

**SANTA BARBARA ELEMENTARY AND HIGH SCHOOL DISTRICTS**

**TO: Board of Education**

**FROM: J. Brian Sarvis, Ed.D., Interim Superintendent**

**DATE: September 23, 2004**

**RE: Resolution re Exemption of Hidden Valley Property from Naylor Act**

**Background Information**

The board has previously directed staff to pursue appropriate action to protect the Hidden Valley and Tatum properties from any possibility that a portion of one or both properties would need to be sold to another governmental agency for less than fair market value pursuant to the provisions of the Naylor Act. In order to carry out this directive, staff is pursuing a two-pronged approach. First, since the one exemption permitted by law needs to be used to protect the Hidden Valley property because the exemption is premised upon other elementary district needs (i.e., the expansion of the Santa Barbara Community Academy), a formal resolution of exemption is being presented to the board for approval. Second, in regard to the Tatum property, documentation has been prepared for the purpose of obtaining a waiver of the Naylor Act provisions from the State Board of Education.

Both the accompanying resolution to exempt Hidden Valley and the proposed waiver documentation relating to Tatum were presented to the Districts' Real Property Advisory Committee ("Committee" or "RPDAC") on September 17, 2004. The Committee recommended that the board approve both. (See attached draft 9/17/04 Minutes of the RPDAC.) The attached resolution exempting Hidden Valley property from the Naylor Act is submitted for board adoption at this time.

The waiver request to the State Board of Education will be presented to the board during October 2004. This will allow for the required 30-days notice to the County of Santa Barbara to be given as well as a required publication notice.

**Recommendation:**

That the Board of Education approve Resolution No. 04/05-7 entitled Resolution Exempting Hidden Valley Property from Naylor Act.

**RESOLUTION NO. 04/05-07**

Board of Education  
Santa Barbara Elementary School District

**RESOLUTION EXEMPTING HIDDEN VALLEY PROPERTY  
FROM NAYLOR ACT**

(California Education Code, Section 17497)

**WHEREAS** the Santa Barbara Elementary School District (“District”) owns certain real property known as the Hidden Valley property (APN 49-040-24 & 49-040-33); and

**WHEREAS** the Real Property District Advisory Committee has preliminarily determined that the Hidden Valley property is surplus; and

**WHEREAS** the District is considering a sale or lease of the Hidden Valley property to generate capital revenue to improve other facilities in the District; and

**WHEREAS** a sale or lease of the Hidden Valley property would be impacted by the Naylor Act (Education Code §§ 17485 et seq.), which requires school districts to offer surplus property for sale to other public agencies at a reduced price; and

**WHEREAS** Section 17497 of the Education Code permits a school district to exempt “not more than one surplus schoolsite if the district is seeking immediate expansion of the classroom capacity of an existing school by 50 percent or more;” and

**WHEREAS** the District is seeking immediate expansion of the classroom capacity of the Santa Barbara Community Academy by at least 50 percent,

**NOW THEREFORE BE IT RESOLVED** by the Board of Education of the Santa Barbara Elementary School District that the Hidden Valley property is exempted from the requirements of the Naylor Act under the authority of Education Code section 17497.

**PASSED AND ADOPTED** at a meeting of the Santa Barbara Elementary School District Board of Education, Santa Barbara County, Santa Barbara, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2004 by the following vote:

Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

**SANTA BARBARA ELEMENTARY/HIGH SCHOOL DISTRICTS**  
**Real Property District Advisory Committee**  
**Draft Minutes**  
**September 17, 2004**

**1. Call to Order**

Meeting was called to order at 8:35 by Marshall Rose

**Committee members present:**

Salud Carbajal  
Gerrie Fausett  
Sarah Griffin  
Mark Ingalls

Don Olson  
Angela Padilla (for Margaret Saavedra)  
Ken Stevens  
Claire Van Blaricum

**Committee members absent:**

Roger Himovitz  
Alison Moore

**District personnel and representatives present:**

Pat Saley - Committee Facilitator  
Jim Rabe- Financial Consultant

Dr. Brian Sarvis- Interim Superintendent  
Fred Rifkin- Board liaison

**2. Pledge of Allegiance**

Led by Marshall Rose

**3. Public comments:** None.

**4. New business:**

- a. **Subpoenas** – Apparently two committee members were served subpoenas in Sorgman v. Santa Barbara School Districts. If they have questions about the subpoenas, they should contact the District Counsel, Craig Price.
- b. **Resignation of Richard Ramos** – Richard Ramos has resigned from the Committee because he is moving to Los Angeles to work for the National Latino Faith Based organization. Everyone agreed that he will be missed and wished him well.

**5. Santa Barbara Community Academy**

- a. **Letter from Committee to Restore Santa Barbara Elementary School District** – Attached. This letter was discussed briefly in terms of the recommendations of the Facilities Master Plan in relation to the Community Academy.
- b. **Recommendation to the Board** – Pursuant to the Committee's direction at the August 20<sup>th</sup> meeting, the Committee approved the following recommendation: "Assuming that the Committee has purview, the District Real Property Advisory Committee endorses the District's direction to expand the Community Academy into the existing District offices, and Maintenance and Operations located at 720 Santa Barbara Street. The Committee's recommendation will be forwarded to the Board if deemed appropriate by the District's legal counsel." The motion was made by Claire Van Blaricum and seconded by Salud Carbajal. The motion passed with 6 in favor and 2 opposed (Sarah Griffin and Ken Stevens).

**6. Protection for Hidden Valley and Tatum Properties - Recommendation to Board on Naylor Act Exemption and State Board of Education Waiver**

- a. Hidden Valley Naylor Act Exemption** - The Committee recommended that the Board adopt the attached resolution regarding exempting the Hidden Valley property from the Naylor Act. The motion was made by Don Olson and seconded by Salud Carbajal. The motion passed with 7 in favor and 1 opposed (Sarah Griffin).
- b. Tatum property State Board of Education Waiver** – The Committee recommended that the Board request a waiver of the Naylor Act and competitive bidding provisions to enable the District’s pursuit of a workforce housing project. The waiver request will be in a form similar to that which was attached to the agenda for this meeting. The motion was made by Don Olson and seconded by Salud Carbajal. The motion passed unanimously.

**7. Approval of preliminary recommendations for consideration at public hearing**

- a. Preliminary recommendations** – The Committee modified the proposed preliminary recommendations re Tatum, Hidden Valley, Happy Canyon & La Cumbre fire station sites and approved the attached language for discussion at a public hearing as required by the Education Code.
- b. Date and time of next meeting (public hearing)** – The public hearing on the preliminary recommendations will be held Wednesday, October 13, 2004 starting at 7:00 pm. Following the public hearing, the Committee will discuss the recommendations, make any revisions and forward their recommendations to the Board.

**8. Next meeting date – Public hearing on preliminary recommendations on Wednesday, October 13, 2004 @ 7:00 pm**

Meeting adjourned at: 10:34 am