



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

7-11 Committee Meeting

July 28, 2022

6:00 PM

Staff: Luis Freese (Associate Superintendent, Operations) & Robert McEntire (Associate Superintendent, Chief Business Official)

Agenda Documentation: If available, backup documentation for items on the agenda will be posted on the district website at the time the agenda is posted. [District Committees webpage](#) & [District 7-11 Committee webpage](#)

Meeting Locations: As authorized by the Governor's Emergency Executive Order issued on March 17, 2020, the West Contra Costa Unified School District will conduct the 7-11 Committee meetings in person and via video conference/teleconference until further notice.

Physical Location: 1400 Marina Way S, Richmond, CA 94804.

The meeting will be streamed via Zoom using the following link:

Please click the link below to join the webinar:

<https://wccusd.zoom.us/j/91992616214>

Or via Telephone: +1 669 444 9171
webinar ID 919 9261 6214

Participating in Committee Meetings:

Due to the ongoing COVID-19 crisis, the manner in which meetings are conducted has changed. Thank you in advance for your understanding and cooperation as we experiment with new ways to conduct the people's business while allowing for maximum participation and adhering to our values of respect and safety for the community.

This meeting will provide public comment opportunities through the Zoom app or by telephone. To indicate your desire to speak on an agenda item, "raise your hand" by clicking on the appropriate icon in the Zoom app or by pressing *9 if accessing the meeting by phone. In order to be recognized to speak, your hand must be "raised" before public comment begins for the item.

Due to the Brown Act, Committee members cannot discuss items that are not on the agenda and do not usually respond to items presented in Public Comment.

Order of Business: ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

MEETING AGENDA

A. OPENING PROCEDURES

- A.1** Welcome & Introductions. (District Staff & 7-11 Consultants, Committee Members)
- A.2** Approval of Agenda
- A.3** Future Committee Meeting Dates (August 25, 2022, September 15, 2022, October 13, 2022)

B. PUBLIC COMMENT

B.1 Public Comment

Members of the public are invited to speak on any matter related to the 7-11 Committee at this time. Members of the public may speak on individual items of interest in the agenda as the items are discussed.

D. DISCUSSION ITEMS

D.1 Presentation of the 7-11 Committee Process & Brown Act. Presented: Nancy Taylor, Orbach Huff & Henderson

D.2 Preliminary Review of the Properties Under Consideration. Presented: Scott Sheldon & Barry Schimmel, Terra Realty

E. ACTION ITEMS


E.1 Election of 7-11 Committee officers. Moderated: Staff

- a. Nominations and vote for Chairperson**
- b. Nominations and vote for Vice Chairperson**
- c. Nominations and vote for Secretary**

E.2 Calendar for Future Committee Meeting Dates. Presented: Committee Chairperson

- a. Discussion of Future Committee Meeting Dates.**
- b. Motion to Approve Future Meeting Dates and Vote.**

California School Districts: Disposition of Real Property: 7-11 Committee Brown Act

The logo consists of three geometric shapes: a blue circle on the left, a green square in the middle, and a light blue square on the right. A black horizontal bar is positioned across the middle of these shapes, containing the text "ORBACH HUFF + HENDERSON LLP" in white, uppercase letters.

ORBACH HUFF + HENDERSON LLP

Nancy Taylor
Orbach Huff & Henderson LLP

Disposition of Surplus Property: Setting up the 7-11 Committee

- Board appoints a 7-11 Committee. (Ed. Code, § 17388.)
- Committee's purpose is to advise the Board in developing District-wide policies and procedures in the use or disposition of school buildings or property not needed for school purposes. (Ed. Code, §§17387, 17388.)
- A Committee may be formed for multiple or single potential surplus property evaluations, but the Committee must evaluate District-wide issues even if formed regarding a single site.
- Committee consists of 7 to 11 members. (Ed. Code, § 17389.)

Disposition of Surplus Property: 7-11 Committee Composition

- Committee members must be a representative of each of the following:
 - (a) Ethnic, age group, and socio-economic composition of the District;
 - (b) Business community (store owners, managers or supervisors);
 - (c) Teachers;
 - (d) Landowners or renters (preference to neighborhood association representatives);
 - (e) Administrators;
 - (f) Parents of students; and
 - (g) Persons with expertise in environmental impact, legal contracts, building codes, land use planning (including local zoning and land use restrictions).
- (Ed. Code § 17389.)

Disposition of Surplus Property: 7-11 Committee Purpose

● Purpose

- Advise the Board in developing District-wide policies and procedures in the use or disposition of school buildings or space not needed for school purposes. (Ed. Code, §§17387, 17388).
- Committee has statutorily enumerated duties.

Disposition of Surplus Property: 7-11 Committee Duties

- Scope of Duties from Education Code:
 - (a) Review the projected school enrollment and other data provided by the District to determine the amount of surplus space and real property;
 - (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community;
 - (c) Cause to have circulated throughout the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes per Education Code section 17458;
 - (d) Make a final determination of limits of tolerance of use; and
 - (e) Provide a written report to the Board recommending a determination of whether real property is surplus and recommending uses of surplus space and real property.
- (Ed. Code § 17390)

Disposition of Surplus Property: 7-11 Committee Report

- **Committee Report should include:**
 - A determination regarding the highest and best use of property;
 - *(Optional)* Information based on a District-obtained appraisal of the property to assist in determination of the most profitable use and fair market value; and
 - *(Optional)* Information based on a District-obtained title report to evaluate the effect of any restrictions, covenants or reversionary clauses.
- Board should consider recommendations of 7-11 Committee and adopt a Resolution regarding intended disposition of real property, if any.

The Brown Act

Purpose

- To keep the public informed of the actions, debates and views of locally elected representatives; and
- To provide the procedural framework for local legislators to meet, debate, act and listen collectively to their constituents.

Applicability

- Applies to a “member of the legislative body of a local agency” which includes “[a]ny person elected to serve as a member of a legislative body who has not yet assumed the duties of office...” Once elected, officials are expected to know the requirements of the Brown Act, even before taking office. (Govt. Code, § 54952.1.)

Legislative Body

- Includes any:
 - Commission
 - Committee
 - Board
 - Other Body
 - Also includes advisory committees that are standing committees that have continuing subject matter jurisdiction or fixed meeting schedules. (Govt. Code, § 54952)
- Legislative Body Can Be:
 - Permanent or Temporary
 - Decision-making or advisory
 - Established by charger, ordinance, resolution, or formal action of the Board. (Govt. Code, § 54952)

Meetings

- Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body; or
- Any use of direct communication, personal intermediary, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence (Govt. Code, § 54952.2), including:
 - Telephone, email, Facebook, twitter, Instagram, TikTok, blogs, etc.;
 - Communication through an intermediary.

Meetings Cont.

- **Meetings - substance v. procedure:**
Communication limited to providing information (i.e., Superintendent's weekly report) or procedural or administrative matters (scheduling meetings, determining agenda and time allotted to each of them) **do not** constitute meetings if they do not constitute substantive discussions of a topic within the subject matter of the Board/Committee.

Meetings Cont.

- **Meetings - developing a collective concurrence:** Test: If discussion can potentially contribute to developing a collective concurrence, it is likely to constitute a “meeting” for Brown Act purposes. Even if a Board/Committee member does not participate in a discussion, the mere act of listening may contribute to developing a collective concurrence.

Meetings Cont.

● Common scenarios that ARE likely meetings:

- **Group Texts.** Text messages in which a majority of the Board/Committee is copied.
- **Hub of a Wheel.** Consecutive conversations through intermediary to poll the Board/Committee.
- **Daisy Chain.** Consecutive conversations from one person to another to poll the Board/Committee.
- **Internet/Blogs.** List-serves in which a majority of the Board/Committee may post comments and responses such that deliberations, discussions or opining can be viewed as a path to a “concurrence.”

Meetings Cont.

- **Common scenarios that are likely NOT meetings:** The following scenarios are specifically identified in Government Code section 54952.2(c) as not being meetings, *“provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.”*
 - **[No Quorum]** (1) *Individual contacts or conversations between a member of a legislative body and any other person...*
 - **[General Meetings]** (2) *The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body...*
 - **[Community Meetings]** (3) *The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency...*
 - **[Public Entity Meetings]** (4) *The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency...*
 - **[Parties]** (5) *The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion...*
 - **[District Meetings]** (6) *The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.*

Meetings - Conduct

- Regular meetings at least monthly with fixed time and place (Not applicable to an Oversight / Advisory Committee).
- The Legislature formally amended the Brown Act though AB 361 to make it easier to continue holding teleconferenced meetings under “abbreviated teleconferencing procedures” through the end of 2023. WCCUSD Resolution No. 2223-07 allows meetings to be held via teleconference.
- Any person attending may videotape, unless disruptive.


Agenda Requirements (handled by District Staff)

- 72 hours before regular meeting; 24 hours before special meeting.
- Sufficient detail to allow public to determine whether to participate (“brief general description”).
- Exceptions to standard agenda requirements:
 - Emergency (majority vote);
 - Need to take immediate action that arose after agenda posted (2/3 vote, unanimous if less than 2/3rds of Board/Committee present);
 - Responding to questions;
 - Asking for clarification, and
 - Making a brief announcement or brief report of activity.

Violations of the Brown Act

- Misdemeanor liability exists if there is “intent to deprive public”
- Public can sue to stop violation of Brown Act
- Agency must be given opportunity to cure
- Nullification of action taken in violation

Thank you

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ORBACH HUFF + HENDERSON LLP

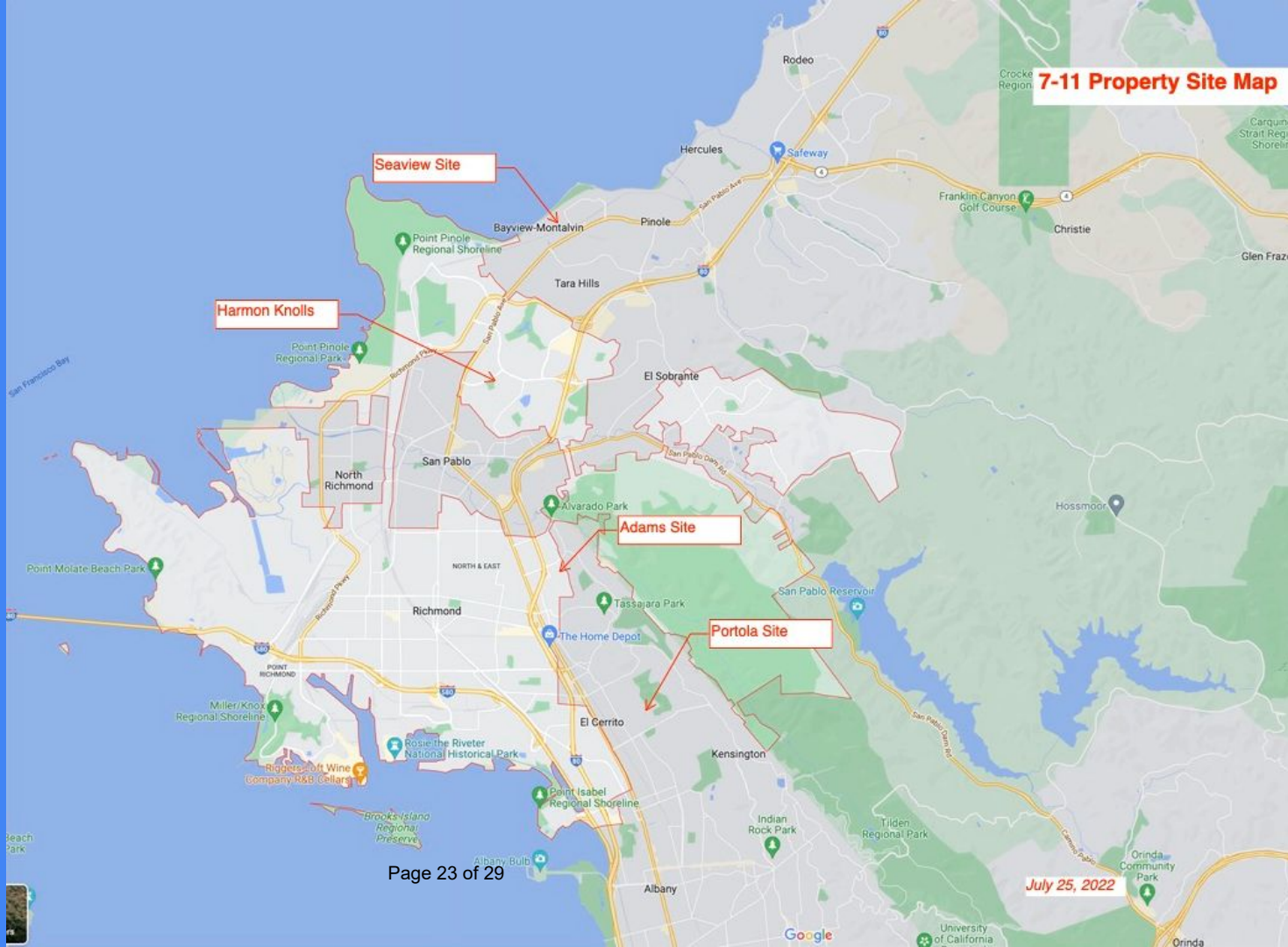
Nancy Taylor
Orbach Huff & Henderson LLP

Properties Under Consideration

7-11 Committee Meeting July 28, 2022

WCCUSD Map

Properties Under
Consideration



District Attendance Map Overlay 7-11 Sites

Seaview Site

Harmon Knolls

Adams Site

Portola Site

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July 25, 2022

District Attendance Map Overlay 7-11 Sites

Seaview Site

Harmon Knolls

Adams Site

Portola Site

July 25, 2022

Adams Site

Adams Site

Location: 5000
Patterson Circle
Richmond, CA 94805

Size: 8.85 acres

Closed: 2009

Zoning: Government/
Public Use

Line Path Circle 3D path 3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter: 3,733.86 Feet

Area: 8.85 Acres

Mouse Navigation Save Clear

Harmon Knolls Site

Park Area
3.78 acres +/-

Line Path Circle 3D path 3D polygon
Measure the distance or area of a geometric shape on the ground
Perimeter: 2,502.06 Feet
Area: 8.87 Acres
Mouse Navigation Save Clear

July 17, 2022
Imagery Date: 8/6/2020

Harmon Knolls Site

Park Area
3.78 acres +/-

Robert Miller Dr
Groom Dr
Crimin Dr
Meyers Dr
Ashworth Dr
Belle St Way

Line Path Circle 3D path 3D polygon
Measure the distance or area of a geometric shape on the ground
Perimeter: 2,502.06 Feet
Area: 8.87 Acres
☐ Mouse Navigation Save Clear

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July 17, 2022
Imagery Date: 8/6/2020

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Harmon Knolls Site

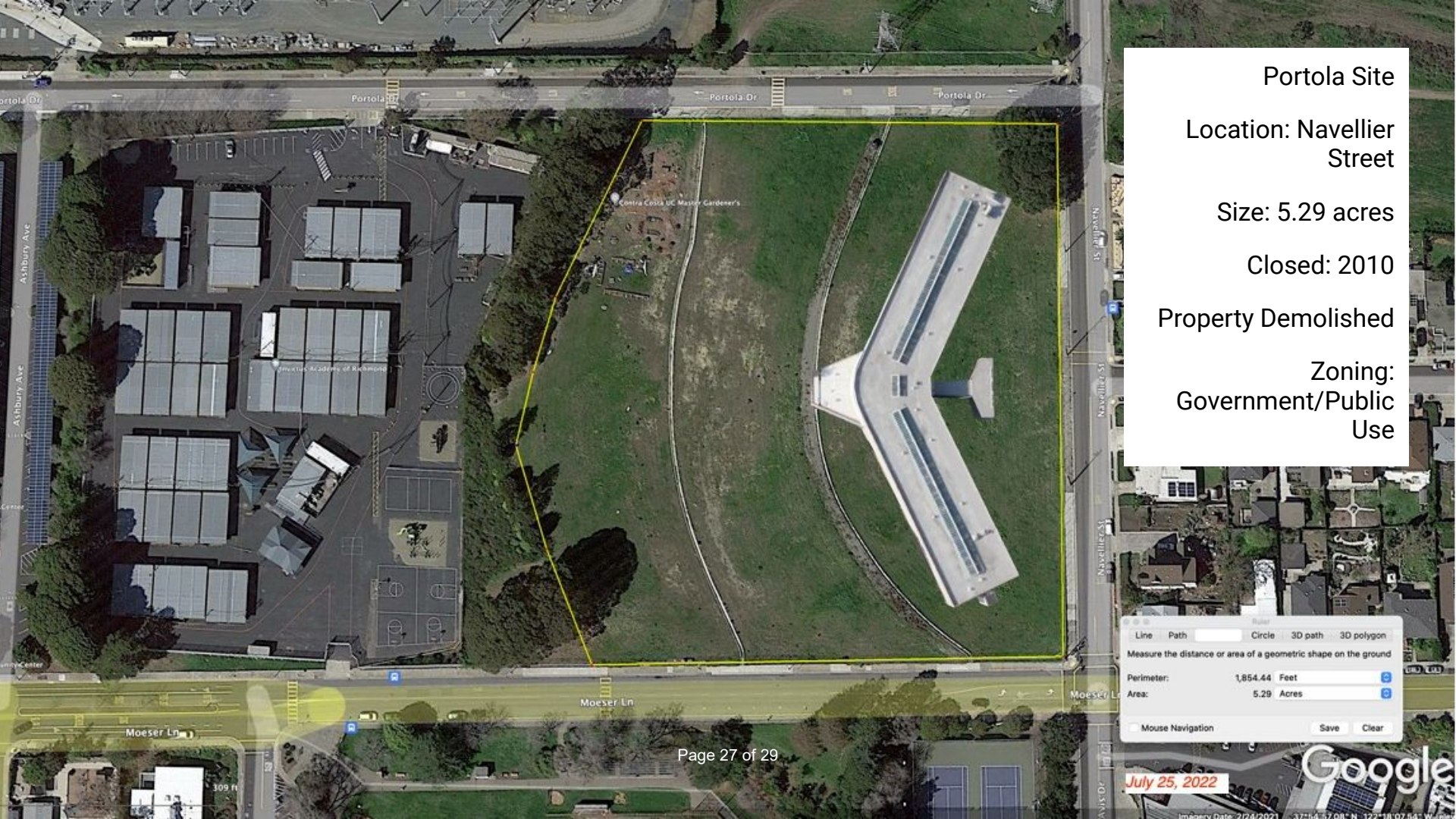
Park Area
3.78 acres +/-

Area to be developed
3.78 acres +/-

Line Path Circle 3D path 3D polygon
Measure the distance or area of a geometric shape on the ground
Perimeter: 2,502.06 Feet
Area: 8.87 Acres
Mouse Navigation Save Clear

July 17, 2022
Imagery Date: 8/6/2020

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Portola Site

Location: Navellier
Street

Size: 5.29 acres

Closed: 2010

Property Demolished

Zoning:
Government/Public
Use

Ruler

Line Path Circle 3D path 3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter: 1,854.44 Feet

Area: 5.29 Acres

Mouse Navigation Save Clear

Seaview Site

Location: 2000
Southwood
Drive, San
Pablo, CA
94806

Size: 7.7 acres

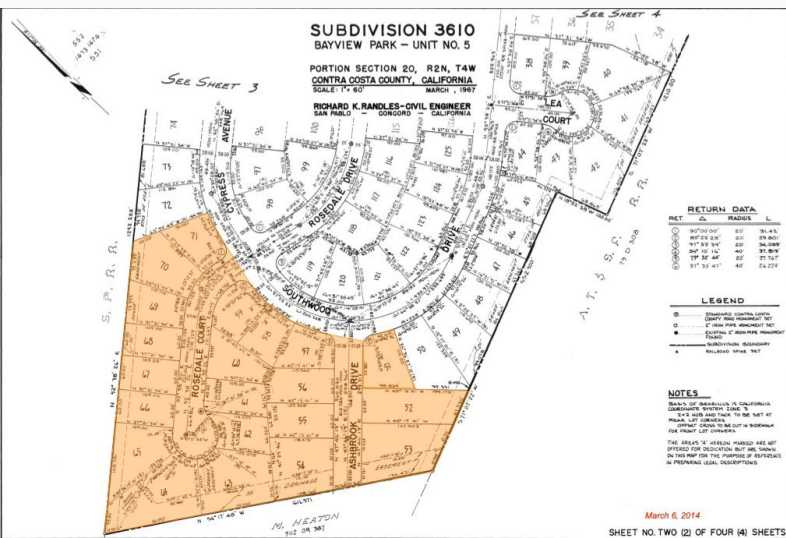
Closed:
2005/2009

Zoning:
Government /
Public Use



Seaview Property

Seaview Tentative Map



Seaview Boundary Survey

