



Staff Report and Recommendations Regarding Proposed
Sierra Unified/Clovis Unified School District Territory Transfer

October 2024

Table of Contents

I.	Introduction and Overall Staff Recommendations.....	1
II.	Petition Background.....	2
A.	History.....	2
B.	Descriptions of Affected Districts	3
C.	Description of Area Proposed for Reorganization.....	4
D.	Petitioner Reasons for Reorganization	5
E.	Previous Reorganization Efforts	5
1.	May 2019 Notices of Intent	5
2.	June 2020 Petition	5
3.	February 2023 Petition	5
4.	June 2023 Petition	5
5.	October 2023 Petition	6
F.	Description of Public Hearings	6
G.	Positions of Affected Districts Regarding the Proposal.....	7
III.	Analysis of Education Code § 35753 Conditions	7
A.	Section 35753 Conditions.....	8
1.	The reorganized districts will be adequate in terms of number of pupils enrolled.....	8
2.	The school districts are each organized on the basis of a substantial community identity.....	8
3.	The proposal will result in an equitable division of property and facilities of the original district or districts.....	9
4.	The reorganization of the school districts will preserve each affected district’s ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation.	10
5.	Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.	10
6.	The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts.	11
7.	Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.	12
8.	The proposed reorganization is primarily designed for purposes other than to significantly increase property values.....	12

9. The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district.17

IV. Summary of Compelling Concerns (Education Code § 35500) 19

I. Introduction and Overall Staff Recommendations

This Staff Report is prepared for the Fresno County Committee on School District Organization by the staff of the Fresno County Superintendent of Schools, through a collaboration between the Business Services Division, the Instructional Division, the Educational Innovation & Support Division, and the Legal Services Division. It is intended to provide information, analysis, and recommendations to the County Committee for its consideration of the territory transfer petition, received May 6, 2024, proposing to transfer school district territory out of Sierra Unified School District and into Clovis Unified School District (the “Petition”). The County Committee is not bound by any of the recommended findings or conclusions in this Report, and it may make its own findings and conclusions based upon the public hearings and the record in this matter, independent of the views of staff.

For all the reasons outlined in this Report, it is the overall recommendation of County Superintendent staff that the County Committee **disapprove/reject** the Petition, as it does not best serve local educational concerns and needs, and moreover it fails to meet minimum Education Code requirements for approval.

The Education Code provides that the County Committee may only exercise its discretion to approve the Petition if it first finds that each of the Education Code conditions for approval are substantially met. As detailed in Section III. Analysis of Education Code § 35753 Conditions, staff makes the following recommended findings for each of the Education Code conditions for consideration of the Petition:

Condition	Staff Recommended Finding
1. The reorganized districts will be adequate in terms of number of pupils enrolled.	<u>Not</u> substantially met.
2. The school districts are each organized on the basis of a substantial community identity.	<u>Not</u> substantially met.
3. The proposal will result in an equitable division of property and facilities of the original district or districts.	Substantially met/not applicable.
4. The reorganization of the school districts will preserve each affected district’s ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation.	Substantially met.

Condition	Staff Recommended Finding
5. Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.	<u>Not</u> substantially met.
6. The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts.	<u>Not</u> substantially met.
7. Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.	<u>Not</u> substantially met.
8. The proposed reorganization is primarily designed for purposes other than to significantly increase property values.	<u>Not</u> substantially met.
9. The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district.	<u>Not</u> substantially met.

As it is the view of staff that all of the minimum Education Code conditions are not substantially met by this Petition, it is the position of staff that the County Committee may not exercise its discretionary authority to approve the Petition, and instead is required by Education Code to disapprove the Petition. Beyond the conditions, staff also believe the Petition should be rejected because it does not best serve local educational concerns and needs.

II. Petition Background

A. History

The Petition was received by the County Superintendent on May 6, 2024. It identified Marc Thurston as the sole Chief Petitioner. The County Superintendent reviewed the Petition for sufficiency as required by law and found it to be legally sufficient on June 5, 2024, with 16 of the 18 signatures determined to be valid by the Fresno County Registrar of Voters. The main body of the Petition was as follows:

PETITION FOR TRANSFER OF TERRITORY

To the Superintendent of Schools of Fresno County:

FCSS Legal Services

Pursuant to Education Code Section 35700, subdivision (a), the undersigned, constituting at least 25 percent of the registered voters residing in the territory proposed to be transferred, now within the boundaries of the Sierra Unified School District, Fresno County, petition that the boundaries of the Sierra Unified School District be changed to eliminate from it the territory hereinafter described. The undersigned persons petition that the territory be transferred to and included within the Clovis Unified School District of Fresno County.

The property to be transferred is described as follows:

Lots 1-91 and Outlots A-R of "Map of Tract No. 5100, Ventana Hills," recorded in the County of Fresno on March 9, 2005 in Volume 71 of Plats, at pages 84 thru 92. This territory transfer proposal also includes the land contained within Fresno County APNs 300-061-29, 300-061-30, 300-061-59, 300-061-62, 300-420-29S, 300-420-04S, 300-420-25S, 300-542-19, 300-542-20, 300-542-21, 300-542-22, 300-542-23. Please see Exhibit A for a visual delineation.

Affected school districts: Sierra Unified School District; Clovis Unified School District

The undersigned request the changes in the respective boundaries of the school districts for the following reasons:

- 1. Substantial community identity
- 2. Student safety and access to cocurricular activities

As required by Education Code, section 35704, the County Superintendent transmitted the Petition to the State Board of Education, and to the County Committee for its required review.

On June 17, 2024, the Chief Petitioner graciously granted a 45-day extension of the initial deadline for hearings regarding the Petition under Education Code, section 35705.

B. Descriptions of Affected Districts

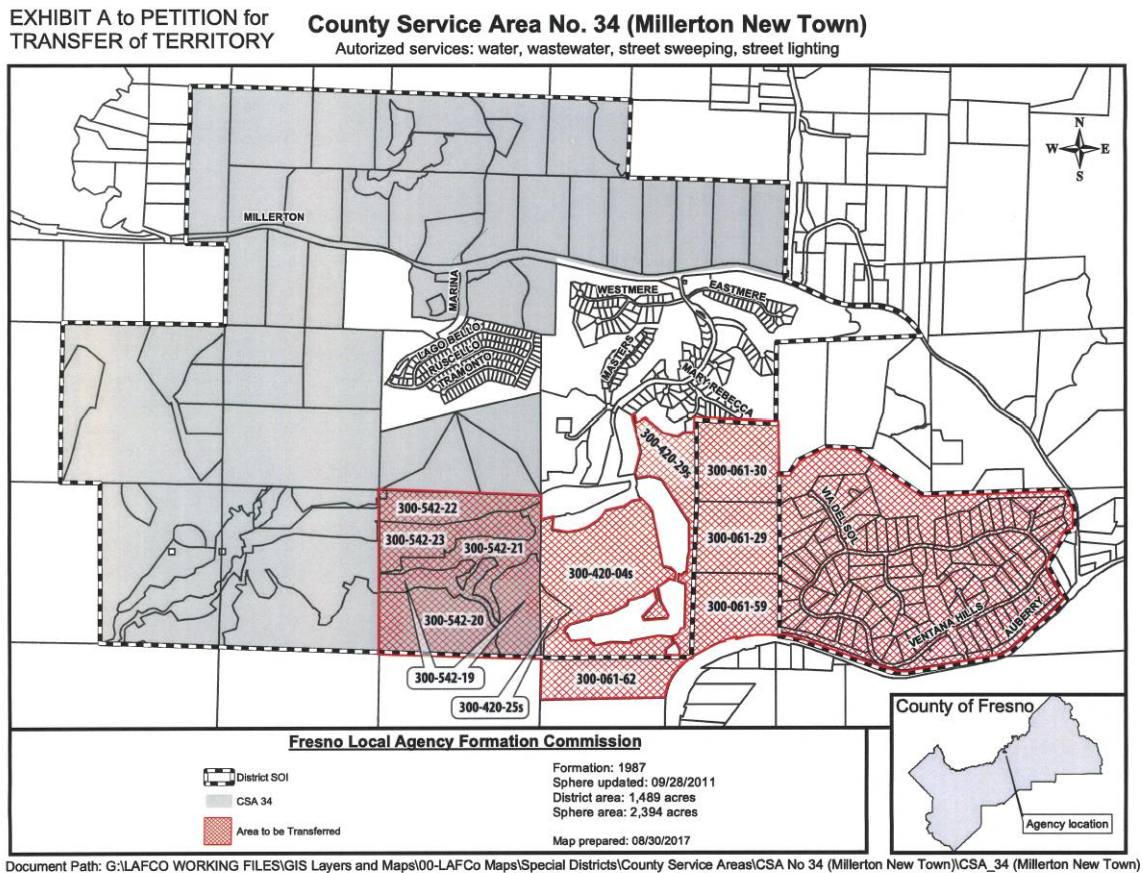
Sierra Unified is a public school district formed pursuant to and operating under the laws of the State of California. It is the second smallest unified school district by attendance in Fresno County, ranking just ahead of Laton Unified, with a 2023-24 average daily attendance of 1,176.78. Sierra Unified is a geographically vast and sparsely populated district, with the majority of its topography consisting of foothill and mountainous terrain, and no large urban centers. It operates one comprehensive high school in Tollhouse, California, one junior high school in Tollhouse, California, and an elementary school in Prather, California, along with a community day school, an adult education center, a continuation high school and an alternative school of choice. As of September 15, 2024, Sierra Unified’s general fund operating budget was \$25,954,315 – less than four percent of Clovis Unified’s operating budget.

Clovis Unified is a public school district formed pursuant to and operating under the laws of the State of California. It is the second largest unified school district by attendance in Fresno County, ranking only behind Fresno Unified, with a 2023-24 average daily

attendance of 40,260.01. Clovis Unified is largely comprised of urban and suburban areas within the city limits of both Clovis, California, and Fresno, California, with the majority of its topography consisting of level city terrain. It operates five comprehensive high schools, five intermediate/middle schools, and thirty-five elementary schools, along with two community day schools, an adult education center, a continuation high school, an alternative school of choice, an online charter and a special education school. As of September 15, 2024, Clovis Unified’s general fund operating budget was \$675,153,171.

C. Description of Area Proposed for Reorganization

The area proposed for transfer includes the neighborhood currently under development by Granville Homes known as “Ventana Hills,” which comprises approximately 200 acres. The area also includes multiple undeveloped parcels to the west of Ventana Hills, which constitute approximately 430 additional acres. The Ventana Hills neighborhood is not contiguous with the current boundaries of Clovis Unified, and the Petition relies on the 430 undeveloped acres to create a bridge to Clovis Unified’s territory. Based upon the publicly available information, it is projected that significant portions of the undeveloped acreage will be used to build single family homes in the future. Importantly, due to the topography and geography of Sierra Unified, the area proposed for transfer is part of the primary projected area for future population growth within Sierra Unified’s boundaries. The map provided by the Chief Petitioner was as follows:



D. Petitioner Reasons for Reorganization

The Petition identifies two reasons for the proposed territory transfer: (1) substantial community identity; and (2) student safety and access to cocurricular activities.

E. Previous Reorganization Efforts

There have been multiple prior formal and informal actions taken in an attempt to transfer territory in this region out of Sierra Unified and into Clovis Unified. This Section of the Report will only detail the formal actions. The informal actions will be discussed in the analysis of Education Code conditions for approval, below.

1. May 2019 Notices of Intent

On May 2, 2019, Jeffrey Johnston wrote a letter to the County Superintendent informing the County Superintendent of Mr. Johnston's intent to circulate a petition for the transfer of territory out of Sierra Unified and into Clovis Unified, inclusive of the Ventana Hills neighborhood. Such a notice of intention is not legally required, and it is an unusual step as it relates to school district territory transfer petitions. As discussed later in this Report, a similarly unusual notice of intent was sent to the County Superintendent on May 1, 2019, by **Jeffrey Roberts, as a representative of the Assemi Group, Inc.**, related to Mr. Roberts's intention to file a petition to transfer territory area out of Sierra Unified and into Clovis Unified, separate from the Ventana Hills area. Such a petition was ultimately filed by Mr. Roberts, but it was rejected by the County Superintendent as insufficient under law.

2. June 2020 Petition

An attempted petition was subsequently filed on June 9, 2020, identifying Jeffrey Johnston as the sole Chief Petitioner, seeking to transfer territory out of Sierra Unified and into Clovis Unified. The proposed area included the Ventana Hills neighborhood. This petition was found to be legally insufficient by the County Superintendent, and therefore no further action was taken.

3. February 2023 Petition

On February 6, 2023, an attempted petition was filed with the County Superintendent identifying Marc Thurston as the sole Chief Petitioner. It sought the transfer of territory out of Sierra Unified and into Clovis Unified, inclusive of the Ventana Hills neighborhood. This petition was found to be legally insufficient by the County Superintendent, and therefore no further action was taken.

4. June 2023 Petition

On June 8, 2023, a second attempted petition identifying Mr. Thurston as the sole Chief Petitioner was filed with the County Superintendent. It sought the transfer of territory out of Sierra Unified and into Clovis Unified, inclusive of the Ventana Hills neighborhood.

This petition was found to be legally insufficient by the County Superintendent, and therefore no further action was taken.

5. *October 2023 Petition*

On October 17, 2023, a third attempted petition identifying Mr. Thurston as the sole Chief Petitioner was filed with the County Superintendent. It sought the transfer of territory out of Sierra Unified and into Clovis Unified, inclusive of the Ventana Hills neighborhood. Overall, the October 2023 filing was the fourth petition received by the County Superintendent's office related to the Ventana Hills neighborhood since June of 2020. This petition was found to be legally insufficient by the County Superintendent, and therefore no further action was taken. This attempted petition was the last formal action taken to transfer territory in this region prior to the May 2024 filing of the Petition currently under review by the County Committee.

F. Description of Public Hearings

Two public hearings were held regarding the Petition. The first was held on September 5, 2024, within Sierra Unified boundaries at Foothill Elementary School. The second was held on September 17, 2024, within Clovis Unified boundaries in the Boardroom of its Professional Development Building.

At the September 5 hearing, legal counsel for the County Committee gave a brief explanation of the proposal and process. The Chief Petitioner provided a presentation. Clovis Unified gave a short presentation, and Sierra Unified gave a presentation. Time was provided for the County Committee to ask questions of all presenters. The County Committee then received more than thirty public comments in support of and in opposition to the proposal, before rebuttals and closing statements from the Chief Petitioner, Clovis Unified, and Sierra Unified. The hearing lasted more than two hours and 45 minutes.

Similarly, at the September 17 hearing, legal counsel for the County Committee gave a brief additional explanation of the Petition process. Sierra Unified gave a presentation, and Clovis Unified gave a short presentation. Time was provided for the County Committee to ask questions of the district presenters. The Chief Petitioner did not attend in person, and instead submitted a video presentation which was shown during the hearing. As the Chief Petitioner agreed, the County Committee then provided questions to be asked of the Chief Petitioner to its legal counsel who emailed the questions to the Chief Petitioner for his written response. The County Committee then received nearly thirty public comments in opposition to and in support of the proposal, before rebuttals and closing statements from Sierra Unified and Clovis Unified. The Chief Petitioner did not provide a rebuttal or closing statement in his absence. Following the hearing, the Chief Petitioner's written responses to the County Committee's written questions were distributed to the County Committee members, and posted to the County Committee website. The hearing lasted just under two hours and 30 minutes.

In addition to all of the presentation materials and handouts from the parties that were provided to the County Committee during the hearings, community members also

distributed handouts. All of the written materials provided to the County Committee related to the hearings, including the written questions and answers with the Chief Petitioner, along with a copy of the Chief Petitioner’s video presentation, are available on the County Committee website at: <https://www.fcoe.org/departments/fccsdo>

G. Positions of Affected Districts Regarding the Proposal

Sierra Unified formally opposes the Petition, and adopted Resolution No. 06-24/25, In Opposition to the Ventana Hills Territory Transfer Petition and Further Requesting the Fresno County Committee on School District Organization Deny the Petition, on August 12, 2024.

Clovis Unified has taken a neutral position regarding the Petition.

III. Analysis of Education Code § 35753 Conditions

The legislative purpose of school district organization law is to make local educational needs and concerns the basis for any reorganization within a county (Education Code § 35500). While the default is the preservation of existing boundaries, reorganizations may be approved if there are compelling local educational needs and concerns.

Education Code, section 35753, establishes nine conditions for review of a proposal to reorganize school districts. These conditions examine minimum standards for the approval of a proposal, with a focus on ensuring that the proposal will not do harm to affected districts. Simply meeting the conditions does not mean that a proposal should be approved, or that it necessarily is in the best educational interests of the community.

The County Committee’s authority **to approve** proposals is discretionary – meaning nothing requires approval to be granted, even if all nine conditions are fully met. Conversely, if the County Committee does not find that all nine of the conditions are at least “substantially met,” the County Committee is required **to disapprove** the proposal, because it does not meet the minimum requirements for discretionary consideration.

Examined on the whole, the conditions can be understood to ensure the preservation of viable local educational agencies, capable of serving the educational needs of the present **and the future** within the local community. The reorganization of existing districts, or the creation of any new district, should only occur if it substantially meets the minimum conditions in the Education Code **and** it is determined to be best in light of local educational needs and concerns. The Petition fails on both counts.

A. Section 35753 Conditions

County Superintendent staff evaluate each of the Education Code, section 35753, conditions (guided by the implementing regulations of California Code of Regulations, Title 5, section 18573) as follows:

1. *The reorganized districts will be adequate in terms of number of pupils enrolled.*

Staff Recommended Finding: Not substantially met.

While this condition is broadly written to be applicable to the creation of new districts of adequate size and avoid the creation of direct service districts, it is also informative as to how small is “too small” for a unified district. According to the implementing regulations, the minimum average daily attendance for a unified district to have an adequate number of pupils is 1,501. Sierra Unified already has fewer students than that, without the Petition being approved. In the short term, approval of the Petition may not significantly impact the number of pupils enrolled, but the removal of this population growth territory would harm Sierra Unified’s future ability to reach and maintain an adequate number of pupils as established by state guidelines. Approval of the Petition would almost certainly lead to less enrollment for Sierra Unified in the future than it would otherwise have, keeping it below the level of adequacy established by the state. Therefore, it is the position of staff that Condition #1 is not substantially met as to the impacts to Sierra Unified.

Due to its size, Clovis Unified’s ability to maintain an adequate number of pupils enrolled would not be impacted by the Petition, and in the long-term, approval of the Petition would lead to an increase in its enrollment.

2. *The school districts are each organized on the basis of a substantial community identity.*

Staff Recommended Finding: Not substantially met.

This condition is often the most subjective to examine. The implementing regulations provide that the following criteria should be considered to determine substantial community identity: (1) isolation; (2) geography; (3) distance between social centers; (4) distance between school centers; (5) topography; (6) weather; and (7) community, school, and social ties and other circumstances peculiar to the area.

Specific guidance on the use of these criteria is not provided by the regulations. How all of these criteria should be examined, calculated, weighted, and weighed against each other could be debated at length. Ultimately, the entirety of the hearing presentations and public comments from community members should be taken into consideration by the County Committee to make a determination for this condition.

It is obvious to staff that there are substantial community identity differences between the majority of Sierra Unified and the majority of Clovis Unified, based upon the hearings and observations of the districts. How the area under consideration should be viewed is

the salient question. It is the view of staff that, especially with the level of current development in the area, the inhabited portion of the territory proposed for transfer is isolated when compared to the majority of Clovis Unified, and it is much more akin to the balance of Sierra Unified's territory in its level of isolation from urban centers. Furthermore, the geography and topography of the area proposed for transfer is much more like the majority of Sierra Unified's territory than the majority of Clovis Unified's.

Based upon the public comments from Ventana Hills residents and other Sierra Unified residents at the public hearings, there appear to be mixed views regarding social centers, and community, school, and social ties. A hallmark of the Sierra Unified district community identity appears to be a sort of "dual community" with a unique deep mountain character that also has significant economic ties to the cities of both Fresno and Clovis. Strikingly, several times during hearing comments Ventana Hills residents echoed the lifestyle of other Sierra Unified residents when they referred to the idea of "going down the hill" for employment and/or shopping, seemingly indicating that residents of Ventana Hills share a similar community identity with the rest of Sierra Unified in this regard. Additionally, the assertion from Sierra Unified community members that the schools of the district serve as social centers for community in the district is well taken, as are the comments from other Sierra Unified residents who say they live further down the hill than Ventana Hills and still identify with what they see as a unique Sierra Unified community identity.

Finally, the presentations from Sierra Unified and the Chief Petitioner illustrate the various manners in which the "distance between school centers" criteria can be analyzed and portrayed. On balance, particularly in light of Clovis Unified's representation it will not be constructing a new elementary school near the region in the short term, it would appear that this criterion is largely ambiguous. In the long term, even with the eventual construction of an elementary school by Clovis Unified near the region, the locations of middle and high schools relevant to the discussion with Clovis Unified likely keeps this particular criterion ambiguous, as the travel times are largely similar.

While this condition may be subject to many points and counterpoints regarding the various criteria, it is the view of staff that Condition #2 is not substantially met, either now or projected into the future. The identity of the community proposed for transfer most closely aligns with its current district as it is a part of the foothill region of Sierra Unified.

3. *The proposal will result in an equitable division of property and facilities of the original district or districts.*

Staff Recommended Finding: Substantially met/not applicable.

This condition is not applicable. The territory proposed for transfer by the Petition contains no school district real property or facilities. Therefore, if the territory were to transfer from Sierra Unified to Clovis Unified, there would be no required division of real property or other fixed assets. If the Petition is approved, the County Committee would be able to dictate the division of any other property, funds, or obligations affected by the proposal. It should also be noted that if the Petition is approved, the property owners of

the transferred territory would assume their share of bonded indebtedness for existing Clovis Unified bonds as is supported by their proportionate share of assessed valuation within Clovis Unified boundaries.

This condition is largely not applicable, and is therefore substantially met.

4. *The reorganization of the school districts will preserve each affected district's ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation.*

Staff Recommended Finding: Substantially met.

Due to the extremely limited number of pupils present in the area proposed for transfer, there would be virtually no impact on either Sierra Unified or Clovis Unified's ability to educate pupils in an integrated environment, in the short term, and there is no evidence that the Petition's approval would lead to racial or ethnic discrimination or segregation. Similarly, no evidence has been presented, or uncovered by County Superintendent staff, that there would be any foreseeable impacts in these areas in the future should the Petition be approved, due to a lack of available statistical trends or projections for the racial or ethnic makeup of future population growth in the subject area. Accordingly, this condition is substantially met.

5. *Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.*

Staff Recommended Finding: **Not** substantially met.

With very similar per-pupil funding rates between the two districts, any cost impacts to the state when shifting the student population from one to the other are judged to be minimal and insignificant in the short term. Specifically, as it relates to Clovis Unified, staff does not anticipate the Petition causing the state to have increased costs in the future due to approval of the proposal because it will gain students.

However, in the long term, there would likely be increased costs to the state if the Petition is approved and Sierra Unified loses enrollment growth, bonding capacity, and developer fees, as discussed elsewhere in this Report. With those factors and aging facilities, it is more likely that Sierra Unified may meet state financial and/or facility hardship eligibility criteria in the future due to lower assessed valuation caused by the transfer of territory to Clovis Unified. Under the hardship program, the state's contribution to a qualifying district's facility costs increases, but the size and scope of that contribution are difficult to project and quantify at this time. Accordingly, this criterion is met in the short term, and whether or not it is judged by the County Committee to be substantially met overall depends on the likelihood the County Committee sees that Sierra Unified's financial health would be impacted sufficiently to make it more eligible for and more dependent upon state facilities costs in the future. Because staff sees those increased costs to the state as reasonably foreseeable (if difficult to quantify as to significance to the state), staff recommends the Committee find that Condition #5 is not substantially met.

6. *The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts.*

Staff Recommended Finding: **Not** substantially met.

In the short term, the proposed transfer of territory is anticipated to have minimal impact on the educational programs provided by either Sierra Unified or Clovis Unified. The relatively small number of students currently affected by this transfer will continue to have access to comparable educational opportunities in both districts. For instance, each district offers a wide range of extracurricular activities that promote student engagement and enrich the overall school experience. However, as discussed below, this would not continue for Sierra Unified if the Petition is approved.

While Clovis Unified reports higher overall academic achievement on state assessments, the difference is minor when focusing on similar demographic groups impacted by the transfer. Both districts maintain advanced placement courses and high-quality educational programs, ensuring that students will benefit from attending either district.

In the long term, the outlook for sound education performance and significant disruption of educational programs would be negative for Sierra Unified if the Petition is approved. When the undeveloped land is converted into housing developments in the future, the increase in student enrollment would have varying effects between the two districts. If the transfer proceeds, these additional students would not enroll in Sierra Unified, which would limit the district's ability to enhance its program offerings. For example, an influx of students to this small unified district could enable the introduction of new or innovative classes, expanding academic opportunities. Without those additional students, that significant opportunity for Sierra Unified would be lost. In contrast, Clovis Unified's already high enrollment, and significantly larger budget, means that new students would have a negligible effect on its course offerings and educational programs. Additionally, the significant financial impacts anticipated for Sierra Unified if the Petition is approved discussed later in this Report – particularly the loss of student funding and bonding capacity – would not promote conditions for sustained sound educational performance without disrupted educational programs in Sierra Unified. Instead, the lower future enrollment and worse financial conditions for Sierra Unified would mean a less rich curriculum, fewer course offerings, and fewer resources. While the size of the future student growth and future bonding capacity may not be absolutely certain, given Sierra Unified's small size and budget, removing any future growth areas from its boundaries is not best for the educational needs of the entire district or community region. This condition is not substantially met.

7. *Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.*

Staff Recommended Finding: **Not** substantially met.

The impact on Sierra Unified in this regard would likely be significant. The area proposed for transfer is the district's major projected growth area, and with its loss, Sierra Unified could lose opportunities for developer fees and additional bonding capacity, which are used singularly for building and maintaining school facilities. In a future situation where Sierra Unified has little new development but the same aging facilities, the prospect of maintaining their existing facilities in good repair is difficult to guarantee. A reasonable assumption would foresee Sierra Unified applying for, and receiving, financial hardship funding in an attempt to offset the losses caused by the transfer. However, if the territory were to stay within the boundaries of Sierra Unified, the district would benefit from future developer fees and bonding capacity (potentially many times over) that would provide much-needed resources for constructing and maintaining school facilities. This would remain the case whether or not the current bond attempt is approved, as removing this territory would remove it from all future bonding capacity.

Estimates of the lost bonding capacity that result from the transfer vary widely, anywhere from \$800,000 to \$2,500,000 in the near term. If Sierra Unified's November 2024 bond is approved by voters, conservatively speaking, the district would lose at least \$800,000 in revenue as a result of the proposed transfer – money that would not be available to address facility needs. This calculation does not even consider future lost bonding capacity, which is speculative, but the removal of this territory from Sierra Unified guarantees it would not provide its bonding capacity to Sierra Unified for any future bonds, with a total impact easily in the millions of dollars. For a district of Sierra Unified's size, budget, topography, and geography, the removal of this likely growth area would have significant long-term financial consequences, directly leading to less potential bond funds for facilities which will need to be offset from other sources.

Condition #7 is not substantially met.

8. *The proposed reorganization is primarily designed for purposes other than to significantly increase property values.*

Staff Recommended Finding: **Not** substantially met.

While this condition is often subjective, this proposal is unusual in that there is ample objective evidence that a consistent driving force behind the Petition is to significantly increase property values for real estate development interests. Reaching that conclusion is not a criticism or an indictment of the Chief Petitioner or of others who signed the Petition. Rather, it is an acknowledgement of the substantial historic and ongoing formal and informal efforts from the Assemi Group, Inc., and Granville Homes to have property taken out of Sierra Unified and moved into Clovis Unified, in an obvious effort to increase the perceived marketability, and therefore the property value, of land owned and/or under development.

Again, staff would like to emphasize that the motivations of the Chief Petitioner and the other Petition signors with children in the transfer area is not being questioned. As was demonstrated at public hearing, those parents appear to be advocating for what they believe is in the best interests of their children and their families, and for what is most convenient for them. However, as outlined below, the Petition’s main design and historical driving force comes from real estate developer interests seeking to increase property values. The analysis of this condition is necessarily the largest portion of this Report due to the voluminous nature of simply summarizing all of the evidence relevant to reviewing this condition for this proposal. First we will examine the purposes identified by the Chief Petitioner, and then we will discuss what the actual primary purpose appears to be – to significantly increase property values.

a) Purposes identified in the Petition.

As noted, the Chief Petitioner identifies two purposes for the Petition: (1) substantial community identity; and (2) student safety and access to cocurricular activities.

It is the view of staff that most of the testimony presented during the hearings related to the purpose of community identity spoke more to **convenience** for certain inhabitants of Ventana Hills than to an overarching community identity that is in need of preservation or protection via the territory transfer. Additionally, as discussed related to Condition #2, it is far from clear that the proposed transfer area has a substantial community identity more akin to Clovis Unified than Sierra Unified, with staff recommending that the opposite is in fact the case.

As to the second purpose listed on the Petition, it is actually two separate items: (a) access to cocurricular activities; and (b) student safety. On the issue of access to cocurricular events, it is unclear how the transfer of territory would benefit resident families based on commute-time alone, as in-district schoolsite commute times would be substantially similar, while out-of-district commute times would only be negligibly impacted. Moreover, as was raised during the hearings, remaining within Sierra Unified could actually give Ventana Hills students more access to cocurriculars, because access to cocurricular activities in Sierra Unified is generally less competitive than within Clovis Unified, likely leading to more participation opportunities by remaining part of Sierra Unified.

The issue of traffic safety related to arguments regarding commutes for Ventana Hills residents appears to be the final identified purpose for the transfer identified by the Petition and in need of examination as a possible primary purpose. Data obtained from the California Highway Patrol’s Statewide Integrated Traffic System (“SWITRS”) database indicates a negligible picture regarding commute safety, when comparing data for arterial routes that would be used by Ventana Hills residents to travel to schoolsites within Clovis Unified to routes that would be used to travel to schoolsites within Sierra Unified.

For the period of January 2021 through mid-September 2024, SWITRS reports the following combined actual accident data for Friant Rd. (between Audubon Dr. and Copper Ave.), Copper Rd. (between Friant Rd. and Auberry Rd.), and Auberry Rd. (between

Copper Ave. and Ventana Dr.) – all arterial commute roads to access Clovis Unified schools from Ventana Hills:

Fatal Crashes	Injury Crashes	Property Damage Only	Total Crashes
9	74	118	201

During that same time period, SWITRS reports the following combined actual accident data for Auberry Road/Route 168 (between Ventana Drive Dr. and Lodge Rd.), and Lodge Rd. (between Route 168 and Wintermute Ln.) – arterial commute roads to access Sierra Unified schools from Ventana Hills:

Fatal Crashes	Injury Crashes	Property Damage Only	Total Crashes
6	76	110	192

While this data snapshot is not necessarily a guarantee of how traffic in this region will evolve into the future, or the route that would be taken for each drive, it appears to indicate that commute safety for students is not a compelling concern when comparing the need for Ventana Hills residents to go up the hill versus down the hill to access schoolsites.

b) The purpose of significantly increasing property values.

Instead of the two purposes listed on the face of the Petition, a significant increase in property values appears to be the primary intended purpose of the proposal. As discussed in Section II.E. Previous Reorganization Efforts, the instant Petition comes as the sixth formal step in a lengthy line of formal actions to transfer territory in the Ventana Hills area out of Sierra Unified. The attached **Exhibit “A”** documents written actions taken by developer interests related to the transfer of territory out of Sierra Unified and into Clovis Unified going back to 2015, and is included for County Committee review. It contains:

Tab 1: August 2015 email correspondence between **Jeffrey Roberts**, as a representative of **Granville Homes**, and County Superintendent General Counsel requesting a meeting to discuss the transfer of territory out of Sierra Unified.

Tab 2: August 2015 email correspondence between **Jeffrey Roberts**, as a representative of **Granville Homes**, and County Superintendent General Counsel again requesting a meeting to discuss the process of territory transfers, stating that Mr. Roberts wants to ensure he has accurate information to share with “various groups” he is meetings with regarding this issue.

Tab 3: November 2018 email correspondence between **Jeffrey Roberts**, as a representative of the **Assemi Group, Inc.**, and County Superintendent Legal Counsel

requesting a meeting to discuss the process of transferring territory out of Sierra Unified and into Clovis Unified.

Tab 4: May 2019 Notice of Intent to Submit a Petition from **Jeffrey Roberts**, as a representative of the **Assemi Group, Inc.**, indicating a plan to petition to transfer territory not including Ventana Hills out of Sierra Unified and into Clovis Unified. **Such a notice of intention is not required and is an unusual step from a party attempting a school territory transfer.**

Tab 5: May 2019 Notice of Intention to Circulate Initiative from Jeffrey Johnston, indicating a plan to petition to transfer territory, including Ventana Hills, out of Sierra Unified and into Clovis Unified. This notice is not legally required, and it is not a normal step of the school territory transfer process. **While this notice was not identical to the one submitted by Mr. Roberts on behalf of the Assemi Group, Inc., in the same week, the concurrent unusual submission of these notices suggests to staff a coordination between Mr. Roberts and Mr. Johnston related to the transfer of the Ventana Hills neighborhood, while Mr. Roberts was acting as a representative of the Assemi Group, Inc.**

Tab 6: July 2019 email correspondence between **Jeffrey Roberts**, as a representative of the **Assemi Group, Inc.**, and County Superintendent Legal Counsel regarding a May 2019 petition to transfer territory filed by Mr. Roberts that was rejected as legally insufficient by the County Superintendent. The petition and rejection letter are omitted from Exhibit “A” to save space, and because they do not add additional detail to the written actions taken by developer interests. The rejected petition sought to transfer uninhabited territory area out of Sierra Unified and into Clovis Unified, separate from the Ventana Hills area. Mr. Roberts’s email requests Legal Counsel provide a detailed explanation of the petition’s insufficiencies, or to receive a mark-up of corrections that could be made to the petition to make it legally sufficient.

Tab 7: May/June 2020 email correspondence between **Drew Phelps**, an employee of **Granville Homes**, and the County Superintendent’s Legal Services Division requesting information about the petition process during COVID-19 for Ventana Hills residents, discussing Mr. Phelps’s coordination with Jeffrey Johnston to file a petition, and confirming the County Superintendent’s receipt of Mr. Johnston’s June 2020 petition attempt.

Tab 8: March 2023 email correspondence between Becky Wharton, executive assistant to **Darius Assemi**, CEO of **Granville Homes**, and County Superintendent staff setting a Zoom meeting with Mr. Assemi, **Drew Phelps**, and the County Superintendent following the rejection of Marc Thurston’s February 2023 petition attempt for legal insufficiencies.

Tab 9: July 2023 email correspondence between **Mark Waller**, legal counsel for **Granville Homes**, and County Superintendent Legal Counsel seeking a phone call to discuss the rejection of Marc Thurston’s June 2023 petition as legally insufficient.

Tab 10: July 2023 email correspondence between **Mark Waller**, legal counsel for **Granville Homes**, and County Superintendent Legal Counsel arguing for Legal Counsel to go beyond providing general information, coordination, and guidance related to attempted territory transfers, and to instead provide petition drafting guidance, analysis, and advice to Mr. Waller and Marc Thurston.

Tab 11: November 2023 email correspondence between **Darius Assemi**, CEO of **Granville Homes**, and the County Superintendent following the rejection of Marc Thurston's October 2023 petition as legally insufficient. Mr. Assemi sought a more detailed explanation of the legal insufficiencies of the petition submitted by Mr. Thurston, and shared his views regarding the actions of County Superintendent Legal Counsel related to petition attempts.

Tab 12: July 2024 email correspondence between **Brenda Cosio**, land entitlements analyst for **Granville Homes**, and County Superintendent Legal Counsel regarding a Public Records Act Request from Ms. Cosio for documents: (1) related to Sierra Unified student interdistrict transfer agreements; and (2) related to the transfer of territory to and from Sierra Unified.

Beyond the documents in Exhibit "A," County Superintendent staff is aware of additional unsaved emails and multiple phone calls over the years between this office and representatives of the Assemi Group, Inc., Granville Homes, and the GV Wire (an information website published by Darius Assemi), related to the transfer of territory out of Sierra Unified and into Clovis Unified. For example, prior to the first Ventana Hills related petition from Jeffrey Johnston in 2020, **Drew Phelps** contacted the Legal Services Division by phone, identifying himself as a "community member," and seeking information about the territory transfer process. Following that communication, some time later Mr. Phelps again contacted the Legal Services Division by phone, this time identifying himself as a reporter with the GV Wire, seeking information about the territory transfer process. Both of those communications occurred prior to Mr. Phelps's 2020 contact, when he identified himself as an employee of **Granville Homes**. Additionally, there have also been multiple phone calls initiated by **Jeffrey Roberts** and **Mark Waller** with the Legal Services Division over the past several years related to attempted territory transfer proposals out of Sierra Unified, and seeking analysis, guidance, and/or advice beyond what County Superintendent staff normally provides to petitioners or members of the public.

County Superintendent staff is also aware of meetings conducted in coordination with Granville Homes in the Brighton Crest neighborhood that were attempts to convince residents to petition to move that neighborhood out of Sierra Unified and into Clovis Unified. Those meetings took place several years before the June 2020 petition related to Ventana Hills was filed. County Superintendent staff personally saw a letter on Granville Homes letterhead promoting one such informational meeting, and specifically listing increases to property values as a primary benefit of a potential transfer for residents of Brighton Crest.

County Superintendent staff has also been able to confirm the assertions made during Sierra Unified's presentation at the September 17 hearing regarding the extension of

developer tract maps by the Fresno County Planning Commission at its July 18, 2024, meeting. Parcels included in the Petition transfer area are specifically included in the Planning Commission actions, and the related staff reports from the County identify the tract map extension owner/applicant as “*Jeffery [sic] Roberts, Assemi Group Inc / 104 Investments, LLC.*”

As was also discussed during the second public hearing, and acknowledged by the Chief Petitioner in his written response to County Committee questions, the electronic file data for the slides presented by the Chief Petitioner at both hearings identifies the file author and last editor as “Priscilla Presto,” an employee of Granville Homes. This confirms continued developer involvement and resource support for the Petition up to and including for the public hearings in this matter.

As both the Assemi Group, Inc., and Granville Homes operate as for-profit real estate development businesses, it is reasonable to deduce that their devotion of the time and attention of senior staff members and legal counsel to efforts to transfer territory out of Sierra Unified and into Clovis Unified is because the transfer serves their interests, and that those interests are financially tied to the property in question. All of this activity evidences their efforts to increase the perceived marketability, and therefore the property value, of land owned and/or under development within the Petition area. In Darius Assemi’s own words, going back to the July 2012 Sierra Unified Board meeting quoted at the public hearings by Sierra Unified, residential developments not being within Clovis Unified is viewed by Granville Homes’s sales team and customers as being an impediment to sales. The long running and consistent driving efforts of developer interests to transfer territory out of Sierra Unified and into Clovis Unified – and the apparent inextricable ties those developer interests have had with each of the five transfer petition attempts related to Ventana Hills, including the one now before the County Committee – lead staff to conclude the proposed reorganization **is** primarily designed to significantly increase property values.

Condition #8 is not substantially met.

9. *The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district.*

Staff Recommended Finding: **Not** substantially met.

Staff does not anticipate the proposal would have any significant impact on the fiscal status of Clovis Unified.

Conversely, this is perhaps the most consequential of all nine conditions in terms of revealing the potential impact on the ability of Sierra Unified to maintain services at its intended and/or current capacity if the territory transfer occurs. As described above, in today’s terms, the district will only lose a few potential current students if the Petition is approved. While true, we must consider the long-term viability of Sierra Unified as a functioning district. By nature of its geographical location, Sierra Unified has few growth areas left; there is no foreseeable alternative area for development within district

boundaries other than the area that includes the proposed transfer territory. In light of this, the acreage involved and its unique suitability for growth within Sierra Unified creates a very likely substantial negative financial impact for Sierra Unified for the following three reasons:

First, Sierra Unified will lose millions of dollars in bonding capacity. While development in the Ventana Hills neighborhood has progressed slowly, it is not necessarily logical to extrapolate the current growth rate into the future. There are many other factors to consider that may speed up or further delay development such as county permitting rates, infrastructure plans, environmental concerns, economic downturns or expansions, etc. Further, the Education Code does not require the County Committee to contemplate a timeframe for when the affected district will feel substantial negative impacts. As discussed related to Condition #7, if this proposal is approved future bonding capacity lost by Sierra Unified is, conservatively, in the millions of dollars, which would be substantially negative for a district of Sierra's size.

Second, Sierra Unified will lose per-student Local Control Funding Formula ("LCFF") revenue of approximately \$5,000,000 annually upon projected full build out. California passed legislation in 2013 that overhauled the state's method of funding public education. The LCFF generates base grants for each student, followed by supplemental grants for identified students in certain demographic groups, and then finally adds concentration grants for districts possessing a high percentage of those same students. Using the same assumptions from the above paragraph, the district could potentially lose millions of dollars of per-student funding. Sierra Unified's hired consultant used current student generation rates (SGR) of 0.714 to arrive at a total projected student population at build-out of 595 students. Considering most developments in nearby districts and across the state, this SGR appears very high and will likely not hold in the future. A more sensible SGR of 0.5 still would generate an estimated student population of 418 students. At current LCFF funding rates, Sierra Unified would lose approximately \$5,000,000 in LCFF revenue annually, in today's dollars.

Third, Sierra Unified would likely lose considerable developer/impact fees. Impact fees are owed to a school district when development occurs within its boundaries which will reasonably generate additional students. The builder of any structure or addition over 500 square feet must pay a fee to the district to be used solely for the construction of new student housing or the conversion of existing buildings into student housing. The rate gets adjusted by the State Allocation Board every two years. Importantly, this funding source is only collectible for a district if it has a current Fee Justification Study on hand which justifies the fee, and the district's governing board has authorized the collection of such fees. Even though Sierra Unified is not currently collecting these impact fees, it is staff's understanding the district is in the process of commissioning a School Facility Needs Assessment in order to reinstate such collections. At the current rate of \$5.17/square foot of construction, and using average numbers from the existing dwellings, Sierra Unified stands to potentially lose millions in one-time resources for constructing additional student housing if the Petition is approved.

This proposal will not promote sound fiscal management for Sierra Unified, and would cause substantial negative effects for the district, while foreclosing prime future population and bonding growth opportunities. Condition #9 is not substantially met.

IV. Summary of Compelling Concerns (Education Code § 35500)

As discussed, the Education Code default is that school district boundaries should remain unchanged absent compelling local educational needs or concerns that would be addressed by the proposed change. The nine conditions emphasize minimum standards that must be met before the County Committee may exercise its discretion to approve a meritorious petition. The conditions help define and examine whether or not a given reorganization proposal will harm impacted districts. The law does not provide for reorganizations to be approved for convenience, to promote school choice, or based upon individual or neighborhood preferences or desires. And the law definitely does not allow territory transfers for developers to increase the perceived marketability of residential developments, and thereby increase property values.

The Petition currently before the County Committee fails to meet the nine minimum conditions **or** provide a compelling educational need or concern that would be addressed by its approval. What is more, there are significant compelling educational needs and concerns that weigh **against** its approval, even if the nine conditions were met and it was therefore eligible to be approved by the County Committee.

Beyond what is already analyzed in this Report, there are two additional issues for the County Committee to consider, which also weigh against approval of the Petition.

First, while Big Creek Elementary School District is not legally an affected district for purposes of conducting public hearings within its boundaries or for statutory analysis, Jimmie Eggers, Superintendent of Big Creek Elementary, attended both public hearings and opined during public comment that both Big Creek Elementary and Pine Ridge Elementary School Districts would see negative impacts for their students if the Petition was approved. As both elementary districts feed into Sierra Unified, Superintendent Eggers represented that he saw a likelihood of negative impacts for both small elementary districts and their students if Sierra Unified was harmed by the approval of the Petition. This is an additional educational concern not immediately apparent when simply reviewing the nine conditions.

Second, it must be understood that special education students in Sierra Unified and Clovis Unified are served by different Special Education Local Plan Areas (SELPA). Sierra Unified is a member of the Fresno County SELPA administered by the Fresno County Superintendent of Schools, while Clovis Unified runs its own SELPA. If approved, the proposed territory transfer would impact both SELPAs due to the transfer of enrolled students within each district, even if no special education students live in the territory because the funding calculation is based on enrolled *general education* students. Special education funding rates vary by program and SELPA. County Superintendent staff estimates that the State Special Education funding, Low Incidence funding, Out-of-Home

Care funding, and Federal special education funding would all be impacted by the shift of students out of the Fresno County SELPA to Clovis Unified's SELPA. While the funding impact would be minimal with the current limited enrollment in the transfer territory, the funding impact will increase commensurately with the increase in enrollment as the Ventana Hills development continues. If the Petition is approved, the Fresno County SELPA would lose funding, thereby potentially decreasing available services to all students in the Fresno County SELPA, including those residing within Sierra Unified.

Putting all of the complexity of the legal conditions aside, the analysis of the Petition can be understood in simple terms. Approval of the Petition would cause educational and financial damage to Sierra Unified in the long term, harming its effectiveness and viability as a local educational agency capable of serving the educational needs of the present and the future. The preferences and the convenience of a few families do not outweigh the overall community educational needs. It is the opinion of staff that no compelling educational needs or concerns would be addressed by approval of the Petition, and instead that there are compelling educational concerns that would be caused by its approval. The students and community of the vast Sierra Unified district, and its feeder elementary districts, need it to remain a robust and stable school district. Approval of this Petition would harm those prospects. It is the position of staff that a review of the compelling educational needs at issue, and analysis of the nine legal conditions, requires disapproval of the Petition.

Exhibit "A"
to Staff Report and Recommendations Regarding Proposed
Sierra Unified/Clovis Unified School District Territory Transfer

TAB 1

From: Maiya Yang
Sent: Monday, August 17, 2015 5:22 PM
To: Jeffrey Roberts
Subject: Territory Transfer - RE: Meeting time

Mr. Roberts, I left a voice message last week on your telephone. As I stated, this office represents the Fresno County Committee on School District and the Fresno County Superintendent of Schools. Because of this representation, we provide general information but do not review or discuss the particulars of any petition. If you have questions particular to your petition, please consult with your own legal counsel. If you have general questions, please refer to the Powerpoint material that I previously emailed to you. Another source that may be helpful to you is the California Department of Education's Handbook on School District Reorganization, which you may find at: <http://www.cde.ca.gov/re/lr/do/>.

Maiya Yang
General Counsel
Fresno County Office of Education
1111 Van Ness Avenue
Fresno, CA 93721-2000
(559) 265-3003
(559) 265-3054 FAX

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From: Jeffrey Roberts [mailto:JRoberts@gvhomes.com]
Sent: Monday, August 17, 2015 3:49 PM
To: Maiya Yang; Barbara Reyna
Subject: Meeting time

I am checking in to see if there is a time that we could meet this week to discuss the information that I sent to you regarding the "Territory Transfer" process for the land south of Millerton Lake.

Please let me know. Thanks!

Jeffrey T. Roberts

Granville Homes

Passion, Commitment & Innovation Everlasting

1396 W. Herndon Suite 101, Fresno, CA 93711

559.436.0900 / fax 559.436.1659 / cell 559.288.0688

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TAB 2

From: Maiya Yang
Sent: Thursday, August 20, 2015 10:19 AM
To: Jeffrey Roberts
Subject: RE: Meeting re Territory Transfer

Mr. Roberts, we are looking into your question and will provide you with a response if it is proper for us to do so. As I stated to you before, we generally do not meet with potential petitioners to discuss the particulars of their petition. This is to make sure that the process remains fair for all who are involved.

Maiya Yang
General Counsel
Fresno County Office of Education
1111 Van Ness Avenue
Fresno, CA 93721-2000
(559) 265-3003
(559) 265-3054 FAX

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From: Jeffrey Roberts [mailto:JRoberts@gvhomes.com]
Sent: Wednesday, August 19, 2015 4:40 PM
To: Maiya Yang; Barbara Reyna
Subject: Meeting

Could we please arrange a meeting to discuss the "process" question that I have outlined on "Territory Transfers"? I have a couple of meetings scheduled with various groups and want to be accurate in what I convey to them about the petition process. I did review the information that you sent but find it confusing. Please let me know when you can be available to meet.

Thank you

Jeffrey T. Roberts

Granville Homes

Passion, Commitment & Innovation Everlasting

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559.436.0900 / fax 559.436.1659 / cell 559.288.0688

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TAB 3

From: Jeff Roberts <JRoberts@assemigroup.com>
Sent: Thursday, November 15, 2018 11:25 AM
To: Benjamin Rosenbaum
Subject: Fwd: Meeting request

Hello again,

I wanted to make sure that you saw the request below. Also, could you please direct me to the "right person" to discuss the CEQA requirements for an uninhabited transfer of territory for 69 acres?

Thanks for the help

Sent from my iPhone

Begin forwarded message:

From: Jeff Roberts <JRoberts@assemigroup.com<mailto:JRoberts@assemigroup.com>>
Date: November 13, 2018 at 4:45:31 PM PST
To: "'brosenbaum@fcoe.org<mailto:brosenbaum@fcoe.org>'<brosenbaum@fcoe.org<mailto:brosenbaum@fcoe.org>>
Subject: Meeting request

Good afternoon,

Terry Cox provided me with your contact information today

I would like to meet with you and discuss the process for transferring approximately 69 acres of land from the Sierra Unified School District to Clovis Unified School District in the vicinity of Millerton Lake.

Can we arrange a meeting within the next few weeks?

Please let me know. Thanks!

Jeffrey T. Roberts
Assemi Group, Inc.
1396 W. Herndon Suite 101, Fresno, CA 93711
559.436.0900 / fax 559.436.1659 / cell 559.288.0688

TAB 4

ASSEMI GROUP, INC.
1396 West Herndon, Suite 110
Fresno, Ca 93711

May 1, 2019

Jim Yovino, Superintendent
Fresno County Office of Education
1111 Van Ness Ave.
Fresno, CA 93721

Subject: Notice of Intent to Submit a Petition.

Dear Superintendent Yovino,

On Behalf of the property owner, I am submitting this "Notice of Intent" to your office in advance of submitting a "Petition" to reorganize 69.29 acres from the Sierra Unified School District to the Clovis Unified School District. In addition to the notice, I have included several maps that clearly illustrate the location of the subject property.

The formal "Petition" will be filed soon. This property is vacant of buildings, has no residents, and only has one owner.

Please feel Free to contact me if you have any questions.

Thank You,



Jeffrey T. Roberts

Assemi Group, Inc.

1396 W. Herndon Suite 110, Fresno, CA 93711
559.440.8308 / fax 559.436.1659 / cell 559.288.0688

Notice

Notice is hereby given that Jeffrey T. Roberts, on behalf of the property owner, Ashlan & Hayes Investments, LLC. and/or Locans Investments, LLC., intends to submit a "Petition" to the Sierra Unified School District for the purpose of reorganizing the area, consisting of 69.29 acres, into the Clovis Unified School District. The reasons that the property should be reorganized are as follows:

1. The 69.29 acres lies within the County of Fresno, adjacent to the Millerton Specific Plan Area and within County Service Area 34.
2. The property is vacant, without municipal water and sewer service, and is not within the federal "Place of Use" for surface water allocations.
3. A majority of the property has fairly steep topography and is either difficult or impossible to build on.
4. The land is located at the north end of Winchell Cove Road, a "non – public" right of way.
5. The land is bordered on the west, south, and east by lands within the Clovis Unified School District and on the north side by "Indian Trust" property.
6. The Clovis Unified School District owns a future elementary school site within 5/8 of a mile of the 69.29 acres.



Jeffrey T. Roberts
Assemi Group, Inc.

5-01-2019
Date

On Behalf of :


**Ashlan & Hayes Investments, LLC,
A California Limited Liability Company**



Neema Assemi, Manager

5-1-19
Date

**Locans Investments, LLC,
A California Limited Liability Company**



Farid Assemi, President

5-1-19
Date

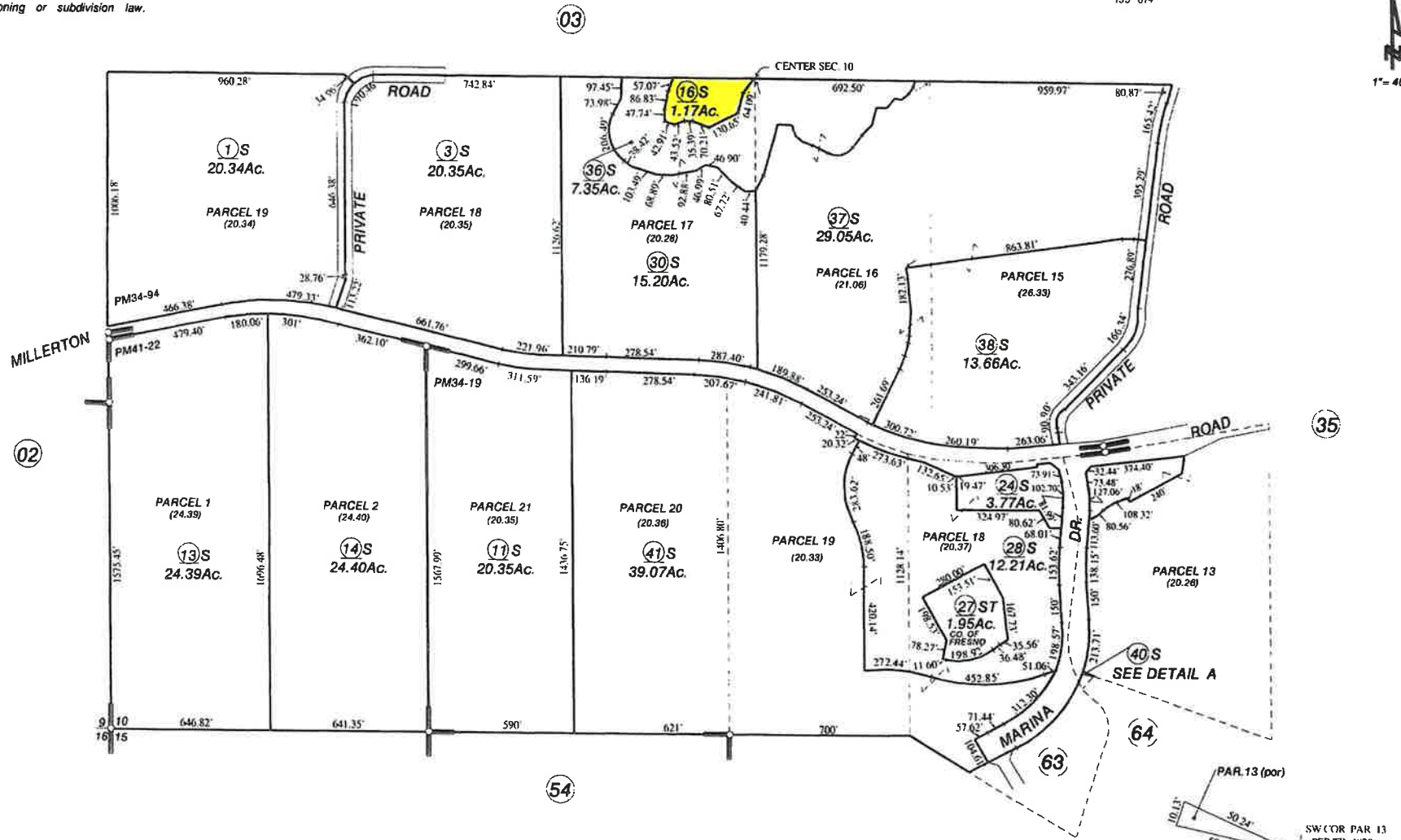
SUBDIVIDED LAND IN POR. SEC. 10, T. 11 S., R. 21 E., M.D.B. & M.

Tax Rate Area
76-094
76-095
199-014

300-34



--- NOTE ---
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.



Parcel Map No. 3179 - Bk. 34, Pg. 94
Parcel Map No. 5349 - Bk. 34, Pg. 19 & 20
Parcel Map No. 5988 - Bk. 41, Pg. 22

Assessor's Map Bk.300 - Pg. 34
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

County Service Area No. 34 (Millerton New Town)

Authorized services: water, wastewater, street sweeping, street lighting



Fresno Local Agency Formation Commission

 District SOI
 CSA 34

69.29 Ac.



Formation: 1987
Sphere updated: 09/28/2011
District area: 1,489 acres
Sphere area: 2,394 acres

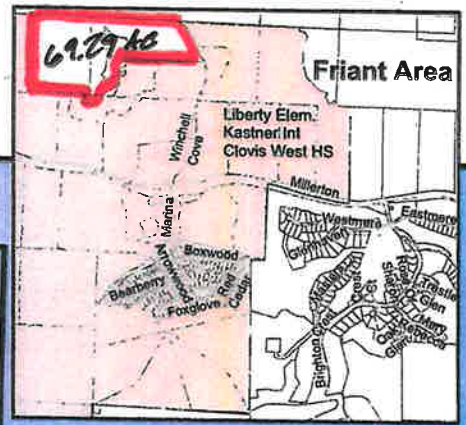
Map prepared: 08/30/2017



Clovis Unified School District 2016-17 School Boundaries



A



See B

B

See A

Elementary Schools

- Boris
- Bud Rank
- Cedarwood
- Century
- Clovis Comm. Day Sch. Elem.
- Clovis Elem.
- Cole
- Copper Hills
- Cox
- Dry Creek
- Fancher Creek
- Fort Washington
- Freedom
- Fugman
- Garfield
- Gettysburg
- Jefferson
- Liberty
- Lincoln

- Maple Creek
- Miramonte
- Mountain View
- Nelson
- Oraze
- Pinedale
- Reagan Elem.
- Red Bank
- Riverview
- Sierra Vista
- Tarpey
- Temp.-Kutner
- Valley Oak
- Weldon
- Woods

High Schools

- Buchanan High School
- Clovis East High School
- Clovis High School
- Clovis North High School
- Clovis West High School

- Clovis Comm. Day Sch. Sec.
- Enterprise High School
- Gateway Continuation School
- Clovis Online Charter

Intermediate Schools

- Alta Sierra
- Clark
- Granite Ridge
- Kastner
- Reyburn

Prepared by:
CSUD Assessment Department
August 19, 2016

See C

C

8409	8408	8409	8392
13016	13092	6356	13250
			Chickadee
			Dipper
		8308	6364
13015	8271	8272	3255
			13327
		8236	
		8198	
13058	8151	8162	
		8126	
		8090	
		8054	
13059	8055	8018	

5671	5705	5705	5705
			383
			391
			395
5677	5684	5684	5684
			5691
			5691
404	409409	5704	5704
	409	5704	5704
	409	5704	5704

Administrative Services

Received

MAY 08 2019

**FCSS
Legal Services**

TAB 5

May 2, 2019

Jeffrey Johnston
20338 Ventana Hills Dr.
Clovis, CA 93619

Superintendent Jim Yovino
Fresno County Superintendent of Schools
1111 Van Ness
Fresno, California 93721

Dear Superintendent Yovino,

I am writing this letter to accompany my notice of intent to circulate a petition for territory transfer. Please find the notice, along with a map roughly delineating the area proposed for transfer, in this package. I will now begin the process of collecting signatures for submittal to your office to initiate the potential reorganization. My reasons for seeking the transfer are listed in the notice of intent, but please feel free to contact me if your office has any questions before I submit the petition.

Respectfully,

Jeffrey P. Johnston

Received

MAY 09 2019

**FCSS
Legal Services**

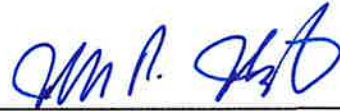
Notice of Intention to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within Sierra Unified School District for the purpose of reorganizing the area, consisting primarily of the Ventana Hills neighborhood, into Clovis Unified School District. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

The Millerton area is or will be inhabited by an "urban" population that is more connected to the Fresno-Clovis Metropolitan Area than the Fresno County Foothills. The County of Fresno and LAFCO, taking this into account, established a maintenance entity known as County Service Area No. 34 (CSA 34) in 1986 to maintain urban infrastructure facilities like streetlights, storm drain gutters, and sidewalks.

Since a significant portion of CSA 34 is already within the jurisdiction of Clovis Unified School District (CUSD), this petition seeks reorganization to unify a greater portion of the service area into a single community identity under CUSD's purview.

This reorganization will reduce travel times and distances to school, thus improving safety, for the students included in the reorganized territory. Furthermore, CUSD already owns a site within CSA 34 and has a preliminary design for an elementary school on the property, making future travel times to school even shorter and safer. The proposal will also add access for students limited by their parents' commutes to the Fresno-Clovis Metropolitan Area – with reduced travel and wait times, students will have greater opportunity to participate in cocurricular activities.



Signature



Printed Name



Address



City and ZIP



Date



TAB 6

From: Benjamin Rosenbaum
Sent: Tuesday, July 2, 2019 5:02 PM
To: Jeff Roberts
Cc: Angelica Perea-Gutierrez (aperea@fcoe.org)
Subject: RE: Letter dated June 21st, 2019

Jeff,

As we have discussed on the phone, our legal department provides representation to the Office of the Fresno County Superintendent of Schools and we are unable to provide the public, or in this case potential petitioners, legal advice, representation, or document edits. As we have also discussed on the phone, and I reference in my letter, the applicable standards are set forth in Education Code section 35704.

Regards,
Benjamin

Benjamin C. Rosenbaum
Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721-2000
Phone: (559) 265-3003
Fax: (559) 265-3054
Email: brosenbaum@fcoe.org

Changing Lives One Future at a Time

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From: Jeff Roberts <JRoberts@assemigroup.com>
Sent: Monday, July 1, 2019 3:02 PM
To: Benjamin Rosenbaum <BRosenbaum@fcoe.org>
Subject: Letter dated June 21st, 2019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I was out of the office all last week and received your letter today dated June 21st, 2019 (attached)

I am at a loss and don't know where / how are request is insufficient? The code and guidelines seem to focus on proposals where there are registered voters. As you are aware, there are no voters here and the site is vacant. I sign on behalf of the one owner.

Can you give me a indication of where this Petition is insufficient or provide the "Redline" copy of the document that I filed?

Please let me know. I think it will save us both a lot of time

Thank you

Jeffrey T. Roberts

Assemi Group, Inc.

1396 W. Herndon Suite 110, Fresno, CA 93711

559.440.8308 / fax 559.436.1659 / cell 559.288.0688

TAB 7

From: Benjamin Rosenbaum
Sent: Tuesday, June 16, 2020 5:10 PM
To: Drew Phelps
Cc: Angelica Perea-Gutierrez
Subject: Re: School Reorganization Petitions and COVID

Drew,

There has been no further guidance.

Regards,
Benjamin

Benjamin C. Rosenbaum

Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA. 93721-2000
Phone: [\(559\) 265-3003](tel:5592653003)
Fax: [\(559\) 265-3054](tel:5592653054)
Email: brosenbaum@fcoe.org

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On Jun 16, 2020, at 5:07 PM, Drew Phelps <dphelps@gvhomes.com> wrote:

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Thanks for the update, Benjamin; it's very much appreciated. Has there been any determination about how the review of the petition will proceed given the situation of coronavirus, or are you still waiting for guidance?

Thanks,

Drew

From: Benjamin Rosenbaum <BRosenbaum@fcoe.org>
Sent: Monday, June 15, 2020 1:33 PM
To: Drew Phelps <dphelps@gvhomes.com>
Cc: Angelica Perea-Gutierrez <aperea@fcoe.org>
Subject: RE: School Reorganization Petitions and COVID

Drew,

Yes, our office has received a document containing signatures related to the boundary between Sierra Unified and Clovis Unified.

Regards,
Benjamin

Benjamin C. Rosenbaum

Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721-2000
Phone: (559) 265-3003
Fax: (559) 265-3054
Email: brosenbaum@fcoe.org

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From: Drew Phelps <dphelps@gvhomes.com>
Sent: Monday, June 15, 2020 1:18 PM
To: Benjamin Rosenbaum <BRosenbaum@fcoe.org>
Cc: Angelica Perea-Gutierrez <aperea@fcoe.org>
Subject: RE: School Reorganization Petitions and COVID

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Hi Benjamin,

Hope you're doing well and that you had a nice weekend.

Just wanted to check in on this to ensure the signed petition has been received. If there have been any issues, please let me know.

Thanks,

Drew

From: Drew Phelps
Sent: Wednesday, June 3, 2020 4:09 PM
To: brosenbaum@fcoe.org
Cc: Angelica Perea-Gutierrez <aperea@fcoe.org>
Subject: RE: School Reorganization Petitions and COVID

Hi Benjamin,

Hope you're doing well. Thanks again for updating me last week on the FCCSDO's operations during this time.

After our chat, I reached out to our homeowners, who are the petitioners driving this process, to get their thoughts on submitting now or waiting. Given the fact that they've been waiting a considerable amount of time while we attempted to engage with the Sierra Unified board, they wanted to move

ahead as quickly as possible. That being said, I mailed in the petition on their behalf today, so it should be arriving at the office soon. If there are any questions or concerns upon receipt, please feel free to reach out to me and/or Jeff Johnston, who is the lead petitioner.

Thanks for your help in this process.

Drew

From: Drew Phelps
Sent: Thursday, May 28, 2020 1:37 PM
To: brosenbaum@fcoe.org
Subject: FW: School Reorganization Petitions and COVID

Hi Benjamin,

Hope you're doing well and that you and your family are staying safe and healthy. As you can see below, I reached out to Angelica regarding this issue since she's now listed as the contact person on the FCCSDO webpage. She's pointed me in your direction, so I just wanted to follow up and see if you can please update me on the status of the committee and whether a petition process will be handled as it typically would, given the circumstances.

I appreciate your help on this.

Thanks,

Drew Phelps
Granville Homes | gvhomes.com
P: 559-440-8321

<image001.png>

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From: Angelica Perea-Gutierrez <aperea@fcoe.org>
Sent: Thursday, May 21, 2020 4:07 PM
To: Drew Phelps <dphelps@gvhomes.com>
Subject: RE: School Reorganization Petitions and COVID

Hello, I have forwarded your email to Benjamin Rosenbaum.

Thank you.

Angelica Perea-Gutierrez

Legal Secretary
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, California 93721-2000
Phone: (559) 265-3003/Interal ext. 3451
Fax: (559) 265-3054
E-Mail: aperea@fcoe.org

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From: Drew Phelps <dphelps@gvhomes.com>
Sent: Thursday, May 21, 2020 3:29 PM
To: Angelica Perea-Gutierrez <aperea@fcoe.org>
Subject: RE: School Reorganization Petitions and COVID

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Hi Angelica,

Hope you're doing well. Just wanted to check in on this and see if you may have some updates available.

Please let me know when you have a moment; I appreciate your help.

Thanks,

Drew

From: Drew Phelps
Sent: Friday, May 15, 2020 9:32 AM
To: aperea@fcoe.org
Subject: School Reorganization Petitions and COVID

Hi Angelica,

Hope you're doing well, staying healthy and having a nice Friday. My name is Drew Phelps and I am a project manager at Granville Homes. I won't bore you with the details and history, but essentially, residents of one of our neighborhoods approached us a few years ago and asked us to help them with a reorganization petition. Over that time, we've done our best to engage with the involved school districts (Sierra Unified and Clovis Unified) to come to an amicable solution, but after over 2 years of negotiation, no progress has been made and our residents would like to file the petition.

Our petition has the required signatures and is ready to be processed/verified by your office, so my question is whether that process, delineated in the school reorganization handbook, is still being followed, given the current situation. Overall, if we were to submit on Monday, are the statutory timelines still required to be followed, or does COVID provide for a delay?

If you could please let me know where things stand in terms of your office's operations in this strange time, either with a response email or a call (559-331-7194), I'd really appreciate it.

Thanks,

Drew

TAB 8

From: Becky Wharton <becky.wharton@gvhomes.com>
Sent: Friday, March 24, 2023 9:10 AM
To: Teresa Trevino
Subject: RE: Meeting re School District Boundaries

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Teresa,

If you could send to:

Darius Assemi: dassemi@gvhomes.com

Drew Phelps: dphelps@gvhomes.com

And 30 minutes is sufficient. Thank you for your help!

Becky

From: Teresa Trevino <ttrevino@fcoe.org>
Sent: Friday, March 24, 2023 8:42 AM
To: Becky Wharton <becky.wharton@gvhomes.com>
Subject: RE: Meeting re School District Boundaries

I can send out the zoom link and invite, not a problem. Go ahead and send me emails. Will 30 minutes be sufficient time? Teresa

From: Becky Wharton <becky.wharton@gvhomes.com>
Sent: Friday, March 24, 2023 8:25 AM
To: Teresa Trevino <ttrevino@fcoe.org>
Subject: RE: Meeting re School District Boundaries

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The 27th at 3pm would be great. Would you prefer to send the invite and I can give you emails? Or would you prefer I send?

From: Teresa Trevino <ttrevino@fcoe.org>
Sent: Friday, March 24, 2023 7:53 AM
To: Becky Wharton <becky.wharton@gvhomes.com>
Subject: RE: Meeting re School District Boundaries

Good morning Becky,

How about Monday, March 27 at 11 a.m. or 3 p.m. or Tuesday, March 28 at 1 p.m. Let me know if either of these dates/times will work for a virtual meeting. Thank you. Teresa

From: Becky Wharton <becky.wharton@gvhomes.com>
Sent: Thursday, March 23, 2023 3:13 PM
To: Teresa Trevino <ttrevino@fcoe.org>
Subject: RE: Meeting re School District Boundaries

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Hi Teresa,

Good afternoon! A virtual meeting would work for us. Let me know what options you have.

Best regards,

Becky

From: Teresa Trevino <ttrevino@fcoe.org>
Sent: Thursday, March 23, 2023 2:56 PM
To: Becky Wharton <becky.wharton@gvhomes.com>
Subject: RE: Meeting re School District Boundaries

Good afternoon Becky,

I would be happy to setup a date to meet. Would this be an in person or virtual meeting. Let me know and I will review her calendar and send you over some dates/times. Teresa

Teresa Martinez-Treviño

Executive Assistant to Superintendent Michele Cantwell-Copher
Office of the Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721
Phone: (559) 265-3010 x3210
Fax: (559) 237-0733
Email: ttrevino@fcoe.org
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From: Michele Copher <mcopher@fcoe.org>
Sent: Wednesday, March 22, 2023 11:36 AM
To: Becky Wharton <becky.wharton@gvhomes.com>
Cc: Teresa Trevino <ttrevino@fcoe.org>
Subject: RE: Meeting re School District Boundaries

Good morning Becky-

Yes, I'll ask my assistant Teresa to help us set up a date to meet.

I look forward to the meeting-

Michele

From: Becky Wharton <becky.wharton@gvhomes.com>

Sent: Tuesday, March 21, 2023 4:01 PM

To: Michele Copher <mcopher@fcoe.org>

Cc: Drew Phelps <dphelps@gvhomes.com>

Subject: Meeting re School District Boundaries

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Hi Michele,

Good afternoon! Do you have any time next week to meet with Darius to discuss the school district boundaries?

Best regards,

Becky Wharton

Executive Assistant to Darius Assemi

Granville Homes | gvhomes.com

Office: 559.492.4032

Mobile: 541.222.0015

Becky.Wharton@gvhomes.com



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TAB 9

From: Mark Waller <Mark.Waller@gvhomes.com>
Sent: Friday, July 14, 2023 6:21 PM
To: Benjamin Rosenbaum
Subject: Re: Territory Transfer - Questions about Process

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That's works! Thanks.

From: Benjamin Rosenbaum <BRosenbaum@fcoe.org>
Sent: Friday, July 14, 2023 6:19:15 PM
To: Mark Waller <Mark.Waller@gvhomes.com>
Subject: Re: Territory Transfer - Questions about Process

Mark,

My earliest window next week is Tuesday at 3 pm, if you want to give me a call then. Let me know if that works for you.

Benjamin

Benjamin C. Rosenbaum

Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721-2000
Phone: (559) 265-3003
Fax: (559) 265-3054
Email: brosebaum@fcoe.org

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On Jul 14, 2023, at 5:36 PM, Mark Waller <Mark.Waller@gvhomes.com> wrote:

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Benjamin,

Our interest is that our homeowners have expressed a desire to get this done and asked for our help. And we want to do what we can to help them out. We maintain relationships with all our

homebuyers after they make purchases, which separates us from pretty much all other builders in the area.

I have reviewed the documentation. I want to discuss your letters and, in particular, the portion of the process related to the territory descriptions.

Thanks,

Mark A. Waller

Associate Counsel & Broker

DRE License No. 02149539

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From: Benjamin Rosenbaum <BRosenbaum@fcoe.org>

Sent: Friday, July 14, 2023 5:24 PM

To: Mark Waller <Mark.Waller@gvhomes.com>

Subject: Re: Territory Transfer - Questions about Process

Mark,

That's what I'm looking to clarify, why does Granville want the proposal to move forward? I'm trying to understand your interests at the table.

Also, as it relates to this specific proposal, please confirm if you're familiar with the underlying documentation, and what process questions you'd like to discuss.

Regards,

Benjamin

Benjamin C. Rosenbaum

Legal Counsel

Office of Fresno County Superintendent of Schools

1111 Van Ness Avenue

Fresno, CA 93721-2000

Phone: (559) 265-3003

Fax: (559) 265-3054

Email: brosenbaum@fcoe.org

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On Jul 14, 2023, at 4:40 PM, Mark Waller <Mark.Waller@gvhomes.com> wrote:

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Hi Benjamin, thanks for getting back to me. I am not representing Marc, just trying to help him out with his consent. Granville would of course like to see the proposal move forward as well.

Are you available Monday or Tuesday for 30 minutes between 9 am and noon?

Mark A. Waller

Associate Counsel & Broker

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From: Benjamin Rosenbaum <BRosenbaum@fcoe.org>

Sent: Friday, July 14, 2023 4:27 PM

To: Mark Waller <Mark.Waller@gvhomes.com>

Subject: RE: Territory Transfer - Questions about Process

Mark,

I am open to setting a call, but I want to make sure I understand your role and purpose before we get something on calendar. To clarify, are you serving as legal counsel for Mr. Thurston, or simply providing non-legal aid to him? I assume you want to discuss the specific proposal he has submitted and have seen the related documentation?

Also, please help me understand Granville's interests in providing support (legal or otherwise) to Mr. Thurston towards the success of his proposal.

Regards,
Benjamin

Benjamin C. Rosenbaum

Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721-2000
Phone: (559) 265-3003
Fax: (559) 265-3054
Email: brosenbaum@fcoe.org

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From: Mark Waller <Mark.Waller@gvhomes.com>
Sent: Friday, July 14, 2023 2:41 PM
To: Benjamin Rosenbaum <BRosenbaum@fcoe.org>
Subject: Territory Transfer - Questions about Process

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Good afternoon Benjamin,

I am an attorney at Granville Homes. Granville owns some lots in the Ventana Hills neighborhood (in the Sierra foothills, up Auberry road). One of the Ventana Hills homeowners, Marc Thurston, submitted an application to transfer territory from Sierra Unified to Clovis Unified. I understand your office has rejected the application twice. As you are probably aware, it is tedious and time-consuming for Marc to complete the application and gather the requisite signatures. I am hoping you and I can have a call to discuss the application process before Marc makes a third attempt.

Are you available Monday or Tuesday of next week for a call?

I appreciate your time, and have a nice weekend.

Thanks,

Mark A. Waller
Associate Counsel & Broker
DRE License No. 02149539
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P: 559.440.8384



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TAB 10

From: Mark Waller <Mark.Waller@gvhomes.com>
Sent: Wednesday, August 2, 2023 4:04 PM
To: Benjamin Rosenbaum
Cc: thurston@asuassociates.com; Angelica Perea-Gutierrez
Subject: RE: Follow-up on Phone Call - Mark Thurston's Petition

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Benjamin,

Granville Homes is not the petitioner nor asking for legal counsel.

The education code is crystal clear that your office's role is to provide information, coordination and guidance on this process to petitioners or other third parties. For reasons still unclear to me, you do not want to help, and you also seem personally hostile to Mark T's territory transfer petition. Identifying with particularity the one item in Mark T's petition you believe to be insufficient is the provision of information and not the provision of legal advice. You would not be advising Mark T to take or not take any legal action.

Mark A. Waller

Associate Counsel & Broker

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From: Benjamin Rosenbaum <BRosenbaum@fcoe.org>
Sent: Tuesday, July 25, 2023 3:26 PM
To: Mark Waller <Mark.Waller@gvhomes.com>
Cc: thurston@asuassociates.com; Angelica Perea-Gutierrez <aperea@fcoe.org>
Subject: RE: Follow-up on Phone Call - Mark Thurston's Petition

Mark,

I was happy to take your call to make sure that you, as legal counsel for Granville Homes, are aware of the information and resources available regarding the territory transfer process, and understand the role of this office. I understand that

your client has an interest in seeking to have its development property transferred to a new district, and you are therefore seeking to assist Mr. Thurston.

I do not agree with your characterization of our phone call or of the position of this legal department. As stated in my letter to Mr. Thurston, in compliance with its legal duty this office has reviewed the petition and found it insufficient under law. We went further and identified the most significant issue as being the lack of a legally compliant description of the territory to be covered by the proposed action, and also highlighted applicable Education and Elections Codes that should be consulted for any resubmission. We also understand that your office and Mr. Thurston are very familiar with the available CDE Handbook providing detailed guidance and information to the public regarding petition requirements. While you may not feel that our response is adequate, it is more than adequate and goes beyond what is required by law. Our letter could simply have been a statement that the petition was insufficient, and that would have met the requirements of our legal duty. However, the responses and actions of this office have gone well beyond the minimum required under law.

Our office's provision of information, coordination, and guidance has included half-dozen-plus phone calls with multiple representatives of Granville Homes and related entities, and with Mr. Thurston, and the County Superintendent also took a meeting with Mr. Thurston and Granville Homes. As has been consistently and repeatedly explained, and as I stated during our most recent phone call, our information and guidance will only extend to the provision of resources and to pointing to the applicable law. It will not extend to specificity regarding the preparation of draft petitions, to the rewriting of insufficient petitions, or to an analysis or discussion of the law as it applies to a specific petition or factual situation. Our department cannot provide legal guidance or assistance to the general public, and we are unable to provide a checklist for legal compliance for specific territory transfer petitions. I believe it is unfair to characterize our appropriate refusal to provide legal counsel to Granville Homes as a refusal to provide information and guidance regarding the territory transfer process.

Regards,
Benjamin

Benjamin C. Rosenbaum

Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721-2000
Phone: (559) 265-3003
Fax: (559) 265-3054
Email: brosenbaum@fcoe.org

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From: Mark Waller <Mark.Waller@gvhomes.com>
Sent: Wednesday, July 19, 2023 5:16 PM
To: Benjamin Rosenbaum <BRosenbaum@fcoe.org>
Cc: thurston@asuassociates.com
Subject: Follow-up on Phone Call - Mark Thurston's Petition

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Benjamin,

Thanks again for taking the time to speak yesterday regarding Mark Thurston's petition.

When it comes to the purported legal noncompliance of the territory description, it appears that there are 3 possible issues based on what I've read in the handbook:

1. It was not a reasonable description (EC 35700.3);

2. The boundaries of each high school district and unified school district shall be coextensive with the boundaries of the component districts, as defined in Section 35515, included within it. (EC 35540); or
3. The new proposed boundaries would result in territory of one district separated from other portions of the territory of the district by the territory of another district (i.e., not contiguous) (EC 35543).

At this time, we are not claiming that Mark Thurston’s petition is sufficient. We are not currently even asking you to identify all of the petition’s deficiencies. However, you should be able to identify with specificity the one issue (which I think would be 1 of the above 3 items) with the territory description that you found deficient before stopping your review. The statement in both your letters (which are identical with each other) that Mark Thurston’s “petition fails to provide a legally compliant description” could literally mean anything legal-related.

Your refusal to sufficiently identify that one deficiency is going to result in a significant waste of time and resources for Mark T and your office, as Mark T continues to submit petitions and your office continues to reject them without sufficiently specifying the reason(s) they are being rejected. I also think withholding such information contravenes the language and intent of the Education Code, which encourages your office to “provide information, coordination, and guidance to potential petitioners for reorganization and to other parties inquiring about the petition process.” (EC 35700.1(a)(1)(A)). The legislature understood that ordinary persons unfamiliar with the petitioning process would need guidance to navigate the many technical and complex rules involved.

Again, thanks for the time, and we are hopeful that you can provide this small piece of information to Mark T before he embarks on getting signatures for a third time.

Mark A. Waller

Associate Counsel & Broker

DRE License No. 02149539

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TAB 11

From: Darius Assemi <DAssemi@gvhomes.com>
Sent: Monday, December 4, 2023 4:25 PM
To: Michele Copher
Cc: Jason Parkin; Benjamin Rosenbaum
Subject: RE: how to get on your board s agenda.

You don't often get email from dassemi@gvhomes.com. [Learn why this is important](#)

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Hi Michele,

Thank you for providing the specific reason Mr. Rosenbaum denied Marc Thurston's latest petition. I will pass along your message to Marc and let him know that, if he decides to submit a new petition, he can submit the same form petition except the sentence identified in your email ("THE PROPONENTS OF THIS REORGANIZATION ACTION HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE PETITION IS CERTIFIED") should be removed. I don't agree that Section 101 requires that sentence to be removed, but I understand that different people can arrive at different interpretations of a statute.

So you know, **the above sentence that Mr. Rosenbaum apparently had issue with in his latest denial letter was in each prior petition that Marc submitted, but Mr. Rosenbaum never identified that sentence as a problem until now.** I want to reiterate that our primary concern has been Mr. Rosenbaum's refusal to identify more than one deficiency in each petition or provide clarity as to the single deficiency he picks to identify. Contrary to your email, if Mr. Rosenbaum's letters provided the detail we believe they should provide, he would not be providing legal advice. Rather, he would just be better explaining his findings. Using your rationale, a government agency would be providing "legal advice" any time it provides specific reasons for denying an application, petition or other submission (which we deal with in our business all the time). That doesn't make sense.

Mr. Rosenbaum's practice of stopping his review after finding the first deficiency is not required by law or policy; instead, it is something Mr. Rosenbaum decided on his own that he wanted to do. For any ordinary citizen, that is a huge obstacle to completing this sort of time-consuming process. That is not how government

should operate. It is my hope you take steps to change that practice going forward.

Thank you for your time and attention to this issue.

Thank you,
Darius Assemi

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P: 559.436.0900



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From: Michele Copher <mcopher@fcoe.org>
Sent: Thursday, November 30, 2023 4:09 PM
To: Darius Assemi <DAsemi@gvhomes.com>
Cc: Jason Parkin <jparkin@fcoe.org>; Benjamin Rosenbaum <BRosenbaum@fcoe.org>
Subject: RE: how to get on your board s agenda.

Good afternoon Darius,

Thank you for reaching out regarding your concerns. In the hopes of reducing the adversarial tone of this matter, if you would like a conference call between our offices to ensure there are no misunderstandings, I would be open to getting that scheduled. I am, however, troubled by the tone and content of your email. Your summary of this situation mischaracterizes statements and actions on the part of me and my staff and demonstrates a continued misunderstanding of roles and responsibilities related to this issue.

In carrying out this role relative to your petition for school district reorganization, my focus has been on me and my staff fulfilling our legal duties, and we have consistently indicated we would not be *inappropriately* involved in this process beyond the proper role of the County Superintendent. My office has helpfully gone out of its way to provide resources, information, and general guidance to Mr. Johnston, Mr. Thurston, and multiple representatives of Granville Homes through numerous phone calls and emails, and a recent meeting. I can assure you that my staff and I have not handled your petitions with any animosity, and we have been repeatedly helpful in response to many requests for general information going back at least as far as 2018. The Office of the County Superintendent has been fully involved in promptly responding to proposed petitions for territory transfer that have been submitted, and has consistently provided general information and guidance regarding the territory transfer process. We will continue to respectfully be involved in these *appropriate* ways.

However, it appears you take exception with the refusal of my staff to provide legal advice and counsel to Granville Homes or your petitioners by opining on draft petitions, rewriting insufficient petitions, or providing legal analysis and discussion of the applicable law for a specific petition or factual situation. Such refusal is wholly appropriate. My legal staff often provides general information, resources, and statutory citations to the public, as a service to the community. However, as I am sure you understand, my staff cannot provide legal advice or counsel to the public, or to petitioners. Explaining the applicability of the law to a given situation, or providing a checklist for legal compliance for a specific territory transfer petition, is the role of someone providing legal counsel to a petitioner, and it would be an impermissible role for anyone from my office.

Instead of summarily stating the petitions received were insufficient, the letters from my office have repeatedly and consistently cited applicable statutes, and voluntarily included an identification of areas for focus should there be an attempt to resubmit a petition. My office's willingness to point petitioners to applicable statutes to remedy insufficiencies should not be confused with a duty to provide a detailed analysis of insufficient petitions to assure their sufficiency upon resubmittal. Due to the nature of this process, my office must also be careful not to overstate the specificity of the nature of insufficiencies, as all flaws in petitions may not be evident when the letter is sent. As has been explained, the letters from my office have attempted to note and identify areas for focus if petitions are resubmitted, but it always remains possible that additional deficiencies may be found in any later submitted petition as each is reviewed anew upon submittal and problems may not be apparent until later into the review process. Speaking specifically to your petition received by my office on October 17, 2023, my staff expressly highlighted Elections Code section 101 as an area for focus in preparing any new petition. While I will leave an analysis of the law for you to your attorneys, as your email notes your petition is not a state initiative for purposes of Section 101, subdivision (b), and the processes for a territory transfer petition do not mirror a state initiative petition. The content required by Section 101 is to put the public on notice regarding specific legal processes that apply to what they are signing. The modified version of the subdivision (b) language should not be included in the petition as it misinforms any potential signers and references an inapplicable process. Please take that into consideration in preparing any new petition.

Your email asks about getting something on the agenda with the County Board related to this matter. While you are welcome to address the County Board on anything you desire during public comment, there is no mechanism for a member of the public to add an item to the agenda of the County Board. And, more importantly, the County Board has no involvement in any capacity with petitions to transfer territory. Under the Education Code, determinations regarding the sufficiency of such petitions are solely my responsibility as County Superintendent.

While I understand your frustration regarding the multiple insufficient petitions going back to 2020, such frustration does not mean that my office and my staff have been unhelpful, unresponsive, or otherwise inappropriate. In fact, as outlined in this letter, just the opposite is true. As stated in the November 13, 2023, letter from my staff, the most recently submitted petition is not sufficient under law. That is the final determination of my office. However, in the hopes of reducing the adversarial tone of this matter, if you would like a conference call between our offices to ensure there are no misunderstandings, I would be open to getting that scheduled.

Respectfully,

Michele Copher



Dr. Michele Cantwell-Copher
Fresno County Superintendent of Schools
1111 Van Ness Avenue, Fresno, CA 93721 | P 559.265.3010
Pronouns: She/Her/Hers

From: Darius Assemi <DAssemi@gvhomes.com>
Sent: Wednesday, November 29, 2023 7:21 PM
To: Michele Copher <mcopher@fcoe.org>
Cc: thurston@asuassociates.com; Mark Waller <Mark.Waller@gvhomes.com>; Drew Phelps <dphelps@gvhomes.com>;
Becky Wharton <becky.wharton@gvhomes.com>
Subject: how to get on your board s agenda.

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Hi Michele,

I am writing you today because I was informed by our Ventana Hills homeowner, Marc Thurston, that the most recent version of his petition for school district reorganization was denied. As you are aware, Marc's petition has been denied on 2 past occasions by one of your attorneys, Benjamin Rosenbaum. For whatever reason, Mr. Rosenbaum seems to have a personal animosity towards Marc's petitions. Each of Mr. Rosenbaum's prior 2 denials found that the petition failed "to provide a legally compliant description of the territory covered by the proposed action." We repeatedly questioned Mr. Rosenbaum about what he meant by "legally compliant description of the territory," and he refused to provide specifics or otherwise help in anyway. The latest petition Marc submitted appears to now contain a legally compliant description of the territory, because Mr. Rosenbaum's letter no longer contains that statement. However, now Mr. Rosenbaum's letter highlights a new deficiency – purported noncompliance with Section 101 of the Elections Code.

I will address Section 101 below. However, the more important issue is that Mr. Rosenbaum continues to only identify a single issue in each denial letter. There could be other issues with the petition, but he openly refuses to identify those. If government agencies responded to submissions or applications like Mr. Rosenbaum has responded to Marc's petitions (stopping review after finding one deficiency), very few people would be able to ever get anything approved by the

government, especially for a process like this, which ordinary citizens must navigate. As you know, before submitting a petition, Marc needs to obtain a large number of signatures from his neighbors.

You have previously indicated that you do not want to be involved in this matter. If this is still the case, then Marc would like to be scheduled to come in front of your board to share his frustration with the process and your staff. Can you let us know what the process is to be scheduled for the board meeting.

Now, re Elections Code section 101, we do not see any noncompliance. Marc's latest petition, and Mr. Rosenbaum's latest letter, are attached to this email.

For your reference, I'm pasting a copy of Section 101:

101. (a) Notwithstanding any other law, a state or local initiative, referendum, or recall petition required to be signed by voters shall contain before that portion of the petition for voters' signatures, printed names, and residence addresses, the following language, in order:

(1) "NOTICE TO THE PUBLIC:". This text shall be in a boldface type.

(2) If the petition includes the disclosure statement described by subdivision (b) of Section 107, the text "SIGN ONLY IF IT IS THE SAME AS THE OFFICIAL TOP FUNDERS OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH." This text shall be in a boldface type.

(3) "THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK." This text shall be in a boldface type.

(b) A state initiative petition shall contain, in the same location and type size described in subdivision (a), the following language in a nonboldface type: "PROPOSERS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEETING OF THE BALLOT."

(Amended by Stats. 2022, Ch. 887, Sec. 2. (SB 1360) Effective January 1, 2023.)

Below is a summary of how Marc's petition complies with Section 101.

As you will note, the language required by Section 101 is included at the bottom of the petition's page 1 and the top of every page with voter signatures.

Section 101(a)(1) – included in bold face type on page 1 and the top of each page thereafter.

Section 101(a)(2) – not included because the petition did not include (and was not required to include) the disclosure statement described by subdivision (b) of Section 107, which only applies if "the circulation is paid for by a committee formed pursuant to Section 82013 of the Government Code...." No such committee was formed in this case. No one paid to have the petition circulated.

Section 101(a)(3) – included in non-bold face type.

Section 101(b) – not required because this is not a state initiative petition, BUT Marc still included a slightly modified version of it to make sure voters had additional information about the process. Nothing prohibits Marc from including that slightly modified version.

Doing more than what the statute requires does not constitute grounds for denial. Please direct Mr. Rosenbaum to identify with particularity the exact deficiency with the petition otherwise please reissue a letter of approval for Marc Thurston’s petition immediately.

If we need to schedule a zoom call before the upcoming board meeting please let us know.

Thank you,
Darius Assemi

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TAB 12

From: Brenda Cosio <Brenda.cosio@gvhomes.com>
Sent: Thursday, July 25, 2024 8:13 AM
To: Chris Lozano
Subject: RE: Sierra Unified Transfer Policy

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Hi Chris,

Thank you for providing this information.

Best regards,

Brenda Cosio
Land Entitlements Analyst
Granville Homes | gvhomes.com
P: 559.440.8321



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From: Chris Lozano <CLozano@fcoe.org>
Sent: Tuesday, July 23, 2024 2:01 PM
To: Brenda Cosio <Brenda.cosio@gvhomes.com>
Subject: RE: Sierra Unified Transfer Policy

Brenda, this email and the attachments hereto shall, pursuant to Government Code § 7922.535, subd.(a), constitute the response of the office of the Fresno County Superintendent of Schools (“FCSS”) to your July 22, 2024, request below, made pursuant to the California Public Records Act (“CPRA”).

Because your CPRA request of July 22 had no temporal boundaries, all records of FCSS, regardless of time frame were searched. Your request’s use of the term “agreement” was interpreted liberally, to include not only contract but writings or instruments which evidence agreement between Sierra Unified School District and other entities. Likewise, your request’s use of the term “pertaining” was construed as broadly as practicable, in the sense of “to be related.”

A total of eight documents were found in the possession of FCSS that are responsive to the call of your July 22 request, and all are attached to this email. Pertaining to student interdistrict transfers, they are: 1) an August 4, 2023, Interdistrict Attendance Agreement; and 2) an updated version of Exhibit “A” to that Agreement, showing the full roster of Fresno County school districts (including Sierra Unified School District) that are signatories to the Agreement. Pertaining to territorial transfers, they are: 1) a 1964 Territorial Transfer involving what was then known as Sierra Joint Union High School District and Coarsegold Union School District; 2) an (unsigned) 1989 Joint Resolution and Petition Creating 2 Unified School Districts of the Territory of the Sierra Joint Union High School District; 3) a 1991 Fresno County Board of Education Resolution Creating a New Unified School District (out of the territories of Sierra and Golden Hills school districts); 4) a 1997 Fresno County Committee on School District organization Approval of petition and Order (transferring certain Sierra Unified properties to Clovis Unified School District); 5) a 1999 Fresno County Committee on School District Organization Approval of petition and Order (transferring territory from Sierra Unified School District to Clovis Unified School District); and 6) a 2003 Settlement Agreement with Order to lapse and Agreement and Petition to Transfer Territory involving Sierra Unified School District and the Chawanakee and Minarets school districts.

The attached documents represent the full complement of FCSS agency records potentially responsive to the call of your July 22 CPRA request. No agency records have been withheld in whole or in part.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Chris Lozano
Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721
Phone: (559) 265-3003
Fax: (559) 265-3054
Email: clozano@fcoe.org

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From: Brenda Cosio <Brenda.cosio@gvhomes.com>
Sent: Monday, July 22, 2024 9:04 AM
To: Chris Lozano <CLozano@fcoe.org>
Subject: RE: Sierra Unified Transfer Policy

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Hi Chris,

Thank you for clarifying the PRA process, admittedly, I was working off a dated PRA submitted several years ago to a different entity, I'll take note on the clarification of the language and updated policy.

I am looking for both, agreements pertaining to the interdistrict transfer of students to and from Sierra Unified School District and agreements pertaining to the transfer of district territories to and from Sierra Unified School District.

In so far, I have not submitted a CPRA to SUSD yet however, I will take the suggestion into advisement.

Very respectfully,

Brenda Cosio
Land Entitlements Analyst
Granville Homes | gvhomes.com
P: 559.440.8321



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From: Chris Lozano <CLozano@fcoe.org>
Sent: Monday, July 22, 2024 8:50 AM
To: Brenda Cosio <Brenda.cosio@gvhomes.com>
Subject: RE: Sierra Unified Transfer Policy

Brenda, thank you for the clarification regarding your CPRA request. I do have a few additional observations:

The CPRA was re-enumerated several years ago. It now begins at Government Code § 7920.000, not § 6250.

The CPRA does not require a response within 10 business days. Government Code § 7922.535, subd.(a) requires record agencies to make a determination “within 10 days from receipt of the request” whether the request, “in whole or in part, seeks copies of disclosable public records in the possession of the agency.” Unless otherwise specified, the use of “days” in California statutes generally is regarded as referring to calendar days, not business days. Moreover, it is the determination that must be made within 10 days, not the notification. According to the CPRA, the notification must be made “promptly;” no specific timeline is provided in the statute. (Government Code § 7922.535, subd.(a).)

Regarding the particulars of your request, are you seeking agreements pertaining to the interdistrict transfer of students to and from Sierra Unified School District, or are you seeking agreements pertaining to the transfer of district territories to and from Sierra Unified School District?

Lastly, it seems to me that Sierra Unified School District might well possess more records regarding itself than the office of the Fresno County Superintendent of Schools does. Have you also directed a CPRA request towards Sierra Unified?

Thank you in advance,

Chris Lozano
Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721
Phone: (559) 265-3003

Fax: (559) 265-3054
Email: clozano@fcoe.org

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From: Brenda Cosio <Brenda.cosio@gvhomes.com>
Sent: Monday, July 22, 2024 8:34 AM
To: Chris Lozano <Clozano@fcoe.org>
Subject: RE: Sierra Unified Transfer Policy

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Good morning, Chris,

Thank you for taking the time to get back to me this past Friday with next steps to obtain the records requested. Please see the attached PRA request dated July 22, 2024.

Please let me know if you have any questions or concerns,

Brenda Cosio
Land Entitlements Analyst
Granville Homes | gvhomes.com
P: 559.440.8321



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From: Chris Lozano <CLozano@fcoe.org>
Sent: Friday, July 19, 2024 1:45 PM
To: Brenda Cosio <Brenda.cosio@gvhomes.com>
Subject: FW: Sierra Unified Transfer Policy

Ms. Cosio,

I am one of the attorneys at the office of the Fresno County Superintendent of Schools, and I typically coordinate the organization's responses to California Public Records Act ("CPRA") requests. I was forwarded your correspondence below of earlier today, which appears to me to fall generally within the ambit of the CPRA.

I am pleased to work with you regarding this request, and as a starting point I am wondering if you might be able to explain and refine the request a bit. What agency records specifically are you interested in obtaining? I am happy to discuss this matter with you further, if need be, either telephonically or via email.

Thank you in advance, and please do not hesitate to contact me if you have any questions.

Sincerely,

Chris Lozano
Legal Counsel
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721
Phone: (559) 265-3003
Fax: (559) 265-3054
Email: clozano@fcoe.org

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From: Brenda Cosio <Brenda.cosio@gvhomes.com>
Sent: Friday, July 19, 2024 10:35 AM
To: Michele Copher <mcopher@fcoe.org>
Cc: Teresa Trevino <ttrevino@fcoe.org>
Subject: Sierra Unified Transfer Policy

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Hi Michele & Teresa,

First and foremost, great to meet you both, I am new here at Granville and will be working with the Land Development team as well as on any other projects that may be thrown my way. I look forward to collaborating with you both on any relevant projects!

I am reaching out to you both today to see if you can assist me with obtaining any and all agreement pertaining to school transfers for Sierra Unified School District?

Please let me know if you have any questions,

Brenda Cosio
Land Entitlements Analyst
Granville Homes | gvhomes.com
P: 559.440.8321



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