voters affected by the outcome is so small that the petition itself constitutes a vote of the affected parties. In this petition, only one property is proposed for transfer, so Deputy County Counsel Fox is reasonably confident that the section of the Education Code defining territories as uninhabited has been triggered and "notwithstanding any other law" means the CCSDO could not declare an election area larger than the amount in the proposed territory transfer. The proposal would be effective upon approval, if that is the action of the CCSDO.

Deputy County Counsel Fox indicated if the CCSDO votes to deny the petition, there is no further action. If the CCSDO votes to approve the petition, ordinarily the next step would be an election of the voters in the territory proposed to be transferred, but not in this instance because the territory does not have the requisite number of voters necessary to trigger an election.

Deputy County Counsel Fox next described the formal actions taken in relation to a petition when filed with the County Superintendent on the CCSDO's behalf. The County Superintendent receives the petition, which starts the 30-day timeline for the County Superintendent to make a determination of sufficiency. That timeline has started, even though the CCSDO members were just informed about the petition at the meeting. The code indicates the timeline starts when the County Superintendent receives the petition and it is filed, not when the CCSDO receives the petition. He introduced the petition signed by counsel for the petitioners, which has the description of a property and assessor's parcel number (APN) identifying a unique parcel of property, and informed the address for the petition is 18400 Skyline Blvd. in Woodside. There is a narrative statement of the rationale for why the petitioners believe the territory is appropriately transferred from the La-Honda Pescadero School District to the Portola Valley Elementary School District and the Sequoia Union High School District, because to leave a unified school district, one must go to both an elementary and union high school district. The signature pages have been determined by the Elections Office to be from the persons who are purported to have signed.

Deputy County Counsel Fox then shared the timeline for the petition. The petition was filed on April 14 and the law provides the County Superintendent 30 days to send the petition to the CCSDO and the State Board if it is determined to be sufficient. The deadline for that is May 14. There is then a 60-day deadline to hold hearings in each of the affected districts, which in this case will be in the Portola Valley School District and the La-Honda Pescadero Unified School District. The meeting in the Portola Valley School District will be sufficient to meet the requirement to also hold a meeting in the territory of the Sequoia Union High School District. Even though there are three districts affected by the territory transfer, only two meetings need to be held. After July 13, there is a 120-day period for deliberation of the petition, either by meeting to discuss the merits of the petition or by members doing their own analysis and research and coming to their own conclusions. The final deadline for the CCSDO to take its action to either approve or disapprove this petition will be November 10. Because the territory is uninhabited by the meaning in the Education Code, Deputy County Counsel Fox's interpretation is that there won't need to be an election held with the voters in the affected territory. Having said that, the school districts themselves have opinions and interests and may wish to weigh in. If their legal analysis is different, they can present their arguments to the CCSDO, who along with Deputy County Counsel Fox will figure out whether or not that legal rule applies. Deputy County Counsel Fox indicated that nothing at the current meeting answers that final question and it all depends on whether the school districts have their own view of the matter which they wish to state. Part of the point of holding the hearings is to give the school districts themselves the opportunity to take a position on the petition and also to invite the public who live in those school districts to weigh in on the matter.

Secretary Clay asked if the meetings are done over Zoom, whether it is allowed to have both meetings on the same day. Deputy County Counsel Fox replied that in the past, they have held meetings on the same day when meeting in person. A previous petition involved the Portola Valley School District and the La Honda-Pescadero Unified School District and on a Saturday the CCSDO met at a school site in the La-Honda Pescadero Unified School District and then drove back over the hill and held a second hearing on the same day in the Portola Valley School District. There is nothing that requires the hearings be held on different days. If they are done entirely virtually, he would want some sort of ceremony around designating the different hearings for the one school district and then the other two school districts. But he doesn't believe the status of the Governor's Order suspending meetings in person and altered requirements of the Brown Act would prohibit having two meetings back to back and noticing the school districts in the appropriate way. Chairperson Paulson clarified that Secretary Clay was referring to the hearings not being at the same meeting. Deputy County Counsel Fox clarified the hearings could not be at the same meeting because there must be hearings for each of the affected districts.

Chairperson Paulson referred to a previous question about whether there were maps for this petition. Deputy County Counsel Fox replied there were no maps submitted but he could pull up on his screen, for the benefit of the CCSDO, the county's geographic information system (GIS), powerful mapping software that allows parcels to be seen and is publicly available. He zoomed in on a tiny highlighted area just north of the Windy Hill Open Space Preserve, just south of Skyline Boulevard, between Highway 84/La Honda Road and Skyline Blvd., but adjacent to Skyline Blvd. He pointed out the parcel which is the subject of the petition, entered by APN, to show the property in context, and asked Ms. Gibson to correct him if he had the incorrect parcel number. Deputy County Counsel Fox explained the parcel is on the ocean side of Skyline Blvd. in the southern part of the county and pointed out the Portola Valley School District and La-

Honda Pescadero Unified School District boundaries. He noted there are plans to have maps of the existing territory provided to the CCSDO for its analysis, because it is helpful to have side-by-side before and proposed-after maps to allow members to make judgments about reorganization criteria.

Chairperson Paulson explained the CCSDO is tasked with not creating “islands,” so any information provided to help clarify that would be helpful. Deputy County Counsel Fox agreed that could be done.

Committed Member Tejada asked if it would be possible to show the location of the local schools. Deputy County Counsel Fox agreed that could also be done.

Committee Member McBride asked about “one-offs” which might be easier but could create situations where there are 20 other houses that say “me too” after the reorganization. He asked if there was a sense of how many houses in the area are in similar situations. Deputy County Counsel Fox assured when the before and after maps are drawn, they will try to figure out which parcels have residences on them, which would be the relevant consideration.

Chairperson Paulson asked if there were any other questions or anything else Deputy County Counsel Fox needed from the CCSDO under this agenda item. Board Member Markind referred to the last sentence in the first paragraph of the petition which states that the undersigned constitutes 25% of the registered electors, and asked if that is just a written threshold that must be obtained. Deputy County Counsel Fox confirmed there are two kinds of petitions, 10% and 25%, and this is a threshold. They vastly exceed 25% of the voters in the territory.

Committee Member McBride asked if the petitioners could engage in this process if they were not registered voters. Deputy County Counsel Fox indicated one of the petitions is also for owners of the territory. He stated that ultimately, which property belongs to which school district is often considered a question of where people go to school, but is more fundamentally a question of constituents and which School Board is voted for. This is why ordinarily when an election is held, it is an election like any other and only registered voters are allowed to vote.

Committee Member Markind stated her assumption the petitioners have gone to the Portola Valley School District with an interdistrict transfer request and been denied. Deputy County Counsel Fox responded the CCSDO is entitled to ask questions of the petitioners but there has not been public comment on this item yet. He recommended opening the opportunity for the petitioners to answer questions or make a presentation at the hearings, which may address that question.

## **6. Public Comment**

Hilary Gibson introduced herself as Counsel for the petitioners in the above matter. She stated she realizes the CCSDO was just getting acquainted with the petition and she was available for questions at this stage. Ms. Gibson noted she would be attending the public hearings and the other stages of the process to make presentations and answer questions. Chairperson Paulson asked if Ms. Gibson knew the answer to Committee Member Markind’s question about the interdistrict transfer request. Ms. Gibson clarified her clients are in the process of submitting interdistrict transfers and the deadline for La Honda-Pescadero Unified School District falls

sooner than the deadline for Portola Valley School District, so her clients are proceeding with that request first, and will submit the other request afterwards.

## **7. Member Comments**

Board Member Bamford asked if a date had been established for the hearings. Deputy County Counsel Fox replied that it could be decided now, but in general it is helpful to reach out to the school districts and determine their availability to host. He suggested undertaking a process of notifying the school districts of the existence of the petition and what it provides. Chairperson Paulson reminded to avoid the district Board meeting dates and for the smaller districts, their Parent Teacher Association (PTA) dates. Deputy County Counsel Fox stated the CCSDO has a calendar of monthly meetings and the wisest course may be to try to set the hearings during these monthly meetings, as long as there isn't a conflict with the affected school districts. The hearings could also be scheduled during a special meeting. Deputy County Counsel Fox confirmed the next meeting was on June 7. Consultant Campbell pointed out in terms of the timeline, if the public hearing was conducted at the first meeting in June, there could be a hiatus over the summer, and the CCSDO could return and take action towards the end of the summer/beginning of the new school year.

Board Member Esselstein asked how likely it would be that the CCSDO would be ready on June 7 because there are materials to prepare and gather. Deputy County Counsel Fox indicated that historically, CCSDO hearings in the districts have been an opportunity for the petitioners to make their case in person for why the petition should be granted. Also, if the school districts have taken a position on the petition, that is their opportunity to present a PowerPoint about their interests. Generally, the CCSDO has listened to the proposal as presented by the petitioners at their oral presentation at the hearings in the school districts before really getting an idea about what questions they have for staff and the districts about the effects of the transfer. For example, a school district may determine the petition may have a fiscal impact and at that moment, the CCSDO turns to the County Superintendent and asks for further analysis of those impacts. Generally, there is not a lot of advanced preparation for the public hearings on the substance of the petition, but in this case, it would be wise to be prepared with the requested maps. Unless there are other ideas for what members want to see by way of analysis, in the past the CCSDO has gone into those public hearings in listening mode.

Chairperson Paulson asked if members would be available for the June 7 meeting, and shared that most members gave a thumbs up.

## **8. Adjournment**

Chairperson Paulson adjourned the meeting at 7:34 p.m.