Minutes of Regular Meeting #4-2012
Board Room
May 16, 2012

1. CALL TO ORDER
Chair Mandy Lowell called the meeting to order at 3:00 p.m.
A. Roll Call
   Nejleh Abed
   Frank Biehl
   Rich Garcia
   Mandy Lowell
   Teresa O’Neill
   Pam Parker
   Michele van Zuiden
   Nick Gervase (3:15)
   Josephine Lucey (3:50)

   Members Absent:
   Ernest Guzman

B. Adoption of Agenda
   MOTION #4-2012:1 was made by Member Nejleh Abed to adopt the agenda as noticed. Member Rich Garcia seconded the motion. The motion passed unanimously.

2. PUBLIC COMMENTS OF PERSONS DESIRING TO ADDRESS THE COMMITTEE
Prior to comments, Chair Mandy Lowell made the following corrections to the public comments guidelines:

   At this time members of the public may address the Board Committee on any issue within the subject matter jurisdiction of the Board Committee or agenda item. Members of the public may also address the Board Committee on an agenda item before or during the Board Committee’s consideration of the item. No action can be taken on an item not on the agenda at this time, but may be referred to the administration or put on a future agenda. Individual remarks will be limited to 3 minutes each, unless otherwise stipulated.

   No public comments were made.
3. CONSENT ACTION ITEMS
   A. Request Approval of Minutes of County Committee Meeting March 21, 2012.
      The committee reviewed the minutes of March 21, 2012.

      MOTION #4-2012:2 was made by Member Frank Biehl to approve the minutes from March 21, 2012. Member Teresa O’Neill seconded the motion. The motion passed unanimously.

4. INFORMATION ITEMS
   A. County Committee Updates
      Staff updated the County Committee on issues on appeal with the State Board of Education, new school district organization requests, and other related reorganization issues in the county including a potential study commissioned by the County Board of Education regarding school district consolidation and boundary realignment.

*** Close Regular Meeting – Open Public Hearing ***

Regular meeting was closed at 3:10 to begin a public hearing.

5. PUBLIC HEARING
The County Committee held the second of two required public hearings on the request to transfer territory from Sunnyvale School District to Cupertino Union School District (Sunset Oaks Territory Transfer).

Prior to the beginning of the public hearing Chair Mandy Lowell asked if any county committee members were also school district board members. Frank Biehl, Rich Garcia, and Michele van Zuiden answered in the affirmative. Member Jo Lucey (Cupertino School Board) was not present when the question was raised.

The public hearing was closed at 3:35. Public hearing comments and materials are provided under separate cover.

*** Close Public Hearing – Open Regular Meeting ***
6. DISCUSSION AND ACTION ITEMS

Proposed Transfer of Territory from Sunnyvale School District to Cupertino Union School District (Sunset Oaks Transfer)

County committee members discussed the CEQA process and determined that the vote on a CEQA exemption should come after the decision was made regarding approval of a transfer request.

Additionally, the county committee asked staff to review all criteria and then the committee would vote to find each of the 9 criteria met or not met in one motion rather than 9 separate motions.

Prior to the review of the criteria and the County Committee’s action, petitioners, affected school districts, and members of the public who have registered to speak may address the Committee.

1. Statements by Petitioners 10 minutes
2. Statements by Affected School Districts 10 minutes each
3. Statements from Registered Speakers 3 minutes each
4. Statements from Non-Registered Speakers 3 minutes each if recognized by the Chair

B. Sunset Oaks Transfer Proposal Feasibility Study, Condition 1
   Staff reviewed the "adequate enrollment" condition [Education Code section 35753(a)(1)].

C. Sunset Oaks Transfer Proposal Feasibility Study, Condition 2
   Staff reviewed the "community identity" condition [Education Code section 35753(a)(2)].

D. Sunset Oaks Transfer Proposal Feasibility Study, Condition 3
   Staff reviewed the "property and facility division" condition [Education Code section 35753(a)(3)].

E. Sunset Oaks Transfer Proposal Feasibility Study, Condition 4
   Staff reviewed the "racial and ethnic distribution" condition [Education Code section 35753(a)(4)].

F. Sunset Oaks Transfer Proposal Feasibility Study, Condition 5
   Staff reviewed the "state costs" condition [Education Code section 35753(a)(5)].
G. **Sunset Oaks Transfer Proposal Feasibility Study, Condition 6**
   Staff reviewed the "educational program" condition [Education Code section 35753(a)(6)].

H. **Sunset Oaks Transfer Proposal Feasibility Study, Condition 7**
   Staff reviewed the "school housing costs" condition [Education Code section 35753(a)(7)].

I. **Sunset Oaks Transfer Proposal Feasibility Study, Condition 8**
   Staff reviewed the "property values" condition [Education Code section 35753(a)(8)].

J. **Sunset Oaks Transfer Proposal Feasibility Study, Condition 9**
   Staff reviewed the "fiscal status" condition [Education Code section 35753(a)(9)].

K. **Sunset Oaks Transfer Proposal Approval/Denial**
   MOTION #4-2012:3 was made by Member Pam Parker to approve each of the nine criteria as being substantially met. The motion was seconded by Member Frank Biehl and unanimously approved.

   MOTION #4-2012:4 was made by Member Nejleh Abed to approve the request to transfer the Sunset Oaks territory to Cupertino Union School District. Member Nick Gervase seconded the motion. The motion was unanimously approved.

L. **CEQA Exemption**:
   MOTION #4-2012:5 was made by Member Teresa O’Neill to approve the CEQA exemption. The motion was seconded by Member Michele van Zuiden and unanimously approved.
Prior to the review of the criteria and the County Committee’s action, petitioners, affected school districts, and members of the public who have registered to speak may address the Committee.

5. Statements by Petitioners  10 minutes
6. Statements by Affected School Districts  10 minutes each
7. Statements from Registered Speakers  3 minutes each
8. Statements from Non-Registered Speakers  3 minutes each if recognized by the Chair

M. Westwood Oaks Transfer Proposal Feasibility Study, Condition 1
Ms. Suzanne Carrig summarized the feasibility study regarding the "adequate enrollment" condition [Education Code section 35753(a)(1)].

MOTION #4-2012:6 to find Condition 1 met was made by Member Rich Garcia and seconded by Member Jo Lucey. The motion passed unanimously.

N. Westwood Oaks Transfer Proposal Feasibility Study, Condition 2
Ms. Suzanne Carrig summarized the feasibility study regarding the "community identity" condition [Education Code section 35753(a)(2)].

MOTION #4-2012:7 to find Condition 2 met was made by Member Nejleh Abed and seconded by Member Pam Parker. The motion passed with a 7-2 vote.

O. Westwood Oaks Transfer Proposal Feasibility Study, Condition 3
Ms. Suzanne Carrig summarized the feasibility study regarding the "property and facility division" condition [Education Code section 35753(a)(3)].

MOTION #4-2012:8 to find Condition 3 met was made by Member Frank Biehl and seconded by Member Michele van Zuiden. The motion passed unanimously.

P. Westwood Oaks Transfer Proposal Feasibility Study, Condition 4
Ms. Suzanne Carrig summarized the feasibility study regarding the "racial and ethnic distribution" condition [Education Code section 35753(a)(4)].

MOTION #4-2012:9 to find Condition 4 met was made by Member Pam Parker and seconded by Member Nick Gervase. The motion passed unanimously.
Q. **Westwood Oaks Transfer Proposal Feasibility Study, Condition 5**
Ms. Suzanne Carrig summarized the feasibility study regarding the "state costs" condition [Education Code section 35753(a)(5)].

MOTION #4-2012:10 to find Condition 5 met was made by Member Nejleh Abed and seconded by Member Rich Garcia. The motion passed unanimously.

R. **Westwood Oaks Transfer Proposal Feasibility Study, Condition 6**
Ms. Suzanne Carrig summarized the feasibility study regarding the "educational program" condition [Education Code section 35753(a)(6)].

MOTION #4-2012:11 to find Condition 6 met was made by Member Nejleh Abed and seconded by Member Pam Parker. The motion was failed unanimously.

S. **Westwood Oaks Transfer Proposal Feasibility Study, Condition 7**
Ms. Suzanne Carrig summarized the feasibility study regarding the "school housing costs" condition [Education Code section 35753(a)(7)].

MOTION #4-2012:12 to find Condition 7 met was made by Member Pam Parker and seconded by Member Rich Garcia. The motion failed unanimously.

T. **Westwood Oaks Transfer Proposal Feasibility Study, Condition 8**
Ms. Suzanne Carrig summarized the feasibility study regarding the "property values" condition [Education Code section 35753(a)(8)].

MOTION #4-2012:13 to find Condition 8 met was made by Member Frank Biehl and seconded by Member Nick Gervase. The motion passed unanimously.

U. **Westwood Oaks Transfer Proposal Feasibility Study, Condition 9**
Ms. Suzanne Carrig summarized the feasibility study regarding the "fiscal status" condition [Education Code section 35753(a)(9)].

MOTION #4-2012:14 to find Condition 9 met was made by Member Rich Garcia and seconded by Member Michele van Zuiden. The motion passed unanimously.

V. **Westwood Oaks Transfer Proposal Approval/Denial**

County Committee members discussed the transfer request and discussed the reasons not to approve the request.

MOTION #4-2012:15 was made by Member Nejleh Abed to approve the request to transfer the Westwood Oaks territory from Santa Clara Unified School District to Cupertino Union School District and Fremont Union High School District. Member Rich Garcia seconded the motion. The motion was failed unanimously.
W. Westwood Oaks Transfer Proposal Election Area
   Motion failed – no election necessary.

X. CEQA Exemption:
   The motion to approve the transfer failed, therefore the committee did not take
   action on the CEQA exemption request.

8. Set Next Meeting
   Scheduled for June 20, 2012 but TBD.

9. Adjournment
   The meeting adjourned at 4:45 p.m.

Respectfully Submitted by,

Suzanne Carrig

Minutes Approved October 17, 2012.