

**EXHIBIT J                      DOCUMENTS RELATED to  
SELLING or LEASING  
SITES (SBSD)**

**SANTA BARBARA ELEMENTARY/HIGH SCHOOL DISTRICTS  
Real Property District Advisory Committee**

**Final Recommendations  
to the Board of Education  
Adopted October 13, 2004**

***[EXCERPT – TATUM & HIDDEN VALLEY ONLY]***

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**Tatum Site** (See Key Map 2)

- APN 65-040-26
- 22.86 acres
- End of San Marcos Road, Goleta Valley

**Final recommendations:**

1. The Tatum property does not meet the needs of the Districts for a new school site.
2. The property should be utilized in a manner best calculated to meet the Districts' capital facility and other financial needs, with a preference for the District to retain ownership of the property for the foreseeable future.
3. The Board of Education should, if feasible, pursue a plan and program that provides quality for sale and rental housing at affordable prices, giving priority to District employees. Through an RFP (Request for Proposal) process, the Board of Education should retain the services of an entity with appropriate capacity and experience to act on behalf of the Districts to undertake a feasibility study, as well as potentially to carry out the project, to occur as soon as possible.
4. As soon as is feasible, a request should be made to the County of Santa Barbara for a planned community design charrette, or other coordinated process, for pursuit of workforce housing at the site. Based upon feasibility determination and county input, consideration should be given to any appropriate exchange of property deemed to be better suited to meet the needs of the project.
5. Neighborhood issues: Acknowledge that the Districts, as public agencies, have a duty to be responsive to the legitimate concerns of residents in neighborhoods adjacent to the site with respect to mitigation of impacts, to the extent feasible, that may result from the proposed project.
6. Neighborhood collaboration: Recognize that the optimum development potential of the site (and financial benefits to the District) will best be achieved through proactive collaboration with adjacent property owners with respect to site planning, infrastructure cost-sharing, communication/ coordination with government agencies, and outreach to adjacent residents.

Motion/second: Claire Van Blaricum /Mark Ingalls– Motion passed, 8/0/1 (Salud Carbajal abstained)

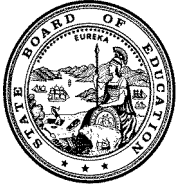
**Hidden Valley Site** (See Key Map 1)

- APN 49-040-24 &-33
- 12.67 acres
- End of Palermo Road, Santa Barbara

**Final recommendations:**

1. The Hidden Valley property does not meet the needs of the Districts for a new school site and should be identified as surplus.
2. The property is less suitable for the development of District workforce housing compared to the Tatum property.
3. Sell the Hidden Valley property (with or without entitlements as appropriate) to raise maximum capital for Elementary District capital projects, with priority to completing the I-98 bond projects.

Motion/second: Salud Carbajal/Don Olson – Motion passed, 7/1/1 (Sarah Griffin no; Alison Moore abstained)



# CALIFORNIA STATE BOARD OF EDUCATION

## MARCH 2005 AGENDA

**General Waiver**

<p><b>SUBJECT</b></p> <p>Request by the <b>Santa Barbara High School District</b> to waive portions of <i>Education Code</i> (EC) sections 17455, 17466, 17470, 17472, 17473, 17474, 17478, and 17489 regarding the lease of the "Tatum Site" a 23-acre undeveloped site, to develop a model workforce housing project.</p> <p>Waiver Number: 7-11-2004</p>	<p><input type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Consent</b></p>
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### RECOMMENDATION

**Approval**    **Approval with conditions**    **Denial**

The District shall be granted the waiver for disposition of the Tatum Site only on condition that the district will:

- 1) Adopt a resolution to lease a specific piece of property, specify a price, but not a minimum price, and accept proposals, but not necessarily sealed proposals (see EC 17466).
- 2) Notify the former owner of the property of its intent to lease the property but shall not be required to accord the former owner the right to purchase the property, not even if the owner's bid is the highest (see EC 17470).
- 3) Direct the president of the governing board, or other presiding officer, to execute a lease after a resolution of acceptance is made by the governing board to accept an offer, but not any offer (see EC 17478).
- 4) Comply with the Naylor Act and offer the property, first, to any city within which the land is situated; second, to any park or recreation district within which the land is situated; third, to any regional park authority having jurisdiction within the area in which the land is situated. The District will not have to offer the property to the county within which the land is situated (see EC 17489).
- 5) EC 33050(c) applies, but is limited to the Tatum Site location.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In February 2002, the State Board of Education (SBE) analyzed the EC related to the sale and lease of property. SBE recommended specific portions of the EC that may be considered for waiver, and listed those that did not need to be waived. After considering this analysis in some detail, the request was modified as follows.

This will be the second waiver of this type—SBE approved a sale and lease waiver for the San Jose Unified School District in September 2004, with similar site and waiver limitations.

## **SUMMARY OF KEY ISSUES**

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Under the provisions of EC sections 33050-33053, the Santa Barbara High School District (District) requests specific portions of the EC sections relating to the sale and disposition of property be waived in order to negotiate a lease directly with a non-profit organization that will provide workforce housing for district staff.

The District wishes a partial waiver of EC 17466, specifically the strikeout in language as follows: “The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it and shall specify the ~~minimum~~ price or rental...” This will allow the District the discretion to deal directly with the non-profit organization willing to provide the workforce housing.

Another portion of EC 17466 to be partially waived is the following language: “The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which proposals to purchase or lease will be received and considered.” Again, this waiver would allow the District to deal directly and honestly with a specific lessee.

The District seeks a partial waiver of EC 17470 (b), specifically the strikeout in language as follows: “The governing board of a school district shall not be required to accord the former owner the right to purchase the property ~~at the tentatively accepted highest bid price~~ nor to offer to sell the property to the former owner ~~at the tentatively accepted highest bid price.~~” Again, by waiving this language, the District preserves the right to negotiate with a specific lessee.

The District requests that EC 17472 in its entirety be waived. By waiving this section, the District eliminates the requirement for receiving sealed proposals and accepting the highest bid. Waiving this section allows the District to negotiate with a specific lessee.

The District requests that EC 17473 in its entirety be waived. By waiving this section, the District does not have to accept oral bids. Waiving this section allows the District to negotiate with a specific lessee.

The District requests that EC 17474 in its entirety be waived. This section is irrelevant given that oral bid possibilities have been eliminated by waiving EC 17473 (above).

The District requests that a portion of EC 17478 be waived, specifically the strikeout in language as follows: “Any resolution of acceptance ~~of any bid~~ made by the governing board authorizes and directs the president of the governing board, or other presiding officer, to execute a deed or lease...” Waiving this portion cleans up the section, since the governing board will be submitting for execution a specific bid, not “any bid.”

The District requests that subsection (d) of EC 17489 be waived, to eliminate the need to offer to sell or lease the property to the county. By waiving this language, the District preserves the right to negotiate with a specific, ideal lessee.

Under the restrictions of 33050(7), this waiver will not apply to large provisions in Part

10.5 of the EC, thereby keeping all other public protections in place.

CDE recommends approval of the waiver as stated for the "Tatum Site" with conditions listed, including EC 33051(c) for this site only.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** March 2005 through March 2007

**Local board approval date(s):** November 9, 2004

**Public hearing held on date(s):** November 9, 2004

**Bargaining unit(s) consulted on date(s):** September 17, 2004 and September 21, 2004

**Name of bargaining unit/representative(s) consulted:**

Ken Stevens, Santa Barbara Teachers Association  
Bill Millard, California School Employees Association

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

posting in a newspaper     posting at each school     other (specify)

**Advisory committee(s) consulted:** Real Property District Advisory Committee

**Objections raised (choose one):**  None     Objections are as follows:

**Date(s) consulted:** September 17, 2004

**FISCAL ANALYSIS (AS APPROPRIATE)**

Housing in the Santa Barbara area is some of the most expensive in the state. By offering its workforce affordable options, the District can attract and maintain quality staff. The parcel of land to be leased is undeveloped.

**BACKGROUND INFORMATION**

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Attachments:

- General Waiver Request and Attachments (7 pages)

**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