

**CONTRA COSTA COUNTY  
COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

**MINUTES  
August 29, 2017**

**PUBLIC HEARING ON PETITION TO FORM THE NORTHGATE UNIFIED SCHOOL DISTRICT**

**MEMBERS**

Fatima Alleyne, Area 1 Trustee (arrived at 4:28 p.m.)  
Christine Deane, Area 2 Trustee  
Vikki Chavez, Area 3 Trustee  
Mike Maxwell, Area 4 Trustee  
Jeff Belle, Area 5 Trustee

**ABSENT**

None

**1. CALL TO ORDER**

President Maxwell called the meeting to order at 4:14 p.m. at the Pleasant Hill Middle School Multi Use Room, 1 Santa Barbara Drive, Pleasant Hill.

**2. OPENING PROCEDURES**

**3. PUBLIC HEARING ON PETITION TO FORM THE NORTHGATE UNIFIED SCHOOL DISTRICT;  
ADOPT RESOLUTION 17/18-01 STATING COUNTY COMMITTEE'S FINDINGS AND  
RECOMMENDATIONS TO STATE BOARD OF EDUCATION ON PETITION TO FORM THE  
NORTHGATE UNIFIED SCHOOL DISTRICT**

**3.1 The President will open the Public Hearing**

President Maxwell opened the public hearing at 4:21 p.m.

**3.2 The President will acknowledge receipt of all documents submitted to the Committee by the Committee's Consultant Robert Miyashiro, School Services of California, Petitioners, Mt. Diablo Unified School District and by the public after the last Public Hearing**

President Maxwell acknowledged receipt of all documents submitted to the Committee by the Committee's Consultant Robert Miyashiro, School Services of California, Petitioners, Mt. Diablo Unified School District and by the public after the last Public Hearing.,

**3.3 Receive report from Committee's Consultant, School Services of California, on feasibility study regarding the Petition and on area of election - 40 minutes**

Associate Superintendent, Business Services, Bill Clark, introduced Robert Miyashiro and Brianna Garcia of School Services of California. Mr. Miyashiro and Ms. Garcia shared a PowerPoint outlining the feasibility study.

**3.4 Presentation by Lead Petitioners - 20 minutes**

Lead Petitioner, Linda Loza shared a PowerPoint presentation outlining their petition to form the Northgate Unified School District.

### **3.5 Presentation by Mt. Diablo Unified School District- 20 minutes**

Nellie Meyer, Superintendent, Shin Greene, East Shore Consulting, and Meg Honey, teacher, shared a PowerPoint on the position of Mt. Diablo Unified School District regarding the petition to form the Northgate Unified School District.

### **3.6 Response from Lead Petitioners - 5 minutes**

Jim Mills, Northgate CAPs Board member, responded to the presentations made by School Services of California and the Mt. Diablo Unified School District.

### **3.7 Response from Mt. Diablo Unified School District - 5 minutes**

David Saldany, attorney for MDUSD, responded to the presentation made by School Services of California and the Lead Petitioner.

### **3.8 Response from Committee's Consultant**

Robert Miyashiro stated he would reserve comments for direct questions from the Committee.

### **3.9 Comments from the Public - 2 minutes per speaker - one time per public hearing**

#### **In favor of forming Northgate Unified School District**

Gwen Regalia, Bob Simmons, Kent Caldwell, Kassie Wenzell, Gina Haynes, Gale Bosche, Audrey Gee, Carla Galvez, Ralph Austin, David Ackerman, Steve Dexter, Julie Chestnutt, Ron Loza, Marie Roberson, Marie Rossen, Jared Asch, Genevieve Blasius, Bhupen Amin, Bill Grant, Carolyn De Alexner, Katherine MacCormac

#### **Opposed to Forming Northgate Unified School District**

Leyla Benson, Frith O'Steen, Lizze Fisher, Jean Weiss, Cherise Khaund, Arnold Gilbert, Steve Leshner, Chris Celio, David Eliaser, Jennifer Sachs, George Fulmore, Jessica Clark, Jan Warren, Monica Maddern, Joanne Durkee, Allyson Tayao, Debra Mason, Lee Cyr, Janet Gay, Mark York, Janine Payne, Natalie Ivankovich, Wendi Aghily, Michael McAlister, Ann Rikkeman, Cheryl Hansen, Denise Lambert, Jonathan Eagan, Guy Moore, Mel Bearns, Chris Holleran, Linda Mayo, Ray Triana, Christine Filios Yiannakopoulos, Mary Gray, Carmen Garces, Jeff Hagerstrand, Maleah Hall, Brenda Duenas, Jose Espinoza, Lucy Siale, Dorothy Weisingberger, Jennifer Krnich, Emily Richards, Brian Corbett, Efa Huckaby, Lila Samady, Tim Farley, David Rufal, Kevin Taylor, Ellora Eastoll, Aava Farhadi, Paula Dillon, Andrea Nickerson, Brian Lawrence, Brandi Di Assis, Jack Casey, Eli Elster, Ipeni Siale, Ed Birsan, Kipp Penovich, Michael Wheeler, Aliza Selinger, Anita Johnson, Christina Jones, Ivette Maruri

### **3.10 Committee questions for Committee's Consultant, Chief Petitioners, Mt. Diablo Unified School District**

County Committee members asked clarifying questions of the Committee's Consultants, Chief Petitioners, and representatives of the Mt. Diablo Unified School District.

### **3.11 The President will close the Public Hearing**

President Maxwell closed the Public Hearing at 11:37 p.m.

### **3.12 Committee deliberations and adoption of Resolution 17/18-01, making findings and recommendations to the State Board of Education regarding the Petition**

Chief Assistant County Counsel, Mary Ann Mason, explained the legal standards that apply to each criterion and lead the committee through the voting process.

**a. Consider whether the formation of the proposed district would substantially meet each one of the nine statutory criteria stated in Education Code section 35753 (a) (1)-(9).**

**Criterion #1: The reorganized districts will be adequate in terms of number of pupils enrolled.**

Belle moved, Chavez seconded, and the Board voted 5-0-0 that Criterion #1 has been substantially met. Motion passed.

Ayes: Belle, Chavez, Alleyne, Deane, Maxwell  
Noes: None  
Abstain: None

**Criterion #2: The districts are each organized on the basis of a substantial community identity.**

Belle moved, Alleyne seconded, and the Board voted 4-1-0 that Criterion #2 has been substantially met. Motion passed.

Ayes: Belle, Chavez, Alleyne, Deane  
Noes: Maxwell  
Abstain: None

**Criterion #3: The proposal will result in an equitable division of property and facilities of the original district.**

Motion #1 - Belle moved, Deane seconded, and the Board voted 2-3-0 that Criterion #3 has been substantially met. Motion failed.

Ayes: Belle, Deane  
Noes: Chavez, Alleyne, Maxwell  
Abstain: None

Motion #2 – Alleyne moved, Deane seconded, and the Board voted 3-1-1 that Criterion #3 has **not** been substantially met. Motion passed.

Ayes: Chavez, Alleyne, Maxwell  
Noes: Belle  
Abstain: Deane

**Criterion #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.**

Motion #1 - Belle moved, Chavez seconded, and the Board voted 2-3-0 that Criterion #4 has been substantially met. Motion failed.

Ayes: Belle, Deane  
Noes: Chavez, Alleyne, Maxwell  
Abstain: None

Motion #2 – Alleyne moved, Chavez seconded, and the Board voted 3-2-0 that Criterion #5 has **not** been substantially met. Motion passed.

Ayes: Chavez, Alleyne, Maxwell  
Noes: Belle, Deane  
Abstain: None

**Criterion #5: Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.**

Belle moved, Chavez seconded, and the Board voted 3-1-1 that Criterion #5 has been substantially met. Motion passed.

Ayes: Belle, Deane, Maxwell  
Noes: Chavez  
Abstain: Alleyne

**Criterion #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.**

Motion #1 - Belle moved, Chavez seconded, and the Board voted 2-3-0 that Criterion #6 has been substantially met. Motion failed.

Ayes: Belle, Deane  
Noes: Chavez, Alleyne, Maxwell  
Abstain: None

Alleyne moved, Chavez seconded, and the Board voted 3-1-1 that Criterion #6 has **not** been substantially met. Motion passed.

Ayes: Chavez, Alleyne, Maxwell  
Noes: Belle  
Abstain: Deane

**Criterion #7: Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.**

Motion #1 - Belle moved, Chavez seconded, and the Board voted 1-4-0 that Criterion #7 has been substantially met. Motion failed.

Ayes: Belle  
Noes: Chavez, Alleyne, Deane, Maxwell  
Abstain: None

Motion #2 - Deane moved, Chavez seconded, and the Board 4-1-0 that Criterion #7 has **not** been substantially met. Motion passed.

Ayes: Chavez, Alleyne, Deane, Maxwell  
Noes: Belle  
Abstain: None

**Criterion # 8: The proposed reorganization is primarily designed for purposes other than to significantly increase property values.**

Belle moved, Chavez seconded, and the Board vote 5-0-0 that Criterion #8 has been substantially met. Motion passed.

Ayes: Chavez, Belle, Alleyne, Deane, Maxwell  
Noes: None  
Abstain: None

**Criterion #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.**

Motion #1 - Belle moved, Chavez seconded, and the Board voted 2-2-1 that Criterion #9 has been met. Motion failed.

Ayes: Belle, Deane  
Noes: Chavez, Maxwell  
Abstain: Alleyne

**3.12 (b) Consider whether it would be true that the Petition to form the proposed district, taken as a whole, substantially meets all nine statutory criteria stated in Education Code section 35753 (a) (1)-(9). (Education Code, § 35707 (a) (2).)**

Belle moved, Chavez seconded, and the Board voted 1-4-0 that it is true that the Petition to form the proposed district, taken as a whole, substantially meets all nine statutory criteria. Motion failed.

Ayes: Belle  
Noes: Chavez, Alleyne, Deane, Maxwell  
Abstain: None

**3.12 (c) Consider whether it would be true that the formation of the proposed district would adversely affect the school district organization of the county. (Education Code, § 35707 (a) (1).)**

Deane moved, Chavez seconded, and the Board voted 3-2-0 that the formation of the proposed district would adversely affect the school district organization of the county. Motion passed.

Ayes: Chavez, Alleyne, Maxwell  
Noes: Belle, Deane  
Abstain: None

**3.12 (d) Consider any recommendations regarding the area in which an election on formation of the proposed district would be held; the timing of the first governing board election for the proposed district; and the method of staggering terms for the governing board, if the State Board of Education approves the petition**

Chavez moved, Alleyne seconded, and the Board voted 3-2-0 that the election area be districtwide for the petition. Motion passed.

Ayes: Chavez, Alleyne, Maxwell  
Noes: Belle, Deane  
Abstain: None

Belle moved, Chavez seconded, and the Board voted 4-1-0 that the first election for the governing board occur at the same time as the election to form the new district. Motion passed.

Ayes: Belle, Alleyne, Deane, Maxwell  
Noes: Chavez  
Abstain: None

Belle moved, Deane seconded, and the Board voted 5-0-0 that the top two vote-getters would serve four year terms and others serve two year terms. Motion passed.

Ayes: Belle, Chavez, Alleyne, Deane, Maxwell  
Noes: None  
Abstain: None

**3.12 (e) Consider whether to recommend approval or disapproval of the Petition to the State Board of Education**

Deane moved, Belle seconded, and the Board voted 2-3-0 to approve the petition to the State Board of Education. Motion failed.

Ayes: Belle, Deane  
Noes: Chavez, Alleyne, Maxwell  
Abstain: None

Chavez moved, Alleyne seconded, and the Board voted 3-2-0 to disapprove the petition to the State Board of Education. Motion passed.

Ayes: Chavez, Alleyne, Maxwell  
Noes: Belle, Deane  
Abstain: None

**3.12 (f) Adopt Resolution 17/18-01 stating all of the Committee's determinations on the prior items.**

Associate Superintendent, Business Services, Bill Clark read the Criteria that the Committee found as **not** met:

Criterion #3 - The proposal will result in an equitable division of property and facilities of the original district.

Criterion #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.

Criterion #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

Criterion #7 - Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

Criterion #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.

Deane moved, Alleyne seconded, and the Board voted 4-1-0 to adopt Resolution 17/18-01 stating all of Committee's findings and recommendations. Motion passed.

Ayes: Chavez, Alleyne, Deane, Maxwell  
Noes: Belle  
Abstain: None

**4. PUBLIC COMMENT - ITEMS NOT ON THE AGENDA**

None

**5. GENERAL INFORMATION**

The meeting adjourned at 12:28 a.m.