

**7/11 DISTRICT ADVISORY COMMITTEE
PURSUANT TO EDUCATION CODE SECTION 17387**



Minutes Regular Meeting
Friday, December 18, 2009
3:30 p.m. – 5:30 p.m.

Del Mar Hills School
14085 Mango Drive, Del Mar, CA 92014

Organizational Items

Call to Order – *Time:* 3:34 p.m.

Flag Salute: Led by Shirley Bales.

Present: Members Jennifer Emberger, Janet Handzel, Wayne Harris, Susan Paul, Cinda Peck, Bob Shopes, Randy Wheaton, and administrative assistant Shirley Bales were present.

Also in attendance: Vicki Hutchison, Estela de Llanos, Shana Gallup, Stacie O'Halloran, Diane Jacobs Baizer, Doug Rafner.

Approval of the Agenda

Change to Item #8 – Discussion of Contingency Plan Proposal 1.A, changed to Discussion of Contingency Plans (as Chair Bob Shopes is adding Contingency Plan 1B).

Discussion of Proposals will be Agenda Item #9, and Agenda Item #10 will be Move Proposals to Final Recommendation Stage

Upon motion by Jennifer Emberger, seconded by Cinda Peck, the Amended Agenda was unanimously approved.

Approval of the Minutes

Upon motion by Jennifer Emberger to approve amended Minutes of December 2, 2009, seconded by Wayne Harris, the amended Minutes were unanimously approved.

The DAC will postpone approval of Minutes for Public Hearings of December 7, December 10, and December 14 until the next meeting, but will post the Draft Minutes to the 7-11 Webpage.

Call for public comment:

None.

Public Communication

Call for public communication: None.

Old and New Business, Presentations

Discussion of preschool

On December 9, 2009, the DMUSD Board of Trustees discussed Preschool, but nothing was decided. Until the DAC hears otherwise, it will consider three separate preschool configurations: 7 plus 3 rooms, 10 rooms, or 14 rooms. The DAC will include a note in their final proposal stating exactly how many rooms each proposal allows for preschool.

Discussion of Contingency Plan

Member Wheaton spoke that his Contingency Plan 1A could work with a number of temporary locations within the district, it would not necessarily need to be placed at Torrey Hills, but could work at another school or non-school site with no joint use issues.

The DAC asked if there existed any legal decision or statute stating that District Offices must be located within district boundaries. If no such specific legal decision or statute exists, Sorrento Valley could possibly be a viable location for district offices.

Bob Shopes presented Contingency Plan 1B. The DMUSD Board of Trustees is currently looking at the possibility of real estate purchase or lease opportunities. If DMUSD purchased or leased office space which was not sufficient for all district needs, Contingency Plan 1B addresses alternate locations for employee childcare and special ed childcare and/or Maintenance Operations. Chair Shopes stated this is not a proposal to purchase real estate, which is beyond the scope of the DAC, but if property is purchased, space and zoning laws could make difficult to find one location within a reasonable price and distance to house District Offices, plus Maintenance Operations, and Preschool. His Contingency Plan 1B might preclude the need for another 7-11 Committee if property purchased or leased could not fit all District Offices plus Maintenance and Preschool.

Chair Shopes will modify Contingency Plan 1B for posting to the 7-11 webpage.

Discussion and move proposal(s) to final recommendation stage

Susan Paul spoke that when the DAC first convened and looked at the possibility of school closure, it seemed fairly simple task based on enrollment numbers and cost savings (cost savings in May appeared very different than today), as well as relocating District Offices. She now sees the task is much more complex than originally appeared. The DAC is charged with presenting 3-5 proposals to the Board, and she recommended combining the two proposals for closure into section one, the four proposals for non closure into section two, with section three being neither of the above and include recommending the Board look to purchase or lease property.

Janet Handzel spoke that the 7-11 Charter was specifically to identify excess capacity within the District, not to recommend real estate transactions. Bob Shopes spoke that the DAC was also charged to look at acceptable uses of space, and while he agrees there is surplus space, based on public hearings he is not sure the suggested uses for surplus space are acceptable to the community. Bob Shopes stated he thinks it is within the DAC's domain to suggest the Board consider real estate options.

Susan Paul spoke that the DAC is specifically cautioned not to recommend the sale of property, but does not recall anything saying the DAC cannot include a recommendation to purchase property. Susan Paul would add a suggestion on real estate because this has come up in public input, and from Board meetings is something the Board is interested in.

Cinda Peck spoke that DMUSD's previous surplus property committee met and determined that yes the Shores was surplus, and no it would not be needed for education purposes in the future, and that was the extent of the previous committee's findings.

Bob Shopes spoke that he thinks it could be an option in the final report to state that none of the proposals are acceptable to community. One charge of the DAC was to find a priority list of uses of public space that would be acceptable to the community.

Janet Handzel pointed out that it was only one of the criteria to look at financial aspects. Closing a school is very tough thing on a community, not easy to ask any school at all, but they cannot turn a school off and install District Offices on a dime. When the DAC gives authorization to look further, it gives DMUSD the option of doing so in a 2-3 year plan if needed. A 2-3 year plan also allows time to stop the process if enrollment rises, and allows time to look at the approvals needed and the issues involved such as CEQA.

Wayne Harris spoke that closing Del Mar Hills would have a serious impact on the community, on anyone facing school closure, and would be recommended only as a last resort. Bob Shopes spoke that lawyers have indicated zoning, CEQA, etc., may take 12-18 months. Even if the Board decided in January, there is not enough time prior to the end of the lease on the Shores property to relocate District Offices at Del Mar Hills.

Janet Handzel stated the reasons why Del Mar Hills was considered in the first place, it has the lowest enrollment and lowest capacity, no Mello Roos or joint use issues, and was the only school that really made sense for possible closure. Submit to the Board that Del Mar Hills is the only school that fits all requirements. Janet Handzel stated she was more concerned about not putting something positive forward to the Board, and she would still rather see Del Mar Hills for District Offices than any other school. She further thinks the District Office would a good neighbor to the community.

Randy Wheaton spoke that he does not know why the DAC cannot address purchasing property in the final report with the list of recommendations. As far as it if will take one, two or three years, that is up to Board.

Motion by Wayne Harris to extend meeting to 6:00 p.m., seconded by Susan Paul and unanimously approved.

Susan Paul moved to recommend the Final Report contain proposals within 3 categories, 1) school closure including two proposals with school closure, 2) no school closure with those four proposals, 3) other alternatives things that came up in public hearings. Contingency plans would be added as a separate section. Motion not seconded.

Facilitator Gayle Wayne had recommended an analysis for the proposals showing:

1. Unanimous support
2. General consensus an option that would work
3. Split support and include # supporting it
4. Minority support

Jennifer Emberger reminded the DAC of its charge: Review projected school enrollment and other data provided by the District, establish a priority list that will be acceptable to the community, cause to have circulated to the community and hold public hearings, make final determination of limits of tolerance on usage of surplus space and real property.

Susan Paul wondered if any proposal is acceptable to the community, and Bob Shopes stated that there is much divisiveness in the community regarding the proposals.

Motion to extend meeting to 6:15 p.m., seconded by Janet Handzel and unanimously approved.

The DAC decided to vote on each proposal whether or not to include it as part of its formal final recommendation list. The DAC Charter defines consensus as 80% of the committee (needing 6 out of 7 votes). If a proposal does not achieve 6 out of 7 votes, it will still end up on the final report with a description of level of support the proposal has.

Proposal B: Janet Handzel moved to include Proposal B in the final recommendation to the Board of Trustees, seconded by Wayne Harris.

5 In Favor: Cinda Peck, Wayne Harris, Janet Handzel, Randy Wheaton, Susan Paul

2 Against: Bob Shopes, Jennifer Emberger

Proposal C: Jennifer Emberger moved to include Proposal C in the final recommendation to the Board of Trustees, seconded by Wayne Harris.

4 In Favor: Cinda Peck, Wayne Harris, Jennifer Emberger, Randy Wheaton

3 Against: Bob Shopes, Janet Handzel, Susan Paul

Proposal E: Bob Shopes moved to include Proposal E in the final recommendation to the Board of Trustees, seconded by Susan Paul.

2 In Favor: Jennifer Emberger, Susan Paul

5 Against: Bob Shopes, Janet Handzel, Cinda Peck, Wayne Harris, Randy Wheaton

Proposal F: Bob Shopes moved to include Proposal F in the final recommendation to the Board of Trustees, seconded by Jennifer Emberger.

0 In Favor: None

7 Against: Bob Shopes, Janet Handzel, Cinda Peck, Wayne Harris, Randy Wheaton, Jennifer Emberger, Susan Paul

Proposal G1: Randy Wheaton moved to include Proposal F in the final recommendation to the Board of Trustees, seconded by Bob Shopes.

2 In Favor: Bob Shopes, Jennifer Emberger

5 Against: Janet Handzel, Cinda Peck, Wayne Harris, Randy Wheaton, Susan Paul

Proposal I: Janet Handzel moved to include Proposal I in the final recommendation to the Board of Trustees, seconded by Wayne Harris.

5 In Favor: Janet Handzel, Cinda Peck, Wayne Harris, Randy Wheaton, Susan Paul

2 Against: Bob Shopes, Jennifer Emberger

Jennifer Emberger commented that she clearly did not vote to move Proposals B nor I forward. She appreciated Janet Handzel's viewpoint that it is nice to give the Board something to work with in the future, but she does not think the enrollment justifies closing a school. The demographics do not project a steep decline at Del Mar Heights, Del Mar Hills or Carmel Del Mar within the next 5 years. Further, in 5 years time the District will be nearing capacity. School closure, going through the exercise of CEQA in addition to zoning and other issues, does not make sense to her at this time.

Bob Shopes questioned the financial savings of closing a school, originally \$1.5M, then \$400K, with zoning and CEQA costing half a million dollars each. CEQA alone has 18 items on a checklist with attorneys and consultants on each item. Janet Handzel spoke that the DAC does not have cost numbers on these. Bob Shopes stated he believes these costs are substantial, will take 5-10 years to recoup, and is not certain if it is worth closing a school.

Janet Handzel motioned to remove Proposal F from the final report. Motion was not seconded and Janet Handzel withdrew the motion. Susan Paul spoke that it may be helpful for the Board of Trustees to understand the discussion of having Proposal F on the final report as a reference point.

The final report to the Board will indicate there was no consensus reached on any proposal and will detail the split support on each proposal.

Motion by Bob Shopes to extend the meeting to 6:30 p.m., seconded by Randy Wheaton and unanimously approved.

Discuss final report writing

As Chairperson, Bob Shopes will seek advice from Dr. McClain on how to move forward and write the final report adhering to the Brown Act at all times. Over the next two weeks Bob Shopes will work on the draft final report with Randy Wheaton and Jennifer Emberger, as three members do not constitute a quorum. The draft final report will be posted to the 7-11 webpage and discussed at the January 8, 2010 meeting.

Information Items

Adjournment – *Time: 6:30 p.m.*

Upon motion to adjourn by Janet Handzel, seconded by Randy Wheaton, it was unanimously approved to adjourn at 6:30 p.m.