

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

**Date:** May 28, 2013

**Place:** San Carlos School District  
Central Middle School Library  
828 Chestnut Street  
San Carlos, CA 94063

**Committee Members Present:**

Virginia Bamford; Lory Lorimer Lawson; Hilary Paulson; Laura Rich; George Robinson; Robert Stelzer; Mel Thompson

**Committee Members Absent:**

Greg Dannis

**Committee Staff Present:**

Tim Fox, Deputy County Counsel; Nancy Magee, Secretary to County Committee

**Chief Petitioners Present:**

Mr. Robert Meyer; Mr. Jeffrey Brown

**Present from the District:**

Superintendent Craig Baker, San Carlos School District  
Superintendent Jan Christensen, Redwood City Elementary School District  
Shelly Masur, Board Trustee President, Redwood City Elementary School District

**Call to Order:**

Chairperson Robert Stelzer called the public hearing to order at 7:06 p.m. He noted tonight's hearing is the second of two being held in the matter of the Loma Road Transfer of Territory petition. Mr. Stelzer also announced there would be an adjustment to the agenda in that the district representatives will speak first. He then asked Secretary Magee to provide an overview of the petition and the petition process.

**Overview of the Petition:**

Secretary Magee said that before getting to the overview, she wanted to take a minute to publicly welcome a new County Committee member. She then introduced Lory Lorimer Lawson who is now sitting in Mark Hudak's seat for the remainder of his term. Ms. Magee said the Committee is most appreciative of her willingness to serve.

Ms. Magee acknowledged Ms. Lawson was not present at the first hearing nor was Mr. Thompson. Ms. Magee also announced that Member Dannis is an active member of the Committee, but had recused himself because of work he is doing with the two involved school districts.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Ms. Magee said she would now address the transfer of territory process. She said the Loma Road petition was received in the Office of the Superintendent on February 22, 2013, but was not presented to the County Committee as a valid petition until the April 4, 2013 meeting. The Committee has 120 days from the date of the first public hearing, May 6, 2013, to take action on the petition.

The petitioners are seeking to transfer seven addresses on Loma Road from the Redwood City Elementary School District into the San Carlos School District.

Mr. Stelzer thanked Ms. Magee and invited Craig Baker, Superintendent of the San Carlos School District to speak.

**Presentation by the School Districts:**

Superintendent Baker introduced himself to the Committee and thanked the members for allowing him to speak on the matter of the Loma Road Transfer of Territory petition. He said the San Carlos School Board had discussed the situation at a recent Board meeting where they expressed the need to understand, in a much more detailed way, exactly which houses were affected specifically by what borders and who has legal ownership and jurisdiction over the road in question. He added the San Carlos Board wants to know if this is a city matter, a county matter, or whose job it is to repair that road?

Superintendent Baker said that without that information, the Board is unprepared to make a fair judgment. Mr. Baker said it is the hope of the Board that between now and the next meeting of the Committee, the San Carlos Board would have access to additional details that might enable them to take an official position. Superintendent Baker said this concluded his comments.

Mr. Stelzer thanked Superintendent Baker and invited Superintendent Christensen to speak.

**Presentation by the Redwood City School District:**

Redwood City Elementary School District Superintendent Christensen, introduced herself to the Committee and noted that the Redwood City Board of Trustees President, Shelly Masur was also in attendance. Superintendent Christensen shared that the Redwood City School Board had expressed a consensus of opposition to the Loma Road Transfer of Territory, but stopped short of taking formal action.

Superintendent Christensen explained that the Board's opposition focused on several key points. She said that first when there is an alteration of school district boundaries it becomes a legally binding act and has public policy consequences for the children beyond the houses under consideration. Superintendent Christensen noted she had asked the district's County Counsel, Claire Cunningham to review the facts of the petition, and according to Counsel Cunningham, the responsibility for maintenance of the road belongs to the homeowners, not the county. County Counsel Cunningham reported that the homeowners can repair the road and in doing so, can create better access to Clifford School.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Superintendent Christensen reported that she, along with the principal from Clifford School, and the district's communication director, drove from Clifford School to the addresses listed in this petition. They then drove from the residences on Loma Road to Heather School. She said they measured the distance from Clifford School to the petitioners' addresses to be approximately 2.7 miles and from Heather School, approximately 2.0 miles. In addition, they measured the distance from Tierra Linda, the middle school, to be approximately 3.6 miles. They gauged the difference in commute time to be between 4 - 6 minutes.

In regards to community identity, Superintendent Christensen noted that Clifford School is a K through 8<sup>th</sup> grade school, and that students from both San Carlos and Redwood City go to the Sequoia Union High School District. She said when arguing the community identity issue, it's important to remember these children eventually all end up in the same community.

Superintendent Christenson said it's not a question of whether the homeowners of the seven parcels feel more identity with San Carlos; it's whether the school districts are organized on the basis of substantial community identity. She went on to say that the Redwood City Elementary School District is not only organized along geographic boundaries, but is also socioeconomically and ethnically diverse. Transferring students from predominantly white, higher income neighborhoods out of Redwood City into a different district has a negative impact on the district's community identity.

Superintendent Christensen said there's also the issue of property values, which addresses one of the criteria. She said she has copies of the front page of the April 22<sup>nd</sup> San Francisco Chronicle which states very clearly that homes within the San Carlos School District as compared to nearby homes in Redwood City are valued about \$200,000 higher. Despite this fact, she is not implying that this is a motivation of the petitioners in this case.

Ms. Christensen explained that the Redwood City Elementary School District is a district of school choice. This means the district honors students coming from outside the set boundaries to attend, as well as students being allowed to leave to attend other districts on inter-district transfers. In fact, the district's Spanish immersion program has attracted a lot of interest families who live in Menlo Park, San Mateo-Foster City, and San Carlos. Ms. Christensen said the district wants to be cooperative with these neighboring districts. Ms. Christensen said that in fact, the Redwood City Board does not deny inter-district transfers. She said she thinks it's unfair for the Redwood City Elementary School District to have territory taken away when San Carlos is denying the inter-district transfer request.

Ms. Christensen acknowledged that if the transfer were to be approved, there would be some financial loss to the district. She expressed concerns about Bond A and Bond B. She noted that it would not be a huge amount of money, but it would be some. The Redwood City Elementary School District also has a parcel tax and after some calculation it seems the loss of parcel taxes on the seven properties would be close to approximately \$500 a year, and from Bond A and Bond B close to \$2,000 a year. These dollars would no longer be going to Redwood City, so the existing residents would have to pick up at least Bond A and Bond B.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Superintendent Christensen then spoke about her visit to the landslide site. She said she was expecting huge rocks and boulders to be blocking the road, but in actuality she could get out and walk from one house on one side of the slide to houses on the other side quite easily.

She said the Redwood City Elementary District School Board also had questions about whether the road could be repaired, and if, in fact, the property owners would do that. She asked why this was coming up now after 20 years? She also raised the question of whether the process would require an election and who would have to pay for that election?

Superintendent Christensen thanked the Committee for giving her the opportunity to speak.

Mr. Stelzer asked the Committee if they had any questions for either of Superintendents? There were no questions. Mr. Stelzer then asked Superintendent Baker whether the San Carlos inter-district transfers are granted and renewed every year?

Superintendent Baker responded that actually no, they are not. He explained that because six out of seven San Carlos Schools are charter schools, once children are admitted into the elementary school, they have a right to stay. Mr. Baker explained the district enrolls 85 children from out of district to attend San Carlos schools. He said that because the majority of their schools are charter, San Carlos is different in this regard.

Mr. Stelzer asked if that is practice or policy? Mr. Baker responded that it is policy. Mr. Baker further explained that it is state law that students who are enrolled are allowed to remain, and that it only changes when students transition to the middle schools. In addition it only applies to the specific school the student was accepted into, not to every school in the district.

Mr. Stelzer thanked Superintendent Baker and asked whether there were any additional questions? There were none. Mr. Stelzer invited the Chief Petitioner to come forward and make his presentation.

**Presentation by the Petitioners:**

Mr. Robert Meyer introduced himself and his co-petitioner, Jeff Brown, to the Committee. Mr. Meyer said he lives at 60 Loma Rd while Mr. Brown lives at 68 Loma Road.

Mr. Meyer introduced Mr. Brown and said they are the two chief petitioners representing the seven houses from 60 to 90 Loma Road. Mr. Meyer said he agreed with much of what Superintendent Christensen had said, but that he wanted to note one major point of departure.

Mr. Meyer said he would provide some background and then speak to the one major point of disagreement. He said Mr. Brown would join in when he feels it relevant to do so. Mr. Meyer then pointed to the PowerPoint slides. He said it is a unique situation that the school district boundary lines were drawn on Loma Road at a time when it went through in both directions. Mr. Meyer said that today, the only access point in or out of their addresses is through Greenbrier and La Mesa, which are just north of Loma Road.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

When Loma Road got built up, they joined it with the northern community that was going in along La Mesa and Greenbrier. When that happened, they made the roads meet. In 1966 they said okay this is going to be called Loma Road collectively.

Mr. Meyer pointed to a section on the map displayed on the screen and said this is where the road is cut in half. He said there's a less than 200-foot section, an S-curve, that was maintained by the homeowners, the seven homeowners, 60 to 90 Loma Road. It is now officially part of the City of San Carlos.

Mr. Meyer's next slide showed a section of road that includes an old, dilapidated fire gate. He said the view is looking from the north down.

Mr. Meyer said he personally contacted San Mateo Public Works through email to learn more about the history of the road. He said Public Works then sent him back several documents that were not known at the time of the first hearing. He noted that these documents are appended at the back of the packet he handed out.

Mr. Meyer explained there were a series of landslides that made the county deem the road unusable. Construction on the road had begun in 1934. There was a deep ravine on the northern side of 56 Loma Road. They filled in that section with loose landfill during the 1950s so they could build more houses. In 1966, they declared that section to be part of Loma Road, and then right after that, the first landslide happened.

Later, in 1970, a solid wooden barrier was erected. In the late 1970s, the fire department cut a gate through it. In 1982, they required the homeowners who were maintaining that part of the road south of the barrier to make a cul-de-sac at 44 Loma Road. According to Mr. Meyer, at that point, from 44 to 60 Loma Road the road was deemed no longer usable. And from that day forward, the owner of 56 Loma Road has been maintaining that chunk of the road. It's his driveway, up to his driveway and then a 50-foot section of landslide.

Mr. Meyer also said there was an easement for a water tank, so they started building water pipes from the tank down. When they did that, they noticed landslide activity. The first one they noticed seemed to be about 40 feet long and 50 feet wide and only 2 to 10 feet deep. But the second one that same year was 70 to 80 feet long, 50 to 70 feet wide, and 12 feet deep.

Mr. Meyer said all evidence he has gathered shows that the road is a private one, and the County is not going to touch it. The real question now is whether this is a private road with joint ownership or is it a private road with sole ownership? Based on the documentation it seems like the original developers own it still. Mr. Meyer explained the development company is now defunct, but the rights to the 40-foot section of road are still held by the developers' family. Mr. Meyer continued that because the road is only 40 feet wide with no additional easements on the side, it's not the homeowners' responsibility to maintain it. That homeowner has completely given up. Now it's just the driveway of the only people using that road, the owners at 56 Loma, and it's not even their property.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Mr. Meyer explained that this is the clarification he has been able to get. Additionally, the property maps show that the roads are actually separate from the properties. One might have to do a title search to confirm which of the original developers owns it. Mr. Meyer said the County has confirmed that they're not going to touch it. Mr. Meyer said he is not a structural engineer, but with a landslide that deep and that wide, he can only imagine what it would take to actually reinforce it. The property owner already put in 25-foot stitch piers at great cost and buttressed it by compacting earth behind, just to protect his property.

Mr. Meyer said he would now address the nine criteria.

The first criterion focuses on whether there are an adequate number of students enrolled? Using 2011-12 school district data, there are about 3,000 students enrolled in the San Carlos School District and about 9,000 in the Redwood City Elementary School District. As petitioners we considered that the four students who would be involved in the transfer would have negligible impact to all of the affected schools and school districts.

Regarding Criterion Two the petitioners believe that because of what's happened to the road it does promote community identity to move over into San Carlos. Mr. Meyer acknowledged that it is hard to measure community identity, but historically, the children from those seven houses have attended Heather School. Five of the seven households sent their children to Heather or to other San Carlos schools. In the past inter-district transfers and overcrowding weren't issues. When Mr. Meyer's family was ready to apply, they investigated which school they should attend because their address wasn't listed on a school district boundary map. Mr. Meyer said he didn't know to look at his tax bill to figure out he was part of Redwood City School District so he asked both school districts. San Carlos said to just apply to Heather, and so they applied. In the meantime, the inter-district transfer policy changed.

Mr. Meyer continued that the issue of community identity is more about the outcome than the root causes. What's happened for those seven houses is they mostly attend events in Greenbrier and La Mesa area. Mr. Meyer said that theoretically they can walk down towards the south end and they occasionally do, but 90% of their walks are along Greenbrier and La Mesa. The children certainly know all the kids along those two streets. The argument is not about how much closer one school is to drive to; it's more about feeling a part of the community. That's really been the biggest impact.

Mr. Meyer again addressed the nine criteria. He said there are several that don't seem to be applicable. One of them is the equitable division of properties and facilities because there are no school properties or facilities on 60-90 Loma Road.

Mr. Meyer said that in terms of the ability to educate or promote racial or ethnic discrimination or segregation this transfer involves less than 1% of the total enrollment so the potential impact is insignificant. Of the four children who would transfer, two are mixed race. In his estimation, the impact is negligible.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Mr. Meyer said it's also a negligible cost to the state. These are both Revenue Limit districts, and the revenue limits are within 2% of each other. Mr. Meyer continued that it's a negligible impact not just from the property taxes, but also for Bond Measures A and B. What happens each year is the school district calculates the amount that needs to be paid by the residents in the current school district so as new houses get added along Edgewood, more taxpayers are added to the property tax rolls. The subtraction of seven houses would be balanced with the addition of the new houses. It shouldn't have a major impact, even to the existing homeowners in that district. Mr. Meyer added that the only loss of revenue is the \$469 from Measure W that is calculated by multiplying seven households times \$67.

Mr. Meyer said Criterion Six addresses whether the transfer will promote sound education performance and not disrupt the education programs. Mr. Meyer said that again, with less than 1% of the student enrollment involved it should not prove a disruption.

Mr. Meyer also said the increase in school facility cost would seem to be negligible as well.

Member Paulson asked which high school is in the Loma Road attendance area. Mr. Meyer responded that he thinks it is Sequoia High School.

Mr. Meyer then said that there's been discussion about the article about home values connected to school district assignment. Mr. Meyer said he had reached out to the journalist and also to Carrie Du Bois who is not only the real estate agent quoted, but also someone who's been a strong advocate of the whole education system.

Mr. Meyer said from what he's been able to find, there doesn't seem to be a \$200,000 premium on the houses because they're in the San Carlos School District. He said this value discrepancy is due to a current bidding war. He said the article did not actually use statistics to say it's a \$200,000 premium, but rather, it cited examples where the houses were going up by \$200,000, and that's what the journalist confirmed. Mr. Meyer said if one looks at the houses that were sold recently over the last twelve months, and compare the values in Palomar Park versus San Carlos, the values are actually higher in Palomar Park. He said on average, the houses in Palomar Park, the 94062 zip code, is about \$200,000 higher. He said these are different sized home with different plots of land that makes it hard to compare. But even now, in the last twelve months, the houses on average have been going for more. He said it's hard to figure out what really makes a difference in property values. There are a lot of bigger houses in that district that don't seem to be fluctuating that much based on what school district they are in.

Mr. Meyer said Criterion Nine asks if the proposed transfer would continue to promote sound fiscal management and not cause a substantial negative impact. Mr. Meyer said that because both districts are Revenue Limit districts within 2% of each other, with approximately \$9,000 per ADA, he does not see a significant impact on the fiscal status of either district. Both will continue to be Revenue Limit school districts for some time. Redwood City is only collecting \$5,000 in property taxes. Beyond property taxes, the big revenue sources are bonds. Mr. Meyer said the complete value of both Measure A and B for the seven houses is around \$4,000 per year.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

This information comes right off the public website where all the taxes are collected, the San Mateo County Assessor's Office. The only remaining tax is the \$469 that comes from Proposition W and new construction has added to the tax base.

Mr. Meyer concluded his presentation by saying that this section of 60 to 90 Loma Road has slowly become part of the San Carlos community.

Mr. Stelzer asked Mr. Brown if he would like to say a few words.

Mr. Brown responded that he was satisfied with the summary provided by Mr. Meyer. He said this section of Loma Road has slowly been adopted into San Carlos. He reiterated that the road has been taken over by San Carlos and that all but two of the houses are now being classified as San Carlos. Fire and police are all San Carlos, so the last piece is the school district. Mr. Brown said he can't stress enough that the community identity is strongly San Carlos.

Superintendent Baker asked to make a comment.

Superintendent Baker said he was not speaking in argument, but rather to clarify that there are huge portions of San Carlos that are not part of the San Carlos School District. He cautioned about making a decision based on whether the properties are annexed into the city of San Carlos.

Mr. Stelzer responded that the Committee is well aware of the idiosyncrasies of the districts' maps compared to the cities' maps.

Member Lawson asked Superintendent Baker that if families live in San Carlos and are not in the San Carlos district, what district are they in, Redwood City?

Superintendent Baker answered that there are San Carlos families who are a part of the Redwood City Elementary District and a small part that is included in the Belmont-Redwood Shores School District.

Mr. Meyer interjected that the Loma Road properties are technically part of Palomar Park, S101 Unincorporated San Mateo County, and that has been made part of the Redwood City Elementary School District. He added that there's also a long-term plan by the City of San Carlos to take over Palomar Park.

Mr. Stelzer asked Mr. Meyer if he would care to go over his concern regarding uncertainty with inter-district transfers?

Mr. Meyer responded that when they applied for an inter-district transfer in 2010, they were originally turned down, and then when he started looking into what his options were for trying to have their older daughter attend Heather, it turned out there were no other options. An inter-district transfer process does not apply to charter schools. It wasn't something they could control.



San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Mr. Stelzer asked Superintendent Baker if he wished to speak to that?

Superintendent Baker said students from out of the district are allowed into the San Carlos School District by lottery. The system gives priority for people who currently have siblings in the system and others are selected in the lottery process.

Mr. Meyer responded that the answer he got from someone at the San Carlos School District was that because it is a charter school district, they don't accept inter-district transfers and that was a final answer.

Member Rich asked whether Mr. Meyer was saying there was no mechanism to appeal to the County Board of Education?

Mr. Meyer said that was correct; there is no appeal process. He explained that in a non-charter public school district, families could appeal. In this case, families lose a little bit of control by being in a community with a charter school district, for better or for worse.

Superintendent Baker clarified that one of the reasons Mr. Meyer's child is enrolled in Heather School is because within their rules, the superintendent gets to make decisions regarding out of ordinary situations. It is actually built into the system that on rare occasions, the superintendent can make that exception.

Mr. Stelzer clarified that this exception is usual practice. Superintendent Baker responded that, no, it's actually in policy.

Mr. Stelzer further clarified whether there is a guarantee that if a student has started in the district, that student would be allowed to continue.

Superintendent Baker said that if a student is enrolled, he/she is guaranteed a spot in that school for the entirety of that child's career in that school, which in San Carlos is K through 4<sup>th</sup> grade.

Ms. Lawson asked what happens when a student finishes 4<sup>th</sup> grade?

Superintendent Baker explained that Tierra Linda is 5<sup>th</sup> through 8<sup>th</sup> grade right now. Once a student completes 4<sup>th</sup> grade, the Board can make a determination as to whether to allow all out of district students and that includes students who entered Heather and have since moved out but continue to go there because they had a right to stay there. Mr. Baker added that in the years he's been there, the board has always accepted all 4<sup>th</sup> graders by practice into one of the district's middle schools.

Member Bamford said she understood that a lot of the parcels north of the boundary, natural or otherwise, are now being adopted or have become part of the City of San Carlos. She asked for clarification as to how many of the seven parcels are part of San Carlos

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Mr. Meyer responded all but three. Two of the seven annexed over in the 1980s, the houses at 90 and 80 Loma Road. Originally these two households went into San Carlos for sewer. These houses all started on septic and as the septic fails, the environmental issues become compelling because they are on hills. Mr. Meyer explained many homeowners have been asked to hook up to sewer because the sewer runs up the road. In order to hook up to the sewer, a property has to annex over into the City of San Carlos. A homeowner can either do it immediately or sign up to do it within five years. Mr. Meyer said his septic at 60 Loma Road was failing so now his residence and 68 Loma are annexing over and will be hooking up to the sewer this summer. When that happened, the City of San Carlos looked at the road and noticed that one entire side of the road is now completely San Carlos. Mr. Meyer said he is building a 200-foot section of sidewalk and is taking over the road.

Ms. Bamford asked if the houses on the other side are not part of San Carlos?

Mr. Meyer answered that no, they are still part of unincorporated Palomar Park S101. They have a dual zip code. A lot of the houses were already saying they're 94070 because that's where a lot of the services come from, but they are not. He said it's more of a cost if they come over. All the property owners had the opportunity to come over, but they said no we're not going to do it; it just costs too much because of the legal application of the sewer.

Mr. Stelzer asked if there were any other questions? There were none.

**Public Comment:**

Mr. Stelzer asked if there was anyone from the public that would care to comment? There were none.

**Next Steps:**

Ms. Magee explained that the petition had not been forwarded to the Controller for financial analysis, but given that there were so few properties involved, she was unsure whether that was a driving force in the decision-making.

Deputy County Counsel Fox added that the fact that these are two Revenue Limit districts further lessens the financial impact.

Mr. Stelzer asked if any of the members wanted to go through the Controller to verify the financial impact? No members responded.

Mr. Fox suggested that it might be helpful to have a basic understanding of what a private road means. Mr. Fox then explained that a private road sometimes means a road that the public does not have the right to travel across, but that a large group of private individuals have the right to move across. Or it could just be defined as a road that provides access to a single parcel and only that parcel is entitled to use it. Mr. Fox said he was not sure if the Committee had a complete enough understanding of the status of this particular private road. He acknowledged that the Committee had heard some of the history, but his suggestion would be that he prepare a

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

memo that outlines the difference between a public right of way, a private road with easement rights, a private road without easement right, and then put it all together to describe which one applies best to this road.

Mr. Fox said he did not intend to do an extensive presentation at the next meeting, but would simply prepare a memo for the Committee and make it available to the public as to his best analysis of what the legal status of the road is and what implications it might have for who has responsibility to maintain it.

Mr. Stelzer asked if there was also a way to get more clarity in regards to the ownership? He understands that it's the developer, but has it in essence been abandoned? Is there a possibility that it could be ceded to someone who would then give whatever entities are afraid to touch it an opportunity to be able to legally address it? This might allow the Committee to get a sense of what the public works says the cost might be?

Mr. Fox responded that he would look into that. He said one possibility is that there is no recorded document available to the Committee in the form of a subdivision map that would say which persons have a right to access that road, which persons have the right to use that road, either for vehicular traffic or even for pedestrian traffic. What he's trying to avoid is the potential that there would need to be a title search on the property to determine whether there's a recorded easement that describes which users of the road are out there. If there were an easement that burdens that parcel, it would be in a recorded document somewhere. He said he is unclear what it would cost to run a title search on it and who would bear that cost. Given that it's not clear if that issue would control the Committee's thinking, he would prefer to be cautious not to extend that cost. Once other unknowns are clarified, the Committee can direct him to go back and find answers to those questions. Mr. Fox said if the Committee is comfortable voting on the facts that they know, then that's enough.

Mr. Stelzer acknowledged that as an acceptable plan going forward.

Mr. Meyer said he would send the diagrams he had received from the County Public Works. A second source might be documentation of the easement for the water tank. Mr. Meyer said most of the information he got was from the homeowner at 56 Loma. This homeowner said he didn't have a formal title about the road, but he did say that the road was not part of his property, that the 40-foot section of road itself was separate from the property and owned by the original developer. Mr. Meyer said that beyond that he didn't have any additional information except for parcel maps.

Mr. Fox said he would need to research the parcel maps because the black letter law on roads is that they belong to someone; there is some underlying landowner. He said typically when someone purchases land by deed that references a lot and parcel number in a subdivision, the ownership extends to the center land of the depicted roadway.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Ms. Bamford asked if the Committee could determine if the road ultimately was repairable. She acknowledged there then is the question of cost and whether or not it's worth the cost and who would be responsible. But the question of whether or not it is repairable or whether or not the area is geologically stable enough to be repaired is also information the Committee might need.

Mr. Fox said he thinks this should be part of his report back, but he believes that what is depicted in the record of the survey is 40 feet wide and that Diana Shoo at the County Department of Public Works said it would need to be 50 foot wide to be improved to the county standard. Is that correct?

Mr. Meyer responded that the county said it would require 50 feet.

Mr. Fox said if that were the case then the county wouldn't improve this road, but that's a different question from whether a private owner could choose to improve it anyway. It might not be improvable to the county standard, but it might be made drivable and that might be a different standard.

Ms. Magee asked if that doesn't go back to the question of who actually owns the section of road or whether it's a collective kind of ownership or somehow part of the neighborhood? Whoever that owner is would be the person to repair the road.

Mr. Meyer responded yes except what he could not find was when 44 Loma Road was trying to put in a cul-de-sac, whether that private road was in sole ownership. According to Diana Shoo there is no public right of way. If it's private road in joint ownership then there probably is a right of way for adjacent households but that's it. So if that section were private road sole ownership, Mr. Meyer would not have a claim to access that road.

Mr. Fox asked Mr. Meyer to forward all documentation to Ms. Magee. Mr. Meyer agreed.

Ms. Magee then addressed the fact that because neither of the school districts had taken formal action on the petition and Superintendent Baker had explained that his Board is requiring more specific information, how would that impact the decision-making timeline. She said in past practice the Committee has known going into a vote whether it would involve an election.

Mr. Fox said the question is whether all the affected school districts' governing boards had consented to the petition. So the affirmative action that is required by the school districts to avoid there being an election is to take action to indicate their consent to the petition. A failure to take any action by the school districts would simply be a data point for the Committee to consider in determining in its own judgment how to vote on the petition. The election won't be waived by failure of the school districts to take formal action on the petition.

Mr. Stelzer asked if they decide that they are now going to oppose, could they then reconsider any decision that they've made or does that have to be prior to the decision?

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Mr. Fox answered that they received notice of the hearings and so they know the timeline by which they are supposed to weigh in, as any affected member of the public is to do with regard to the Committee's business. So when the deliberation hearing is set and the Committee gives notice that it may take action on the petition by that date, that's their timeline to make a decision about whether to take a position. If they don't, it's really not going to affect the outcome because the absence of consent is equivalent to an objection.

Mr. Stelzer said it doesn't affect the outcome of the deliberation, but it very significantly could affect the area of election.

Mr. Fox agreed and went on to say that both school districts have ADA over 900 so neither of them would have right by their objection to compel an election in the entirety of their district. Either of the school districts can make the political argument for the Committee's consideration and judgment whether to declare an election area larger than the affected houses.

Mr. Stelzer affirmed there is no automatic given the size of the districts. Mr. Fox agreed.

Superintendent Baker said that the San Carlos Board would like to take a position, but they were led to believe that the first step was to request this body to fully inform them of the legalities of property lines, ownership, all the things that are being discussed. And when the Board is satisfied with that information, then they are prepared to take action. Mr. Baker further stated that these facts make a difference as to whether they would take a stance in favor or not. The San Carlos Board will not take a position if they don't receive more clarifying information.

Mr. Fox responded that it's not a matter of whether the Committee wants each Board to take a stance, it's just a matter of whether the Boards exercise that right.

Superintendent Baker said that the additional information would have to be provided for that to happen.

Mr. Fox said staff would return in writing a memo to the Board in advance of the deliberation hearing with enough of a cushion so that the San Carlos School Board could notice a special meeting or if it coincides with the regular meeting could have a discussion with that information, decide whether it's enough for them to take a position.

Ms. Magee added that the next regular meeting of the Committee would have to be rescheduled from the June 10<sup>th</sup> date because both of the petitioners would be out of town.

**Adjournment:**

Mr. Stelzer suggested the public hearing portion of the meeting be adjourned and then the Committee could deliberate possible dates for a next meeting. All agreed and the public hearing was adjourned.

San Mateo County Committee on School District Organization  
Public Hearing Minutes  
May 28, 2013  
**Approved Minutes**

Ms. Magee informed the Committee that the timeline on this petition allowed them up until August 4<sup>th</sup> to take final action. After some discussion, the Committee decided upon June 24<sup>th</sup> for their next regular meeting.