



PLACER COUNTY OFFICE OF EDUCATION

360 Nevada Street, Auburn, CA 95603 (530) 889-8020
Gayle Garbolino-Mojica, County Superintendent of Schools

PLACER COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

MINUTES OF COUNTY COMMITTEE MEETING PLACER COUNTY OFFICE OF EDUCATION BURNS CONFERENCE ROOM JUNE 18, 2007

1.0 OPEN MEETING AND ROLL CALL

Mr. Glenn Vineyard, Chairperson, Placer County Committee on School District Organization (“County Committee” or “Committee”) called the meeting to order at 7:03 p.m. at the Placer County Office of Education (“PCOE”), 360 Nevada St., Auburn.

ROLL CALL BY SECRETARY TO COUNTY COMMITTEE

Mel Hamel, Area 1; Tracy Pittman, Area 1; Glenn Vineyard, Area 2; Maureen Ward, Area 3; Lorene Euerle, Area 4; Reve' Taylor, Area 4; Area 5; Norma Taylor, Area 5 James Chambers, Representative at Large; Placer County Superintendent of Schools, Gayle Garbolino-Mojica, Secretary to County Committee. A quorum was established at roll call with eight (8) members present.

ABSENT

Jeff Nicolaysen, Area 2; Fionna Tuttle, Area 3

VACANT

One Seat, Supervisorial Area 5

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Glenn Vineyard.

3.0 PUBLIC COMMENT

Mr. Glenn Vineyard extended public comment time to members of the audience for items that were not on the agenda. No public comment was made.

4.0 CONSENT AGENDA

Ms. Reve' Taylor made a motion to approve the minutes of the April 14, 2007, meeting at Loomis Union School District (“Loomis”) and April 14, 2007, meeting at Ophir Elementary School District (“Ophir”), Ms. Maureen Ward seconded the motion; motion carried with an 8-0 vote in favor of approving the minutes.

5.0 PUBLIC HEARING – NEGATIVE DECLARATION

Ms. Garbolino-Mojica referenced the County Committee on School District Organization meetings on May 14, 2007, where public hearings were held in both Loomis and Ophir on the joint petition to merge the Ophir Elementary School District with the Loomis Union School District. She indicated that local control in changing school district

boundary lines is reflected by the decisions made by the two school district boards to reorganize their district subject to the approval of the County Committee and then by voters registered in the two districts. The State Board of Education's only involvement in the petition here would be on appeal. Ms. Garbolino-Mojica said the public's review of Ophir's interest to join with the Loomis, which began over 14 months ago, had accelerated the past month. Included in the testimony given at the public hearings, and in the correspondence received by the County Committee, is the position that there has been a lack of opportunity for the public to comment on Ophir's effort to join Loomis. Ms. Garbolino-Mojica said that it was her understanding that when the County Committee approved the transfer of almost 700 acres of territory governed by the Western Placer Unified School District to the two districts over a year ago, it was clear that Ophir and Loomis would petition the County Committee to approve a merger. She indicated that the Committee will be asked by the petitioners to approve the petition tonight so it can be placed before the voters this November. Unless the County Committee decides that it needs more time to learn about the merits of the joint petition, Ms. Garbolino-Mojica stated that the Committee is poised to vote to adopt the Negative Declaration and to make findings on the conditions required for reorganization and to approve the joint petition itself. The County Committee bylaws require that affirmative votes by a majority of the Committee, six votes, must be cast to approve any action under consideration.

Additionally, Ms. Garbolino-Mojica publicly recognized the contributions of former County Committee Member, Ms. Evelyn O'Connell. Ms. O'Connell recently resigned from the Committee because her employment with the school district disqualified her from serving on this Committee. Mr. Glenn Vineyard also expressed gratitude for Ms. O'Connell's contributions.

Mr. Glenn Vineyard opened the public hearing on the Negative Declaration to transfer territory from Ophir to the Loomis.

5.1 PRESENTATION BY SHAW ENVIRONMENTAL, INC. ON THE NEGATIVE DECLARATION

Ms. Caroleen K. Toyama discussed the process required by a lead agency to prepare an environmental impact report on a proposed project in order to consider any environmental impacts prior to determining if the project should move forward. The process includes reviewing the environmental impacts from an environmental checklist and identifying any physical impacts that are apparent. Referring to the Negative Declaration document, Ms. Toyama indicated the categories were reviewed by Shaw Environmental, Inc. resulting in the Negative Declaration before the Committee. The public and selected state agencies had 30 days to review the Negative Declaration. Once a CEQA document is accepted as being adequate, a Notice of Determination is submitted to the State Clearinghouse and the County Clerk for filing. The filing of the Notice of Determination indicates that the Negative Declaration has been accepted.

5.2 COMMENTS BY THE PUBLIC

- Kathy Lowry, 17437 Blue Bike Lane, Meadow Vista, 95722, asked for clarification about the acceptance of the CEQA document. Mr. Bray, Chief Administrative Officer, PCOE, explained that the Notice of Determination is an official document that is posted with the County Clerk and the state. The Notice of Determination is based upon the action a public entity takes on an environmental document. Once that document is posted the Negative Declaration can be challenged for 35 days.

5.3 CLOSE PUBLIC HEARING

Upon Mr. Glenn Vineyard's inquiry, there were no further comments or questions concerning the public hearing. *Mr. James Chambers made a motion to close the public hearing, seconded by Ms. Lorene Euerle; motion carried with an 8-0 vote.*

6.0 ACTION ITEMS

6.1 NEGATIVE DECLARATION

Ms. Reve' Taylor made a motion to adopt the Negative Declaration prepared for the joint petition filed by the Ophir Elementary School District and the Loomis Union School District, seconded by Mr. James Chambers; motion carried with an 8-0 vote.

6.2 CONDITIONS FOR REORGANIZATION

On behalf of the petitioners, Mr. Paul Glenn Thompson, Law Offices of Pinnell & Kinglsey, Folsom, CA ("Pinnell & Kingsley") spoke in favor of the petition. Mr. Thompson discussed the nine criteria set forth in Education Code Section 35753. The criteria needs to be substantially met before the Committee can move forward with the petition. Mr. Thompson read and discussed each criteria and indicated that all of the nine had been substantially met.

Following Mr. Thompson's remarks, Mr. Glenn Vineyard explained to the Committee that it had the option of making one motion on all nine criteria or to motion separately on those criteria in which the members of the Committee desired further discussion. He noted that for the meeting to progress to the next agenda item (Joint Petition, 6.3), a majority of the Committee would need to determine that all of the nine criteria were substantially met.

Ms. Lorene Euerle made a motion to approve all nine items as substantially met, Ms. Reve' Taylor seconded the motion; motion carried with an 8-0 vote.

6.3 JOINT PETITION

Mr. Glenn Vineyard explained to the Committee that it had the choice of whether or not to take action on the petition. If the Committee chose to take action, the action needed to be taken by September 11, 2007. He then opened the item for public comment.

- Ophir Superintendent Rob Reynolds addressed the Committee. He said that one year ago the County Committee understood the nature of a collaborative effort between three school district boards working together and agreeing to put forth a petition that would begin the process to save Ophir, its students, and give its students a continued excellent education. Superintendent Reynolds said that tonight, the petitioners are requesting that the Committee take action on the petition to merge. He indicated that there is a narrow opportunity to act while there is enough financial strength on the part of Ophir. On behalf of the petitioners, he asked that the Committee allow the democratic process to move forward allowing the voters of Ophir and Loomis to determine the outcome. He asked that no special interest groups be given favor as it would be counterproductive to the future of Ophir's students. He thanked the Committee for consideration of the petition.
- Mr. David A. Lake, Trustee, Ophir School Board, 8435 Crater Hill Rd., Newcastle, 95658, spoke in support of the petition. Mr. Lake indicated he has been a resident of Ophir for 35 years. His children and grandchildren have attended Ophir Elementary School. He indicated concern about the financial status of Ophir due to changes in funding and declining enrollment. He indicated that according to the Ophir Board of Trustees, status quo is not an option for Ophir. The reserves have been used to balance the budget and will continue to be drawn down and deteriorate. Mr. Lake indicated that the public has had an opportunity to be part of the discussions where various options for Ophir have been explored.
- Mr. Kurt Turner, Trustee, Loomis School Board, 5398 Laird Rd., Loomis, 95650, spoke in support of the petition. He indicated that the Board of Trustees is in favor of the petition and wants to continue to see the students thrive academically.
- Loomis Superintendent Paul Johnson addressed the Committee. Superintendent Johnson discussed how Ophir reached out for help from its neighbor resulting in the petition before the Committee. He said that the cry for help is the reason the territory transfers from Western Placer took place. He stated that the sole reason that Loomis is considering the merger is to help the students of Ophir, which students Loomis considers part of the community. He said that the Loomis School Board is a very conservative board fiscally. The Board has analyzed the financial books of Ophir to determine if a merger between Ophir and Loomis would be a beneficial thing. The Board concluded that the time to act is now; while Ophir has a strong financial outlook with no deficit spending. Superintendent Johnson relayed his concerns about the petition being delayed to another election year. If the financial outlook of Ophir were to be a detriment to Loomis the board would not consider the merger. Superintendent Johnson indicated that he has been asked how the students of Ophir can expect to benefit from the merger. He indicated that Penryn School District went through the exact same process as the merger of the Penryn and Loomis Districts approached and a lot of the fears in the community then are the same fears in the community with the

current petition. He said that he asked Ms. Cindy Uptain to address the Committee tonight to discuss the merger of the Penryn Elementary School District with Loomis. Superintendent Johnson invited Ms. Uptain to the podium.

- Ms. Cindy Uptain, Principal, Penryn Elementary School, spoke in support of the petition. Prior to the Loomis and Penryn merger, Ms. Uptain was the principal of Penryn School for Penryn, and now, following the merger, she is the principal of Penryn Elementary School for Loomis. She indicated that as the merger approached there were very similar concerns as to those that are being heard with the current petition. She indicated that the Penryn District has been embraced into a larger community. Traditions have remained and some of the benefits include: primary music, new computer lab, technical support, improved maintenance, and improved nursing. She said that if the districts had not merged, the Penryn District would be forced to consider combination classes, losing busses, losing the librarian, losing teachers, and would not have a computer lab. Because of the merger, Penryn School is a solid school that is on the forefront of a lot of educational issues. Due to the increased support she has the time to be in the classrooms with the students. She indicated that she has not heard a negative comment from a community member since the annexation, the comments are positive.
- Ms. Claudine Matulich, Ophir Trustee, 1240 Boothill Lane, Newcastle, 95658, spoke in favor of the petition. Ms. Matulich indicated that the Board of Trustees made the decision to go ahead with the merger and she urged the Committee to move forward with it. She said the Board based its decision on the best interest of the students.
- Ms. Gabby Michanie, Ophir Trustee, 895 Doe Run, Newcastle, 95658, spoke in favor of the petition. Ms. Michanie said that the Board of Trustees came to the conclusion that the merger with Loomis was the best option. She said the priority is the survival of Ophir as an institution, the prosperity of the community, and ensuring the education of this and future generations of Ophir children. She expressed gratitude for the opportunity to merge with Loomis. She urged the Committee to allow the petition to move forward with the hope of a stable future.
- Mr. John Chappell, President, Ophir Board of Trustees, 680 Betterley Lane, Auburn, 95603, spoke in favor of the petition. Mr. Chappell recognized that change is difficult but despite the challenges of trying economic times and battle of declining enrollment, the district succeeded in providing the children with a first class education. He said that he believes the community has had ample opportunity to ask and receive answers to questions and that questions continue to be answered when asked. On behalf of the Ophir Board, he asked the Committee to move forward with the petition tonight.
- Mr. Paul Glenn Thompson, of Pinnell & Kinglsey, again spoke in favor of the petition on the following issues:
 - Concerning the petition filed by the Newcastle Boundary Change Committee that is currently on appeal before the State Board, Mr. Thompson said it is important that the Committee understand that

the existence of that petition is not a bar to action tonight. That appeal does not mandate nor justify a delay. The County Committee can make a decision tonight and it can be final. He indicated that the petition is nearly moot because last year the Committee approved a petition which will transfer land from Western Placer into Loomis and Ophir. Additionally, Education Code section 35766 provides a one year timeline for any interested person to file a lawsuit, a court proceeding, not an appeal before the state board alleging that a territory transfer did not legally occur. That process exists for any reorganization that would come before any County Committee. It is not cause for denial or delay.

- Mr. Thompson discussed public concern. There is significant concern among residents in both districts. He indicated that it is important to note that the public concern voiced is not based on the nine criteria that were found to be substantially met. The public discomfort is to be addressed by an election. He told the Committee members that their job as a Committee, if they find that the petition is justified and righteous, is to let the petition go to the voters. One idea discussed by Loomis and Ophir is, prior to the election, to hold public forums allowing people to ask questions, voice their concerns, and get answers so the voters can cast fully informed votes.
 - Mr. Thompson discussed the concerns that have been raised about the assertion of Loomis voters, by virtue of their number, essentially acting as a veto over the Ophir voters. He said that it is likely that voters in Loomis will have concerns about the proposal. The fact of the matter, he explained, is that the petition will not pass unless a full majority of both districts combined vote in favor of it.
 - Mr. Thompson also discussed the fate of Ophir School. He said that if the merger goes through, Loomis intends to keep the school site open, to modernize it, make it better and leave a neighborhood school in tact that is important to a small community.
 - Lastly, Mr. Thompson indicated that the window of opportunity to act is now while the budget factors are right. Both governing boards have made a conscious decision that is in the best interest of the students. The Ophir students lose if the Committee decides not to act tonight. The Ophir students will continue to excel but they will have more opportunities presented to them by virtue of belonging to a much larger district that can provide additional educational and athletic opportunities.
- Mr. Mark Rideout, P.O. Box 6106, Auburn, 95604, spoke against the petition. Prior to speaking, Mr. Rideout distributed a memorandum to the Committee members. He has concerns that the Ophir Board did not explore enough options prior to entering into the joint petition with Loomis. He said that

despite the additional meetings to address questions and answers by the community there are still unanswered questions. He asked the Committee to delay the decision for the full 120 days. He requested that if the Committee approves the petition tonight, they approve it contingent that Ophir parents, teachers, and community members are all involved in having equal seats at the table in drafting the transition document.

- Ms. Pam Sisk, 10100 Wise Rd., Auburn, 95603, spoke against the petition. Ms. Sisk indicated that there have been a lot of verbal promises. She is concerned about the lack of information parents have received from Ophir and Loomis Districts. There is no evidence that the Board investigated other merger options. She indicated that the roundtable discussion on June 7, 2007 was ineffective and incorrect information was given. She expressed concern that there was an attempt to pass a substantial raise for the principal when there are such obvious financial concerns. She said that the Penryn merger transition did not occur problem free. She requested that the Committee delay the vote so a task force can be established.
- Ms. Nancy McKenzie, 2450 Moran Ct., Auburn, 95603, spoke against the petition. Ms. McKenzie is the Chief Business Manager of the Newcastle Elementary School District and a resident of Ophir. She indicated that she understands the issues of school finance and fiscal solvency. As a community member, she is speaking to defer the vote until answers can be given to the satisfaction of the community. She said that last Thursday's board meeting was hostile and the Board of Ophir is not listening to the parents they represent. She asked the Committee to refrain from voting on the petition to give more time for other situations to be explored.
- Ms. Jennifer Parino, 9565 Bell Bar Rd, Auburn, 95603 spoke against the petition on behalf of Brandee Ambrosia, who could not attend the meeting. Ms. Parino read a letter from Ms. Ambrosia. Ms. Ambrosia's letter discussed a petition that she delivered to PCOE on Thursday of last week with concern to the territory transfer of Ophir to Loomis. Ms. Parino said the petition she delivered, signed by 202 Ophir parents and residents, is a reflection of a last resort attempt to be heard and represented. The petition requests to delay the ballot measure until a community task force can effectively look at other possibilities of dealing with declining enrollment.
- Ms. Kathleen Devitt, Chair of the Newcastle Boundary Change Committee, 140 Rainbow Valley Lane, Newcastle, 95658, spoke against the petition. Ms. Devitt asked the Committee to delay the vote and listen to the voice of the community.
- Mr. William Fawx, 6425 Lincoln-Newcastle Hwy 193, Newcastle, 95658, spoke against the petition. Mr. Fawx urged the Committee to reconsider the petition before them. He requested that the County Committee's legal counsel provide him with copies of the Committee's bylaws and applicable education codes including the nine criteria. He also asked for information about the types of appeal procedures under statutes and laws. He asked that if the action of the Committee is to approve the petition, where do the citizens go to appeal, what the appeal process is, and what sections of the law governs the

process. Mr. Fawx said he is resentful and believes the proponents had an obligation to contact him and his neighbor because their properties have been altered for the accomplishment of the project. He said there should have been a discussion about why their two pieces of property have been found to be demographically expedient to accomplish the whole process.

- Ms. Laura Farmer (address not indicated on speaker identification card), Ophir resident, spoke against the petition. Ms. Farmer indicated that enough information had not been given. For election purposes, the numbers of Ophir verses Loomis voters will not allow the voice of Ophir to be heard. She requested that the Committee not allow the merger to go to the ballot until more information is received.
- Mr. Paul Montgomery, President of Ophir School Site Council, 825 Lozanos Rd., Newcastle, 95658, spoke against the petition. Prior to speaking, Mr. Montgomery distributed a letter to the Committee members. Mr. Montgomery said that he is not a member of a special interest group; he is practicing his right as a parent. He said the Ophir Board did not explore options to merge with Newcastle Elementary School District.
- Ms. Mary Stockwell, 6989 Chili Hill Rd., Newcastle, 95658, spoke against the petition. Ms. Stockwell is an Ophir parent and a member of the Newcastle Boundary Change Committee. She indicated that the Ophir Administration ruled out other options for solving Ophir's problems, parents were ignored, and false information was given. Ms. Stockwell requested that a taskforce be created to explore options of merging Ophir with Newcastle instead of Ophir with Loomis. She requested that the Committee not approve the merger at this time.
- Ms. Kathy Lowry, Ophir Teacher, 17437 Blue Bike Lane, Meadow Vista, 95722, spoke to delay the vote. Ms. Lowry referenced a letter that the teachers submitted to the Committee. She indicated that the process had not been democratic and an insufficient amount of information was given to the teachers of Ophir. She said that it is apparent that something has to be done for Ophir but there has yet to be an organized presentation with specific questions asked and answers given. On behalf of the teachers of Ophir, Ms. Lowry asked the Committee to delay the vote.
- Mr. Paul Glenn Thompson, of Pinnell & Kinglsey, summarized remarks on behalf of the proponents. He said that it is unclear what purpose a delay would serve. The Ophir Board looked at other options including charter schools and merging with Newcastle. The only benefit he can see with a delay is to give the public more opportunity to ask questions and become educated. He said that if the community of Ophir is not in favor of the petition, that is not justification to prevent the petition from proceeding to the electorate which is the process that is provided in Education Code. Mr. Thompson indicated that while it is unfortunate that the number of voters in each area could lead to a certain outcome; it is a legislative issue that would have to be addressed with the legislature for a statutory scheme change. He indicated that there is time between now and November to conduct a public education campaign to provide answers and then the voters will vote as they

see fit. Mr. Thompson said that the Penryn transition plan was not adopted until two months prior to the election meaning there is time to get a transition plan in place. If the November election is missed, the soonest this petition could take effect is July 1, 2009. The concept of a merger with Newcastle was discussed and, based on the first of the nine criteria; he believes the State would not be in favor of taking a small district and joining it with another small district. Mr. Thompson explained to the Committee that if the petition is delayed while other options are considered, which options may not be viable, the opportunity for the current petition and upcoming election may be lost.

Mr. Glenn Vineyard clarified the September 11, 2007 and July 5, 2007 dates. Placer County Elections timeline indicates that all material would have to be received by July 5 in order for a measure to be placed on the November 2007 ballot. The Committee would have to take action prior to July 5 in order to make the deadline. Per Education Code, the Committee has until September 11 to make a decision but waiting for that deadline would result in a one year delay. Mr. Vineyard explained to the Committee that it has the choice to take action or not to take action at this time. The action would have to be the majority of the Committee (six votes). Mr. Vineyard closed the public comment time and turned the time back to the Committee.

Ms. Reve' Taylor addressed the audience and said that there are many decades of experience at the table by the members of the Committee who have been dedicated to the students of Placer County. The Committee members have been through the petition process many times before and they understand it well. Ms. Reve' Taylor said that in listening to all the comments by the opponents no one said that the merger was a bad idea, almost exclusively the comments indicated that there was not enough information. She said that she believes the district boards have acted in the best interest of the students. She encouraged the districts to work with the community and provide further information.

Ms. Lorene Euerle addressed the audience indicating that as a member of the school district board of trustees she was part of the Penryn School District merger and it was a successful transition for the students and staff. She advised the superintendents of Ophir and Loomis to begin the transition plan and to work with the parents.

Ms. Reve' Taylor made a motion to approve the petition to transfer the Ophir Elementary School District to the Loomis Union School District, Ms. Lorene Euerle seconded the motion, a roll call vote was taken with all members present voting aye to approve the petition, vote 8-0.

7.0 COMMITTEE SECRETARY'S REPORT

Mrs. Garbolino-Mojica discussed the resignation, effective June 12, 2007, of Ms. Evelyn S. O'Connell, representing Supervisorial Area 5, due to her gainful employment by a

school district. Per Committee bylaws and Education Code section 4007, a County Committee member cannot be employed by a county office of education or a school district. Ms. Garbolino-Mojica explained that per County Committee bylaws the Committee has 60 days to make an appointment to fill the vacancy and per Education Code the appointment can be made within 70 days. If the vacancy is unfilled when the timeline is exhausted, the appointment is made by the County Superintendent of Schools. Ms. Garbolino-Mojica asked what the Committee's desire was for making the appointment. The Committee advised the County Superintendent that with recommendations from the affected school boards of Supervisorial Area 5, she make an appointment without calling a special meeting of the County Committee.

8.0 ADJOURN MEETING

The meeting was adjourned at 9:33 p.m.

County Committee Chair or Designee

County Superintendent or Designee

Date

Date