

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: County Counsel *JM*

BOARD AGENDA # *E-1

Urgent Routine

AGENDA DATE Nov. 1, 2011

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Lapsation of the La Grange Elementary School District and Annexation into Roberts Ferry Union Elementary School District

STAFF RECOMMENDATIONS:

1. Adopt the resolution authorizing the lapsation of the La Grange Elementary School District and annexation into Roberts Ferry Union Elementary School District.
2. Authorize the chairman of the Board of Supervisors to sign the resolution and county staff to take all actions necessary to implement the resolution.

FISCAL IMPACT:

None.

BOARD ACTION AS FOLLOWS:

No. 2011-663

On motion of Supervisor O'Brien, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

Pursuant to the California Elections Code, sections 35780, etc. and timelines imposed by the State Board of Education in connection with a waiver of various statutory requirements, on the effective date of July 1, 2012, the territory currently in the La Grange Elementary School District will be annexed to the Roberts Ferry Union Elementary School District.

To complete the lapsation process and the resulting change in boundaries, the Board of Supervisors is required to approve this process and to execute the attached resolution.

POLICY ISSUES:

The Board of Supervisors approval of the resolution is required by state law and county staff is not aware why the Board should not approve the resolution.

STAFFING IMPACTS:

No impact.

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF STANISLAUS, STATE OF CALIFORNIA**

In the Matter of

LAPSATION OF THE LA GRANGE ELEMENTARY
SCHOOL DISTRICT

RESOLUTION NO. 2011-663

WHEREAS, the Stanislaus County Board of Supervisors has received proper documentation from the Stanislaus County Office of Education in the matter of the lapsation of the La Grange Elementary School District by the Stanislaus Committee on School District Reorganization; and

WHEREAS, the territory encompassing all of the La Grange Elementary School District shall become part of the Roberts Ferry Union Elementary School District; and

WHEREAS, the lapsation of the La Grange Elementary School District will be effective on July 1, 2012 as ordered by the Stanislaus County Committee on School District Organization on July 25, 2011; and

WHEREAS, no election is required; and

WHEREAS, the Superintendent of Schools shall forthwith file or cause to be filed this Resolution and a statement of the change of boundaries of the School District, pursuant to California Government Code section 54900 et seq., with the Stanislaus County Assessor's Office for assessment roll purposes, the Stanislaus County Auditor, the State Board of Equalization, and the Superintendent of Public Instruction.

NOW, THEREFORE, BE IT RESOLVED that the Stanislaus County Board of Supervisors does hereby approve, acknowledge, affirm the lapsation of the La Grange Elementary School in accordance with the Order of the Stanislaus County Committee on School District Organization dated July 25, 2011.

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I, **Christine Ferraro Tallman**, Clerk of the Board of Supervisors of the County of Stanislaus, State of California, do hereby certify that the foregoing resolution was regularly introduced, passed, and adopted by said Board at a regular meeting thereof held on November 1, 2011, by the following vote:

SUPERVISORS:

AYES: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

NOES: None

ABSENT: None

WITNESS my hand and Seal of this Board this 1st day of November, 2011.

Christine Ferraro Tallman, CLERK

By: Christine Ferraro
~~Deputy~~

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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SACRAMENTO
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OUR FILE NUMBER:

005408.00043
5314104v2

October 11, 2011

Christine Ferraro Tallman, Clerk
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

Re: Board of Supervisors' Approval of the Lapsation of the La Grange Elementary School District and Annexation into Roberts Ferry Union Elementary School District

Dear Ms. Tallman:

This office serves as legal counsel for the Stanislaus County Office of Education. On July 25, 2011, the County Committee on School District Organization of Stanislaus ordered the lapsation of the La Grange Elementary School District, effective July 1, 2012 pursuant to Education Code sections 35780 *et seq.* and timelines imposed by the State Board of Education in connection with a waiver of various statutory requirements. On the effective date of July 1, 2012, the territory currently in the La Grange Elementary School District will be annexed to the Roberts Ferry Union Elementary School District.

To complete the lapsation process and the resulting change in boundaries, I am notifying the Board of Supervisors and requesting that an action item be placed on the next available Board of Supervisors' agenda.

Enclosed please find a copy of the State Board of Education disposition notice on waiver request, the County Committee on School District Reorganization Resolution approving the lapsation with maps and a legal description of the La Grange Elementary School District attached, and a proposed Board of Supervisors' Resolution. After Board action is taken, please provide three (3) certified copies of the Board of Supervisors' Resolution to me so that the County Superintendent of Schools can file the Resolution and other required documents with the State Board of Equalization and with other agencies as required by Government Code sections 54900 and 54902. The Board of Supervisors' Resolution should be entered into Stanislaus County's record of school districts.

2011 OCT 13 A 10:54

BOARD OF SUPERVISORS

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Stanislaus County Board of Supervisors

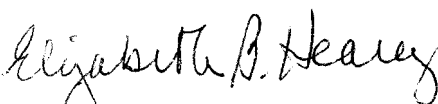
October 11, 2011

Page 2

Thank you for your assistance in this matter. If you have any questions, please feel free to call me at (925) 227-9200.

Sincerely yours,

ATKINSON, ANDELSON, LOYA,
RUUD & ROMO

By 
Elizabeth B. Hearey

EBH/deb

Enclosures: State Board of Education Grant of Waiver Request
County Committee on School District Organization Resolution and Order Approving
Lapsation Plans and Ordering the Lapsation
Draft Board of Supervisors' Resolution (our doc. # 5313930v2)

cc: Tom Changnon, Superintendent, Stanislaus County Office of Education
(via email tchangnon@stancoe.org)
Joseph Magnu, Superintendent/Principal, La Grange Elementary School District
George Johnson, Superintendent/Principal, Roberts Ferry Union Elementary School District
John P. Doering, Stanislaus County Counsel, Attn: Dean Wright, Deputy County Counsel
Chet Quaide, Esq. (via email cquaide@aalrr.com)



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

July 19, 2011

Joseph Magnu
La Grange Elementary School District
30237 Floto St.
La Grange, CA 95329

Dear Mr. Magnu:

This letter serves as the official disposition notice of the waiver request submitted for consideration at the State Board of Education (SBE) meeting on July 13, 2011.

Waiver #: 10-5-2011-WC-9

Period of Request: 7/1/2011 to 12/31/2012

EC Section: all of 35786, and a portion of 35782

EC Authority: 33050

Title: Request by **La Grange Elementary School District** to waive California *Education Code* Section 35786 in its entirety, which requires a lapsation to be effective on the date of the lapsation order, and a portion of *Education Code* Section 35782, which requires a public hearing on lapsation to be conducted within 30 days of the close of the school year.

Disposition: Approved with conditions: The California Department of Education recommends approval with the following conditions: (1) the lapsation is effective July 1, 2012; (2) the La Grange Elementary School District (ESD) is annexed to the Roberts Ferry Union ESD; and (3) the Stanislaus County Committee on School District Organization (County Committee) takes action to lapse the La Grange ESD by August 31, 2011.

If you have any questions about this waiver request or need further assistance with waiver requests to the SBE, please call the California Department of Education (CDE) Waiver Office at (916) 319-0824.

Sincerely,

A handwritten signature in cursive script that reads "Christine Gordon".

Christine Gordon, Consultant
Waiver Office

CG:jb

**RESOLUTION AND ORDER OF THE STANISLAUS COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION**

**APPROVING LAPSATION PLANS AND ORDERING THE LAPSATION OF
THE LA GRANGE ELEMENTARY SCHOOL DISTRICT AND ITS
ANNEXATION TO THE ROBERTS FERRY UNION ELEMENTARY SCHOOL
DISTRICT**

AND

**SUSPENDING FURTHER ACTION ON PETITIONS TO TRANSFER
TERRITORY FILED BY ROBERTS FERRY UNION ELEMENTARY SCHOOL
DISTRICT AND LA GRANGE ELEMENTARY SCHOOL DISTRICT**

WHEREAS, the La Grange Elementary School District ("La Grange") has five (5) students enrolled and an average daily attendance of less than six (6) pupils in grades 1 - 8; and

WHEREAS, Education Code section 35780 requires the County Committee to lapse a school district if the average daily attendance of its pupils is less than six (6) in grades 1 - 8; and

WHEREAS, the Stanislaus County Committee ("County Committee") has a ministerial duty to order the lapsation of La Grange given its low enrollment and as required by Education Code section 35780 et seq. ("Lapsation"); and

WHEREAS, La Grange and Roberts Ferry Union Elementary School District ("Roberts Ferry") each filed with the County Superintendent of Schools a Petition to Initiate Process for Authorizing the Transfer of Territory from the La Grange Elementary School District to the Roberts' Ferry Union Elementary School District, each of Stanislaus County ("Petitions"); and

WHEREAS, the Petitions are under consideration by the County Committee; and

WHEREAS, on May 24, 2011, the Governing Board in Roberts Ferry rescinded its Petition to participate in the transfer of territory from La Grange and declined further participation in the transfer of territory process; and

WHEREAS, approval of the Lapsation will cause La Grange to dissolve as a public school district; and

WHEREAS, at its meeting on July 13-14, 2011, the State Board of Education granted a waiver of the timelines for County Committee actions as set forth in Education Code 35782, provided that the County Committee holds a public hearing on this Lapsation by August 31, 2011; and

WHEREAS, the State Board of Education has required that the Lapsation be effective July 1, 2012; and

WHEREAS, the County Committee has considered Plans for the Lapsation of the La Grange Elementary School District, which are attached as Attachment 1, in accordance with the requirements of Education Code section 35738; and

WHEREAS, the State Board of Education has required the County Committee to include in its order of Lapsation that the La Grange territory be annexed into Roberts Ferry; and

WHEREAS, neither La Grange nor Roberts Ferry has any bonded indebtedness; and

WHEREAS, the State Board of Education requirements leave the County Committee without discretion with regard to any matter in connection with the approval of the Lapsation; and

WHEREAS, the County Committee must make a ministerial decision and decide whether Lapsation is required under the applicable statutes without exercising judgment over how the Project should be carried out; and

WHEREAS, the approval of the Project will result in the annexation of all of the La Grange territory into the Roberts Ferry which is an adjoining school district; and

WHEREAS, the Plan for Lapsation provides for the property and obligation of La Grange to become the obligations of Roberts Ferry; and

WHEREAS, the District has complied with the California Environmental Quality Act ("CEQA") and determined that the project is exempt prior to taking action on the proposed Lapsation; and

WHEREAS, a legal description of the La Grange Elementary School District is attached as Attachment 2; and

WHEREAS, the La Grange Elementary School District is adjacent to the Roberts Ferry Union Elementary School District as depicted on the Maps attached as Attachment 3; and

WHEREAS, written notice of the proposed Lapsation has been given at least ten (10) days in advance of the public hearing held on this date to each member of the governing board of the La Grange Elementary School District, to each governing board of a district which adjoins the lapsed district (i.e. Roberts Ferry Union Elementary School District and Knights Ferry Elementary School District), and to the high school district of which the lapsed elementary school district is a component (i.e. Hughson Unified School District) as required by Education Code section 35782. A copy of the Notice of Proposed Lapsation is attached as Attachment 4; and

WHEREAS, on July 25, 2011, the County Committee held a public hearing on the matter of the Lapsation of the La Grange Elementary School District.

NOW, THEREFORE, the Stanislaus County Committee on School District Organization 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 County Committee so finds and determines.

Section 2. That the County Committee approves and adopts the Plans for the Lapsation of the La Grange Elementary School District attached as Attachment 1.

Section 3. That the County Committee orders the La Grange Elementary School District lapsed effective on July 1, 2012 in accordance with the Plans for the Lapsation of the La Grange Elementary School District attached as Attachment 1.

Section 4. That upon Lapsation, the La Grange Elementary School District shall be dissolved and its entire territory annexed to the Roberts Ferry Union Elementary School District effective July 1, 2012.

Section 5. That upon Lapsation, the funds, property and obligations of the La Grange Elementary School District shall be transferred to the Roberts Ferry Union Elementary School District effective July 1, 2012.

Section 6. That the County Superintendent of Schools or his designee is instructed to give notice of the board action to the Stanislaus County Board of Supervisors and to the State Board of Education pursuant to Education Code section 35785.

Section 7. That further proceedings by the County Committee are suspended on the Petitions to Initiate Process for Authorizing the Transfer of Territory from the La Grange Elementary School District to the Roberts' Ferry Union Elementary School District, Each of Stanislaus County which were filed with the County Superintendent of Schools pursuant to Education Code section 35700(d).

Section 8. This Resolution and Order shall take effect immediately upon adoption.

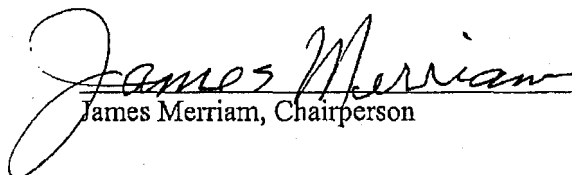
APPROVED, PASSED AND ADOPTED by the Stanislaus County Committee on School District Organization on the twenty-fifth day of July, 2011, by the following vote:

AYES: 8

NOES: 0

ABSTENTIONS: 0

ABSENT: 1


James Merriam, Chairperson

ATTACHMENT "1"

PLANS FOR LAPSATION OF LA GRANGE ELEMENTARY SCHOOL DISTRICT

Upon the effective date of lapsation of La Grange Elementary School District ("La Grange"), the Stanislaus County Committee Plans are as follows.

I. Dissolution of La Grange

La Grange shall dissolve upon the effective date of the lapsation.

II. Annexation of Territory

All territory within the La Grange boundaries shall be annexed to the Roberts Ferry Union Elementary School District ("Roberts Ferry").

III. Transfer of Funds, Property and Obligations

All property and obligations of La Grange shall become the property and obligations of Roberts Ferry. There is no bonded indebtedness in either district.

IV. Personnel

(a) No certificated employee in the affected district has rights to continued employment pursuant to Education Code section 35555. The superintendent of La Grange is the only certificated employee in that district. He has no protected rights to employment pursuant to his employment agreement with that district or the Education Code.

(b) Classified employees at La Grange will have rights to continued employment at Roberts Ferry pursuant to Education Code section 35556.

V. Revenue Limit

The revenue limit per unit of average daily attendance for each affected district and the effect of the lapsation, if approved, on such revenue limit:

The current 2010-2011 base revenue limit of La Grange is \$7,117.91.

The current 2010-2011 base revenue limit of Roberts Ferry School District is \$7,211.46.

The lapsation, if approved, will not impact these revenue limits.

VI. Records

Upon lapsation, all records shall be deposited in accordance with Education Code section 35562.

(a) All records of La Grange which are required by law to be kept on file shall be deposited with the Governing Board of Roberts Ferry Union Elementary School District.

(b) All records of La Grange employees shall be transferred to the district thereafter employing the personnel. No certificated employee in the affected district has rights to continued employment pursuant to Education Code section 35555. The superintendent of La Grange is the only certificated employee in that district. He has no protected rights to employment pursuant to his employment agreement with that district or the Education Code.

Classified employees at La Grange will have rights to continued employment at Roberts Ferry Union Elementary School District pursuant to Education Code section 35556.

(c) Records of pupils shall be transferred to Roberts Ferry.

VII. Election Requirements

No election is required.

VIII. Other Action

All other necessary actions, including but not limited to notification requirements, shall be completed in accordance with legal requirements under state law.

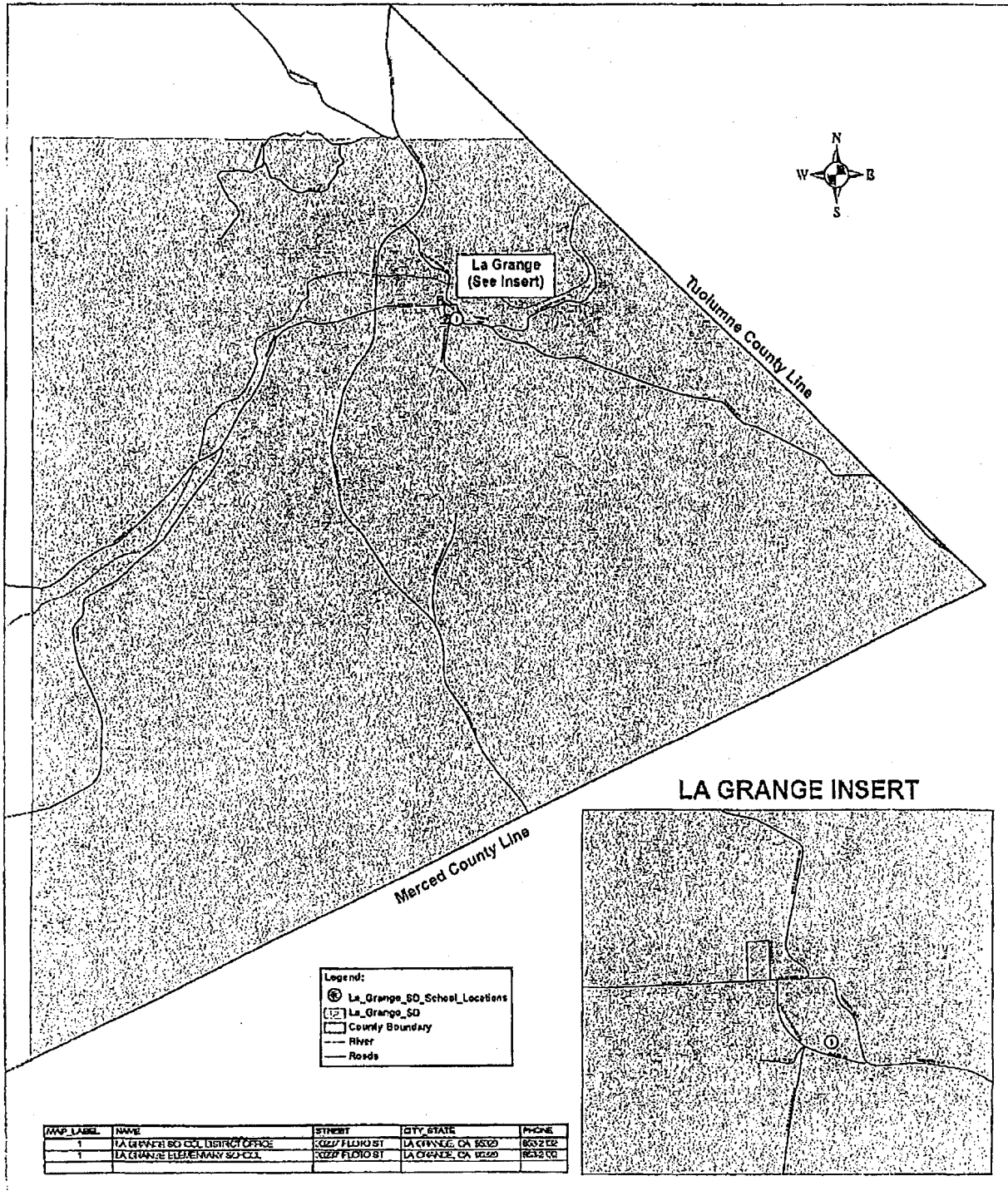
ATTACHMENT "2"

LEGAL DESCRIPTION

Beginning at the Northwest corner of Section 14, T. 3 S. -
R. 13 E., M.D.B. & M., thence

1. East approximately 3.75 miles along section lines to the Stanislaus-Tuolumne County line;
2. Southeast approximately 5.00 miles along said County Line to the Stanislaus-Merced County Line;
3. Southwest approximately 8.25 miles along said County Line to the west section line of Section 14, T. 4 S. - R. 13 E., M.D.B. & M.;
4. North approximately 6.80 miles along section lines to the point of beginning.

LA GRANGE SCHOOL DISTRICT STANISLAUS COUNTY - FALL 2009



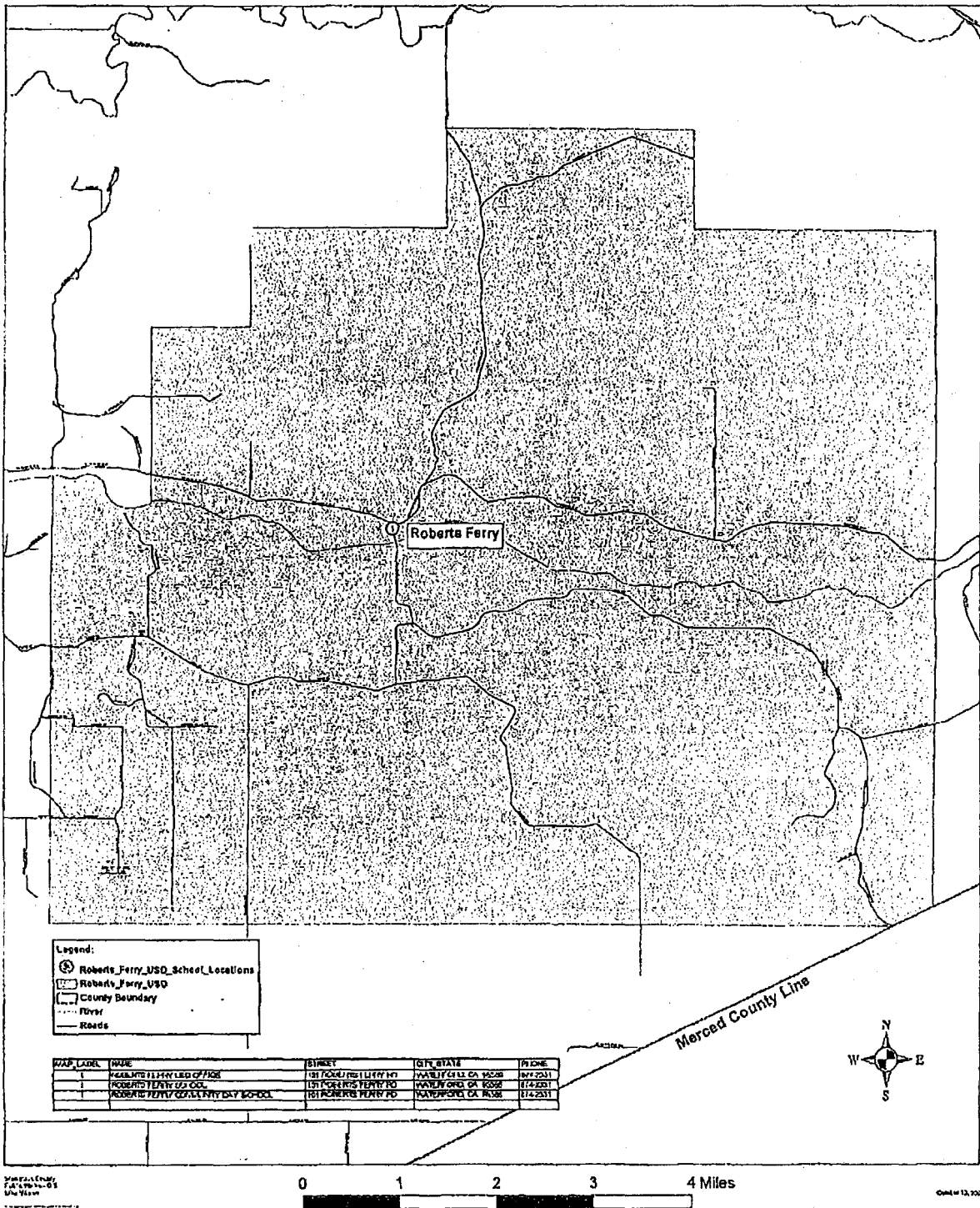
MNF_LABEL	NAME	STREET	CITY, STATE	PHONE
1	LA GRANGE SD COL DISTRICT OFFICE	1027 FLUJO ST	LA GRANGE, CA 95029	8032122
1	LA GRANGE ELEMENTARY SD-CLL	1027 FLUJO ST	LA GRANGE, CA 95029	851200

Printed in County
P/S 10/09 10:00
P/S 10/09

0 0.5 1 1.5 2 Miles

October 13, 2009

ROBERTS FERRY UNION SCHOOL DISTRICT STANISLAUS COUNTY - FALL 2009



ATTACHMENT "4"

Notice of Public Hearing

**The Stanislaus County Committee on School District Organization
Will Hold a Public Hearing on**

**Environmental Review of Proposed Lapsation of La Grange Elementary
School District,**

And

Lapsation of La Grange Elementary School District

And

**Suspension of Action on Petition for Territory Transfer from La Grange
Elementary School District to Roberts Ferry Union Elementary School
District**

PURPOSES of the meeting are to hold a Public Hearing for environmental review of the possible lapsation of the La Grange Elementary School District, to review and adopt the Plans for Lapsation, to order the annexation of La Grange Elementary School District territory to the Roberts Ferry Union Elementary School District, and to suspend further proceedings on Petitions previously filed by the Trustees of the La Grange Elementary School District and the Roberts Ferry Union Elementary School Districts to reorganize their districts.

DATE: Monday, July 25, 2011

TIME & LOCATION: 5:00 p.m.
Stanislaus County Office of Education Board Room
1100 H Street
Modesto, CA 95354

**Stanislaus County Committee
on School District Organization**

PUBLIC HEARING AGENDA

**Stanislaus County Office of Education,
Board Room**

July 25, 2011
5 p.m.

1. Call to Order- Jim Merriam, Chairman
2. Roll Call of Committee Members
3. Public Comment
4. Approval of Minutes of May 12, 2011.
5. Stanislaus County Committee Legal Counsel Review of Statutory Procedures for Lapsation, Conditions on Lapsation, and the Lack of Need for Further Action on Petitions for Territory Transfer after Lapsation
 - a. Overview of Lapsation Procedure defined as dissolution of district and annexation to an adjoining school district;
 - b. Status of Request for Waiver of Statutory Lapsation Time Requirements by State Board of Education
Resulting Transfer of Territory and conditions imposed, any;
 - c. CEQA Process;
 - d. Review and Adoption of Plans for Lapsation;
 - e. Effect of Lapsation on Pending Petition Filed by Districts to Transfer Territory.
6. Approve Resolution Finding La Grange Elementary School District Lapsation Exempt from California Environmental Quality Act and Ordering the Filing of a Notice of Exemption.

7. Approve Resolution and Order Approving Lapsation Plans and Ordering the Lapsation of the La Grange Elementary School District and its Annexation to the Roberts Ferry Union Elementary School District and Suspending Further Action on Petitions to Initiate the Transfer of Territory Filed by Roberts Ferry Union Elementary School District and La Grange Elementary School District.

8. Adjournment

9. Summation / Closing Comments

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

In the Matter of

LAPSATION OF THE LA GRANGE ELEMENTARY
SCHOOL DISTRICT

RESOLUTION NO. 2011-663

WHEREAS, the Stanislaus County Board of Supervisors has received proper documentation from the Stanislaus County Office of Education in the matter of the lapsation of the La Grange Elementary School District by the Stanislaus Committee on School District Reorganization; and

WHEREAS, the territory encompassing all of the La Grange Elementary School District shall become part of the Roberts Ferry Union Elementary School District; and

WHEREAS, the lapsation of the La Grange Elementary School District will be effective on July 1, 2012 as ordered by the Stanislaus County Committee on School District Organization on July 25, 2011; and

WHEREAS, no election is required; and

WHEREAS, the Superintendent of Schools shall forthwith file or cause to be filed this Resolution and a statement of the change of boundaries of the School District, pursuant to California Government Code section 54900 et seq., with the Stanislaus County Assessor's Office for assessment roll purposes, the Stanislaus County Auditor, the State Board of Equalization, and the Superintendent of Public Instruction.

NOW, THEREFORE, BE IT RESOLVED that the Stanislaus County Board of Supervisors does hereby approve, acknowledge, affirm the lapsation of the La Grange Elementary School in accordance with the Order of the Stanislaus County Committee on School District Organization dated July 25, 2011.

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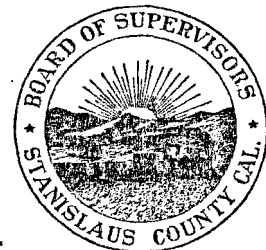
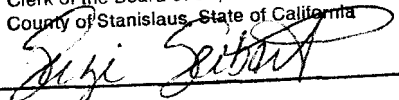
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I hereby certify that the foregoing is a full,
true and correct copy of the Original entered
in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____



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I, **Christine Ferraro Tallman**, Clerk of the Board of Supervisors of the County of Stanislaus, State of California, do hereby certify that the foregoing resolution was regularly introduced, passed, and adopted by said Board at a regular meeting thereof held on November 1, 2011, by the following vote:

SUPERVISORS:

AYES: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

NOES: None

ABSENT: None

WITNESS my hand and Seal of this Board this 1st day of November, 2011.

Christine Ferraro Tallman, CLERK

By: Christine Ferraro
~~Deputy~~