

RESOLUTION NO. 15-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
AUTHORIZING TRANSMISSION OF THE PETITION FOR UNIFICATION OF
A MALIBU UNIFIED SCHOOL DISTRICT TO THE LOS ANGELES COUNTY
SUPERINTENDENT OF SCHOOLS

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The City of Malibu and the unincorporated area surrounding the City of Malibu (collectively, Greater Malibu), is currently within the territory of the Santa Monica Malibu Unified School District (SMMUSD).

B. Greater Malibu, and specifically the City of Malibu, has developed significantly since Greater Malibu was organized as part of SMMUSD.

C. Under current law, the organization of SMMUSD, including both Santa Monica and Greater Malibu, would not be permissible as California Education Code Section 35543, enacted in 1980, provides that "a school district shall not be formed or reorganized to include territory which is separated from other portions of the territory of the district by the territory of one or more other school districts." Greater Malibu is separated from Santa Monica by the Los Angeles Unified School District.

D. The City of Malibu was incorporated in 1991 and Greater Malibu, despite significant population growth, strives to maintain its rural character, while Santa Monica has developed into a densely-populated, urban community. As those distinct communities have developed, children residing in Greater Malibu have, since 1992, attended public schools from kindergarten through 12th grade entirely within the City of Malibu.

E. The city centers of Malibu and Santa Monica are separated by several miles, and Santa Monica and Malibu have become distinct communities.

F. For several years, concerned residents and community groups within Greater Malibu have expressed the desire to organize a separate Malibu school district.

G. SMMUSD's central office is located in Santa Monica, a significant distance from even the closest portions of Greater Malibu.

H. Residents of Malibu have expressed concern and frustration that they are not adequately represented by the SMMUSD governing board due to its at-large system of election, and that their concerns about the policies and practices of SMMUSD go largely unaddressed. At-large elections have been known to have this effect where there is a minority community distinct from the overall community, regardless of whether the minority community is a racial/ethnic minority, socio-economic minority, geographic minority, or any other minority community with interests distinct from those of the majority.

I. The City of Santa Monica adopted a city charter in 1947 that requires its city council and the governing board of SMMUSD to be elected at-large, and that charter provision prevents SMMUSD from adopting district-based elections.

J. The principle civic group that has advocated for the organization of a Malibu Unified School District, Advocates for Malibu Public Schools (AMPS), has worked cooperatively with SMMUSD staff to investigate the feasibility and desirability of organizing a Malibu Unified School District from the existing territory of SMMUSD, and in that effort retained the services of WestEd to prepare a report on the feasibility and desirability of the contemplated unification using data in a large part generated by SMMUSD.

K. The comprehensive report of WestEd, completed on July 16, 2015, confirms that unification of a Malibu Unified School District is both feasible and desirable.

L. The nine criteria for unification of a school district set forth in California Education Code Section 35753 are all satisfied by the contemplated organization of a Malibu Unified School District.

M. The unification of a Malibu Unified School District from the existing territory of SMMUSD will benefit all children in Santa Monica, as well as Greater Malibu, as each of the two resulting school districts will:

- Be better suited to utilize the unique resources, and address the particular needs, of their respective communities
- Have more funds for educating each student than the existing SMMUSD, pursuant to the State's school funding formulas
- Be capable of implementing the distinct educational philosophies of their respective communities
- Continue to promote sound educational performance with no disruption to educational programs
- Not result in a significant increase in school housing costs or otherwise have an adverse effect on the fiscal status of any district

N. Organization of a Malibu Unified School District enables all residents of Greater Malibu to have representation on their local school board through the adoption of by-trustee-area elections.

O. Unification of a school district may be initiated by a resolution of a city council that has jurisdiction over at least a portion of the affected area, pursuant to California Education Code Section 35721(c).

SECTION 2. The City Council does authorize transmission of the petition for unification of a Malibu Unified School District to the Los Angeles County Superintendent of Schools.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 16th day of September 2015.



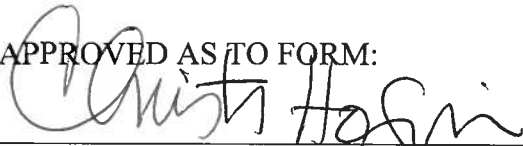
JOHN SIBERT, Mayor

ATTEST:



HEATHER GLASER, Acting City Clerk
(seal)


APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 15-60 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 16th day of September 2015 by the following vote:

AYES: 5 Councilmembers: House, La Monte, Peak, Rosenthal, Sibert
NOES: 0
ABSTAIN: 0
ABSENT: 0



HEATHER GLASER, Acting City Clerk
(seal)