

MARIN COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

Special Meeting

*Marin County Office of Education
1111 Las Gallinas Avenue, Board Room
San Rafael, CA 94903*

Wednesday, June 14, 2023 at 6:00 pm

The meeting of the Marin County Committee on School District Organization (CCSDO) will be held on **Wednesday, June 14, 2023 beginning at 6:00 pm in the Marin County Office of Education (1111 Las Gallinas Avenue, San Rafael, CA 94903) Board Room.**

A G E N D A

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|---|------------|
| 1. Welcome/Call to Order | Ms. Butler |
| 2. Attendance/Introductions | Ms. Butler |
| a. Committee Members by Roll Call | Mr. Lenz |
| Committee Member Kathy Ohm will be participating in the meeting via videoconference from the following address: 1265 South Shore Court, Amery, WI 54001 | |
| 3. Consideration and Adoption of Agenda (Action Item) | Ms. Butler |
| 4. Consideration of Minutes, CCSDO Special Meeting of May 8, 2023 (Action Item) | Ms. Butler |
| 5. Updates since May 8, 2023 CCSDO Special Meeting | Mr. Lenz |
| a. California Environmental Quality Act (CEQA) Notice of Exemption Filing | |
| b. Mill Valley Resolution 15-2223 | |
| c. Sausalito Marin City Resolution 23-10 | |
| 6. Consideration of Resolution 002-2023 regarding the Tennessee Glen Territory Transfer Petition (Action Item) | Ms. Butler |
| 7. Adjournment (Action Item) | Ms. Butler |

May 8, 2023 Meeting Minutes of the Marin County Committee on School District Organization

MARIN COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

Special Meeting May 8, 2023 | 6:00 p.m.

Meeting Minutes

The special meeting of the Marin County Committee on School District Organization (CCSDO) was held on Monday, May 8, 2023 beginning at 6:00 p.m. at the Marin County Office of Education, Board Room (1111 Las Gallinas Avenue, San Rafael, CA 94903)

AGENDA ITEM 1: Call to Order

Chairperson Debbie Butler called the meeting to order at 6:00 pm.

AGENDA ITEM 2: Attendance/Introductions

Secretary Designee, Jon Lenz, conducted Roll Call of Committee Members. Members present/absent:

Committee Member	Present (Y)/Absent (A)
Debbie Butler	Y
Karen Crockett	Y
Amos Klausner	Y
Derek Knell	Y
Robin Moses	A
Stephanie O'Brien	Y (Virtual)
Kathy Ohm	Y
Elizabeth Robbins	Y
Richard Sloan	Y
Stuart Tanenberg	A
Raoul Wertz	Y

Roll call indicated a quorum was present.

AGENDA ITEM 3: Consider Approval and Adoption of Agenda

Chairperson Butler called for a motion to approve the May 8, 2023 Agenda.

M/s/c Robbins and Crockett; to approve the May 8, 2023 Agenda.

Motion carried:	Aye:	No:	Abstain:	Absent:
	9			2

AGENDA ITEM 4: Consider Approval of Minutes, CCSDO Meeting of January 30, 2023

Chairperson Butler called for a motion to approve the January 30, 2023 Minutes of the Special Meeting.

M/s/c Wertz and Crockett; to approve the May 8, 2023 Meeting Minutes as submitted.

Motion carried:	Aye: 9	No:	Abstain:	Absent: 2
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AGENDA ITEM 5: **PUBLIC HEARING**, Consideration of California Environmental Quality Act (CEQA) Analysis

Chairperson Butler opened the public hearing.

The environmental consultant, Steve Noack with PlaceWorks, presented the California Environmental Quality Act analysis and the recommendation to file a Notice of Exemption.

There were no comments from the public.

Chairperson Butler closed the public hearing.

Chairperson Butler called for a motion to approve the CEQA recommendation to file a Notice of Exemption.

M/s/c Ohm and Knell; to approve the CEQA recommendation to file a Notice of Exemption.

Motion carried:	Aye: 9	No:	Abstain:	Absent: 2
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AGENDA ITEM 6: Consideration of Tennessee Glen Territory Transfer Petition

- Cathy Dominico with Capitol Public Finance Group presented findings from the feasibility study of the nine criteria for the Tennessee Glen Territory Transfer Petition.
- Chief Petitioner Pam Keon addressed the County Committee.
- Trustee Yunhee Yoo from the Mill Valley School District and Trustee Bonnie Hough from the Sausalito Marin City School District addressed the committee.
- Five members of the public addressed the committee.

Chairperson Butler called for a motion to approve **CRITERIA #1**, the reorganized districts will be adequate in terms of number of pupils enrolled, as substantially met.

M/s/c Robbins and Wertz; to approve **CRITERIA #1**, the reorganized districts will be adequate in terms of number of pupils enrolled, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve **CRITERIA #2**, the school districts are each organized on the basis of a substantial community identity, as substantially met.

M/s/c Ohm and Knell; to approve **CRITERIA #2**, the school districts are each organized on the basis of a substantial community identity, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve **CRITERIA #3**, the proposal will result in an equitable division of property and facilities of the original district or districts, as substantially met.

M/s/c Crockett and Wertz; to approve **CRITERIA #3**, the proposal will result in an equitable division of property and facilities of the original district or districts, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve **CRITERIA #4**, the reorganization of the school districts will preserve each affected district's ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation, as substantially met.

M/s/c Knell and Crockett; to approve **CRITERIA #4**, the reorganization of the school districts will preserve each affected district's ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve **CRITERIA #5**, any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization, as substantially met.

M/s/c Wertz and Knell; to approve **CRITERIA #5**, any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve **CRITERIA #6**, the proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts, as substantially met.

M/s/c Robbins and Crockett; to approve **CRITERIA #6**, the proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye

Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve **CRITERIA #7**, any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization, as substantially met.

M/s/c Wertz and Ohm; to approve **CRITERIA #7**, any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve **CRITERIA #8**, the proposed reorganization is primarily designed for purposes other than to significantly increase property values, as substantially met.

M/s/c Knell and Crockett; to approve **CRITERIA #8**, the proposed reorganization is primarily designed for purposes other than to significantly increase property values, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye

Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve **CRITERIA #9**, the proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district, as substantially met.

M/s/c Knell and Crockett; to approve **CRITERIA #9**, the proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district, as substantially met.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

Chairperson Butler called for a motion to approve the Tennessee Glen Territory Transfer Petition.

M/s/c O'Brien and Robbins; to approve the Tennessee Glen Territory Transfer Petition.

Roll Call Vote:

Committee Member	Aye/No/Abstain/Absent
Debbie Butler	Aye
Karen Crockett	Aye
Amos Klausner	Aye
Derek Knell	Aye
Robin Moses	Absent
Stephanie O'Brien	Aye
Kathy Ohm	Aye
Elizabeth Robbins	Aye
Richard Sloan	Aye
Stuart Tanenberg	Absent
Raoul Wertz	Aye

AGENDA ITEM 7: Consideration of Election Area for Tennessee Glen Territory Transfer

After deliberation, the Committee requested additional information be made available for consideration prior to taking action on the election area for the Tennessee Glen Territory Transfer.

Chairperson Butler called for a motion to request staff to: (1) draft a communication to be sent to the Mill Valley and Sausalito Marin City School District Boards to clearly articulate how a school district's stance impacts the establishment of election areas related to a territory transfer; and (2) gather additional information to support the Committee with the identification of election areas.

M/s/c Robbins and Knell; request staff to: (1) draft a communication to be sent to the Mill Valley and Sausalito Marin City School District Boards to clearly articulate how a school district's stance impacts the establishment of election areas related to a territory transfer; and (2) gather additional information to support the Committee with the identification of election areas.

Motion carried:	Aye: 9	No:	Abstain:	Absent: 2
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AGENDA ITEM 8: Adjournment

Chairperson Butler called for a motion to adjourn the May 8, 2023 Meeting.

M/s/c O'Brien/Crockett; to approve the adjournment of the May 8, 2023 Meeting.

Motion carried:	Aye: 9	No:	Abstain:	Absent: 2
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Chairperson Butler adjourned the meeting.

California Environmental Quality Act (CEQA) Notice of Exemption Filing

NOTICE OF EXEMPTION

To: ☒ Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: Marin County Committee on School
District Organization
1111 Las Gallinas Avenue
San Rafael, CA 94903

☒ Marin County Clerk-Recorder
Marin County Civic Center
501 Civic Center Drive, Room 234
San Rafael, CA 94903

Project Title: **PETITION FOR TRANSFER TERRITORY FROM SAUSALITO MARIN CITY SCHOOL DISTRICT TO MILL VALLEY SCHOOL DISTRICT**

Project Location: Ten residences: 400, 402, 403, 404, 405, 406, 407, 408, 409 Tennessee Glen Way; 401 Headlands Avenue, Mill Valley, California, 94941.

These ten homes are bordered on the west by Tennessee Valley Road and the Tamalpais Valley School, on the north and east by the Fernwood Cemetery and an undeveloped ridge, and on the south by the Woolly Egg Ranch and the Golden Gate National Recreation Area.

Assessor's Parcel Number(s): 052-560-01, 052-560-02, 052-560-03, 052-560-04, 052-560-05, 052-560-06, 052-560-07, 052-560-08, 052-560-09, 052-560-10

Project Description: A petition for territory transfer was submitted to the Marin County Superintendent of Schools seeking transfer of ten (10) parcels from Sausalito Marin City School District (SMCSD) to Mill Valley School District (MVSD). Students residing in the Tennessee Glen Community (TGC) are within SMCSD and are assigned to Dr. Martin Luther King Academy, which operates as one school, but consists of two campuses (Grades: Kindergarten - 5, 636 Nevada Street, Sausalito, and Grades: Transitional Kindergarten - 6-8, 200 Phillips Drive, Sausalito.) If the territory transfer is approved, students residing in the Tennessee Glen Community would be reassigned to Tamalpais Valley School (grades K-5) and Mill Valley Middle School (grades 6-8) which are within MVSD. See Figure 1, *Proposed Territory Transfer Area*.

Students from the Tennessee Glen Community currently and historically attend school in the MVSD through an interdistrict transfer agreement. Property owners in the Tennessee Glen Community currently pay the Mill Valley School District parcel tax even though they are within the boundaries of the SMCSD. As a result of concerns related to the future of the interdistrict transfer agreement, a petition was submitted to permanently transfer the territory of the 10 residential properties within Tennessee Glen Community from SMCSD to MVSD.

Lead Agency: zptir

Marin County Committee on School District Organization

Applicant:

Pam Keon
Phyllis Gardner
Chief Petitioners, Tennessee Glen Community

FILED

MAY 30 2023

SHELLY SCOTT
MARIN COUNTY CLERK

By J. GILABU Deputy

21-2023-119

POSTED 5/30/23 TO 6/30/23

- Exemption Status:
- ☐ Ministerial [Section 21080(b); 15268];
 - ☐ Declared Emergency [Section 21080(b)(3); 15269(a)];
 - ☐ Emergency Project [Section 21080(b)(4); 15269(b)(c)];
 - ☒ **General Rule [Section 15061(b)(3)]; Common Sense Exemption**
 - ☐ Categorical Exemption [Section 15301(a), Existing Facilities];
 - ☐ Approval of Rates, Tolls, Fares, and Charges [Section 21080(b)(8)(D)];
 - ☐ Statutory Exemption [Section 15273(a)(4)].

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

The project is exempt under State CEQA Guidelines [Section 15061(b)(3)], which states:

(b) *A project is exempt from CEQA if:*

- (3) *The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary projects. A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The acquisition of property by a public agency is a project as defined by CEQA. Pursuant to CEQA Guidelines Section 15061(b)(3), an activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

A transfer of territory from one school district to another would shift the home-to-school travel patterns between the existing schools and those in the new district. The change in traffic patterns has the potential to increase several related environmental impacts, including traffic congestion, vehicle miles traveled, air pollution, and noise. There may also be impacts if the receiving schools do not have sufficient available capacity and their facilities must be expanded to accommodate the additional students.

Currently all students within the Tennessee Glen Community already attend MVSD schools through interdistrict transfers. As a result, no changes would occur in the near term if the territory transfer were completed. However, the transfer would permanently change the districts’ boundaries and the number of students residing in the ten residences may increase in the future.

Figure 2, *School Locations Map*, shows the location of schools in both SMCS and MVSD that may be impacted by the proposed territory transfer. This figure also shows the travel routes and travel distances to the schools under existing and proposed school district boundaries. Table 1 identifies these schools and applies travel distances to determine total Vehicle Miles Traveled (VMT) under the two scenarios. Table 1 demonstrates that students attending schools in MVSD would travel shorter distances than if attending SMCS schools (9.3 miles vs. 26.2 miles). This reduction in VMT shows that the proposed territory transfer would not create significant impacts related to traffic related air pollution or noise. Further, the negligible volume of traffic generated by home-to-school trips by only ten residences is not sufficient to create traffic impacts. As shown in Figure 1 and Table 1, the proposed MVSD schools are closer to Tennessee Glen

Community than the existing assigned SMCS D schools. As a result of the closer distance, the territory transfer would result in less vehicle miles traveled, air pollution generated by vehicles, and traffic-related noise.

Table 1. Existing and Proposed Travel Distances

SCHOOL DISTRICT/SCHOOL	GRADE LEVELS	NO. OF GRADES	DISTANCE TO SCHOOL*	TOTAL MILES TRAVELED
Sausalito Marin City School District				
Dr. Martin Luther King Academy, 636 Nevada Street	K-5	6	2.9	17.4
Dr. Martin Luther King Academy 200 Phillips Drive	TK, 6-8	4	2.2	8.8
Total				26.2
Mill Valley School District				
Tamalpais Valley School	K-5	6	0.5	3
Mill Valley Middle School	6-8	3	2.1	6.3
Total				9.3

*Measured from the furthest residence (400 Tennessee Valley Way) to school via travel paths shown on Figure 2 (PlaceWorks, GIS, 2023).

The second test is whether the territory transfer from SMCS D to MVSD schools would require expansion of any campus, which might result in a significant impact. Both districts have experienced declining enrollment and have available student capacity as a result. The proposed territory transfer would involve only ten residences, and even if these homes are occupied by large families, the receiving schools in MVSD have considerable capacity to accommodate the additional students.

Table 2. Comparison of Existing Enrollment and Student Capacities

SCHOOL DISTRICT/SCHOOL	CURRENT ENROLLMENT	STUDENT CAPACITY	AVAILABLE CAPACITY
Sausalito Marin City School District			
Dr. Martin Luther King Academy (K-5)	391*	543	--*
Dr. Martin Luther King Academy (6-8)	--*	239	--*
Total	391*	782	391
Mill Valley School District			
Tamalpais Valley School (K-5)	394	571	177
Mill Valley Middle School (6-8)	816	1,404	588
Total	1,210	1,975	765

*K-8 students are housed on two campuses, but enrollment figures are combined.

As demonstrated above, the proposed territory transfer would not create any impact and is an activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This activity is not subject to CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Reasons why project is exempt

Jonathan Lenz, Deputy Superintendent
Marin County Office of Education
Contact Person:

(415) 499.5850

Area Code/Telephone/Extension:

By 
Debbie Butler, Chairperson
Marin County Committee on School District Organization
(415) 472-4110

**Resolution No. 15-22/23 of the Mill Valley School
District in Support of the Tennessee Glen Territory
Transfer Petition**

RESOLUTION NO. 15-22/23
OF THE MILL VALLEY SCHOOL DISTRICT IN SUPPORT OF THE
TENNESSEE GLEN TERRITORY TRANSFER PETITION AND FURTHER
REQUESTING THAT NO ELECTION BE REQUIRED TO IMPLEMENT THE
TRANSFER

WHEREAS, on Petitioners submitted a petition to the Marin County Committee on School District Organization ("County Committee") to transfer territory currently within the Sausalito Marin City School District ("SMCSD") to the Mill Valley School District ("Mill Valley") (the "Petition"); and

WHEREAS, on May 8, 2023, the County Committee unanimously approved the Petition; and

WHEREAS, to date, Mill Valley has taken no formal position on the Petition; and

WHEREAS, based upon the unanimous vote of the County Committee approving the Petition based upon satisfaction of the criteria enumerated in Education Code section 35753; and

WHEREAS, in light of the history of and past precedent of Tennessee Glen residents sending their students to Mill Valley; and

WHEREAS, requiring an election to implement the territory transfer would require Mill Valley to needlessly incur additional cost and expense.

WHEREAS, further, the Board believes the transfer to be in the best interests of the Mill Valley School District and the families and students of Tennessee Glen.

NOW THEREFORE, the Governing Board of the Mill Valley School District (the "Board") hereby finds, determines, declares, orders and resolves as follows:

- Section 1. That all of the recitals set forth above are true and correct, and the Board so finds and determines.
- Section 2. That the Board supports the Petition.
- Section 3. That the Board respectfully requests that no election be required to implement the territory transfer.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Mill Valley School District on the 25th day of May, 2023, by the following vote:

AYES:

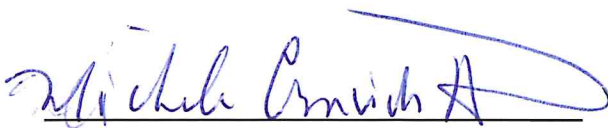
4

NOES

0

ABSTENTIONS:

1



President of the Governing Board



Attested to: Clerk of the Governing Board

**Resolution No. 23-10 of the Board of Trustees of the
Sausalito Marin City School District Consenting to the
Transfer of Tennessee Glen Territory to Mill Valley
School District**

RESOLUTION NO. 23-10

RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAUSALITO MARIN CITY SCHOOL DISTRICT CONSENTING TO THE TRANSFER OF TENNESSEE GLEN TERRITORY TO MILL VALLEY SCHOOL DISTRICT AND REQUESTING THAT THE TRANSFER BE APPROVED WITHOUT AN ELECTION PURSUANT TO EDUCATION CODE SECTION 35709

WHEREAS, on October 21, 2022, the Marin County Superintendent of Schools received a Petition for Transfer of Territory ("Petition"), which proposes that territory currently within the boundaries of the Sausalito Marin City School District ("District") be transferred to the Mill Valley School District;

WHEREAS, the territory proposed to be transferred by the Petition consists of ten (10) parcels known as the Tennessee Glen Community, delineated in the petition as 400-409 Tennessee Glen Way and 401 Headlands Avenue, all in Mill Valley, California 94941 ("Tennessee Glen" or "Territory");

WHEREAS, on October 26, 2022, the Marin County Registrar of Voters verified that the signatures on the Petition met the twenty-five percent (25%) requirement specified in Education Code section 35700(a) and thereafter, the Petition was transmitted to the State Board of Education and the Marin County Committee on School District Organization ("County Committee");

WHEREAS, the County Committee held public hearings in each of the impacted school districts, on December 5, 2022 in Mill Valley School District and December 14, 2022 in this District;

WHEREAS, at a special meeting held on May 8, 2023, the County Committee considered whether to approve the Petition by reviewing a *Feasibility Study for a Request to Transfer Territory from Sausalito Marin City School District to Mill Valley School District* ("Feasibility Study") that analyzed the nine criteria set forth in Education Code section 35705.5;

WHEREAS, at that same meeting, the County Committee found that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Education Code section 35753 have been substantially met;

WHEREAS, pursuant to Education Code section 35710, if the County Committee approves the Petition, the Marin County Superintendent of Schools shall call an election in the territory of the affected school districts, as determined by the County Committee, to be conducted at the next election of any kind;

WHEREAS, notwithstanding Education Code section 35710, the County Committee may approve the territory transfer without an election called by the Marin County Superintendent of Schools, after finding that the conditions of Education Code section 35753 have been met, if the territory is inhabited, the territory constitutes less than ten percent (10%) of the assessed valuation of the district from which the territory is being transferred, and the governing boards of all affected districts consent, pursuant to Education Code section 35709;

WHEREAS, the County Committee considers the Territory "inhabited," as that term is defined in Education Code section 35517, in that there are at least twelve (12) registered voters residing in the Territory;

WHEREAS, the County Committee's Feasibility Study found that the Territory has a 2022-23 assessed value of \$19.57 million, equal to 0.38% of the total assessed value in the District (and thus, less than 10%), which assessed value generates total tax revenues of approximately \$36,000 to the District;

WHEREAS, the Feasibility Study further found that although the loss of tax revenue to the District, if the transfer of Territory were to be approved, would not impact the basic aid status of the District or Mill Valley School District, a property tax exchange agreement would minimize the financial implications to the District;

WHEREAS, the Revenue and Taxation Code section 99 provides for the reallocation of the property tax revenue when jurisdictional changes occur in taxing agencies; however, for any reorganization that affects one or more basic aid districts, subsection (i) of section 99 allows affected governing boards to negotiate the exchange of tax revenues between the districts;

WHEREAS, in the event that the affected districts are unable to negotiate an exchange agreement within sixty (60) days of the effective date of the Territory transfer, the law allows for the Marin County Board of Education to determine the amount of property tax revenue to be exchanged;

WHEREAS, at its regular meeting on May 24, 2023, the Governing Board of Mill Valley School District considered and adopted Resolution No. 15-22/23 supporting the Petition and requesting that an election on the transfer of Territory not be held;

WHEREAS, to date, this District has not taken a formal position on the Petition;

WHEREAS, an election to approve the transfer of the Territory would require the District to needlessly incur additional cost and expense;

WHEREAS, District staff recommends that the Board of Trustees ("Board") of the District support the Petition, consent to the transfer of the Territory to Mill Valley School District, and request that the County Committee approve the transfer without an election; and

WHEREAS, to mitigate the direct revenue loss to the District from this proposed transfer of Territory, District staff further recommends that the Board direct staff to negotiate a tax exchange agreement, which agreement would be subject to future Board consideration and approval, pursuant to Revenue and Taxation Code section 99.

NOW THEREFORE, the Board hereby finds, determines, declares, orders and resolves as follows:

Section 1. That all of the recitals set forth above are true and correct, and the Board so finds and determines.

Section 2. That the Board supports the Petition and consents to the transfer of the Territory to Mill Valley School District.

Section 3. That the Board respectfully requests that the County Committee approve the transfer of the Territory without an election, pursuant to Education Code section 35709.

Section 4. That District staff is directed to negotiate a tax exchange agreement which shall be subject to consideration by the Board at a future meeting, pursuant to subsection (i) of section 99 of the Revenue and Taxation Code.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Sausalito Marin City School District on the 8th day of June, 2023, by the following vote:

AYES:	<u>4</u>
NOES:	<u>0</u>
ABSTENTIONS:	<u>0</u>
ABSENT:	<u>1</u>



Bonnie Hough, President

Attest:



Alena Maunder, Clerk

**DRAFT Resolution No. 002-2023 of the Marin County
Committee on School District Organization**

**MARIN COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
RESOLUTION 002-2023**

Whereas, on October 21, 2022, the Marin County Superintendent of Schools received a Petition for Transfer of Territory ("Petition", herein) from Ms. Phyllis Gardner and Ms. Pam Keon ("Chief Petitioners", herein); and

Whereas, the Petition proposes to transfer 10 parcels from the Sausalito Marin City School District to the Mill Valley School District; and

Whereas, the 10 parcels are inhabited territory, as that term is defined in Education Code § 35517, in that there are at least 12 registered voters residing in the respective parcels; and

Whereas, on October 26, 2022, the Marin County Registrar of Voters verified that the signatures on the Petition met the 25% requirement specified in Education Code § 35700(a); and

Whereas, on October 26, 2022, the Marin County Superintendent of Schools transmitted the Petition to the President of the State Board of Education; and

Whereas, on October 27, 2022, the Marin County Superintendent of Schools transmitted the Petition to the Chairperson of the Marin County Committee on School District Organization ("County Committee", herein); and

Whereas, the County Committee held public hearings in each of the school districts, as follows: Mill Valley School District (December 5, 2022); and Sausalito Marin City School District (December 14, 2022); and

Whereas, the members of the County Committee have considered all verbal and documentary information submitted during the public hearings and have reviewed the Petition, and all other documents filed with the County Committee related to the Petition; and

Whereas, the members of the County Committee have reviewed the Feasibility Study For A Request To Transfer Territory From Sausalito Marin City School District To Mill Valley School District including a review of the criteria set forth in Education Code § 35705.5; and

Whereas, the members of the County Committee have considered all the written and oral comments submitted in support of and in opposition to the Petition; and

Whereas, at a special meeting on May 8, 2023 the County Committee found that regarding the proposed transfer of territory, there is no reasonable possibility that the transfer of territory may have a significant effect on the environment and therefore the transfer of

territory is not subject to the California Environmental Quality Act (CEQA) under the General Rule; Common Sense Exemption per CEQA Guidelines [Section 15061(b)(3)]; and

Whereas, at a special meeting on May 8, 2023, and under the authority of Education Code section 35709, the County Committee considered the conditions set forth in Education Code § 35753, and concluded as follows with respect to those conditions:

CRITERIA #1:

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

Although the SMCS D will not meet the enrollment threshold of 901 students, the proposed territory transfer did not cause the low enrollment numbers, nor will it change the future enrollment numbers for SMCS D. Therefore, it is reasonable to expect that Criterion #1 can be substantially met as it has no impact on the current or future enrollment of either school district.

The County Committee took action to determine if criteria #1 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

CRITERIA #2:

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

Given the geographic location of the Tennessee Glen Community and the existing community, school, and social ties, there is a clear community identity with the Mill Valley community. In fact, if the territory transfer is not approved and these students end up having to attend school in SMCS D, it would likely be disruptive to the community identity that already exists. As such, it is reasonable to conclude that Criterion #2 is substantially met.

The County Committee took action to determine if criteria #2 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

CRITERIA #3:

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

As there is no property to be divided among the districts and the method of allocating bonded indebtedness is specifically addressed in the Education Code, it is reasonable to conclude that Criterion #3 would be substantially met.

The County Committee took action to determine if criteria #3 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

CRITERIA #4:

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

Since students from the Tennessee Glen Community have been historically attending schools in MVSD, the proposed territory transfer will not change the racial and ethnic make-up of any school sites in either school district. It is reasonable to expect that the reorganization will preserve each district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation. As such, it is reasonable to expect that Criterion #4 will be substantially met.

The County Committee took action to determine if criteria #4 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

CRITERIA #5:

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

Both MVSD and SMCS D are currently basic aid districts requiring only minimum State aid. This proposed territory transfer would have no impact on the basic aid status of either district. Further, given the declining enrollment in both districts and the available capacity at existing school sites, there is no anticipated school facility cost that would result in an increase in costs to the State. Finally, there are no other anticipated increases in State costs from categorical programs, special education programs or transportation, or the creation of any Necessary Small Schools. As such, it is reasonable to expect that Criterion #5 would be substantially met.

The County Committee took action to determine if criteria #5 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

CRITERIA #6:

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

The proposed territory transfer does not appear to significantly disrupt the educational program of either of the affected districts and would continue to promote sound educational performance. As such, it is reasonable to conclude that Criterion #6 would be substantially met.

The County Committee took action to determine if criteria #6 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

CRITERIA #7:

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

The proposed territory transfer will not impact the available school site capacity, nor will it impact either affected district's ability to house existing students. With declining enrollment at both districts, it is not anticipated that additional school capacity will be needed. Therefore, it is reasonable to expect that Criterion #7 is substantially met.

The County Committee took action to determine if criteria #7 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

CRITERIA #8:

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

With property values already high in both areas of the affected districts, there is no evidence to suggest that property values would further increase as a result of the proposed territory transfer. Further, there is no indication that the petitioners aimed to increase property values through this proposal. Therefore, it is reasonable to expect that Criterion #8 will be substantially met.

The County Committee took action to determine if criteria #8 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

CRITERIA #9:

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

The only financial impact of the proposed territory transfer is an estimated \$36,000 per year in property tax revenue loss to SMCSO. This property tax loss will likely be offset by growth in the SMCSO tax base so that there is no substantial negative effect on the fiscal status of SMCSO. The affected districts and ultimately the County Board of Education could decide to further mitigate this financial impact through a property tax exchange agreement between the two affected districts. With a minimal revenue loss and options to mitigate the impact, it is reasonable to conclude that the proposed territory transfer will not cause a substantial negative effect on the fiscal status of either district affected by the proposed territory transfer. As such, it is reasonable to conclude that Criterion #9 is substantially met.

The County Committee took action to determine if criteria #9 is substantially met by the following vote.

Ayes: 9

Noes: 0

Abstentions: 0

Absences: 2

Whereas, because of the CEQA Common Sense Exemption, the County Committee filed a Notice of Exemption with the Governor's Office of Planning and Research on May 16, 2023, and the Marin County Clerk's Office on May 30, 2023; and

Whereas, on May 25, 2023 the Governing Board of the Mill Valley School District adopted Resolution 15-22/23 in support of the Tennessee Glen Territory Transfer Petition; and

Whereas, on June 8, 2023 the Governing Board of the Sausalito Marin City School District adopted Resolution 23-10 in support of the Tennessee Glen Territory Transfer Petition; and

Whereas, Education Code section 35709 allows the County Committee to approve a petition without an election if the assessed value of the property to be transferred is less than 10% of the assessed value of the Sausalito Marin City School District, and both Governing Boards approve the transfer; and

Whereas, Education Code§ 35710 provides that if the County Committee finds that all of the conditions are "substantially met" the Committee "may" approve the Petition; and

Whereas, Education Code§ 75 provides that as used in the Education Code, the word "shall" is mandatory and the word "may" is permissive;

Now Therefore Be it Resolved; The Petition is approved by the Marin County Committee on School District Organization at a special meeting held on the 14th day of June 2023 by the following vote:

AYES:

NOES:

ABSENT:

And Be It Further Resolved that staff to the County Committee shall inform all parties and appropriate agencies of this action.

ATTEST:

DEBBIE BUTLER, Chairperson
Marin County Committee on School
District Organization

JOHN A. CARROLL
Marin County Superintendent of Schools

JONATHAN LENZ, Secretary Designee
Marin County Committee on School
District Organization