



Via: Email

Steve Betando, Superintendent
Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037

Re: December 14, 2016 Meeting of the City Council of Morgan Hill

Dear Mr. Betando:

This letter responds to your letter regarding the above-referenced City Council Meeting.

Your letter to the City Council references a written settlement agreement between Voices College-Bound Language Academy (“Voices”) and the Morgan Hill Unified School District (“MHUSD”), which states that “[i]n the event that [Voices] seeks a CUP, TUP, and/or building permit with respect to an Alternative Site, the District and Charter School shall meet and confer in good faith to address any concerns or objections held by the District with respect to the Charter School’s application or proposed site, for the purpose of identifying solutions to address the District’s concerns or objections, if any, and attempting to secure the District’s support for VCBLA’s application to obtain a CUP, TUP, or building permit.” Your letter falsely claims that Voices has violated the settlement agreement by not meeting and conferring with the District regarding a potential private site.

As described more fully below, Voices has not currently sought a CUP from the City regarding the relevant site, and as such has no obligation to meet and confer with the District regarding this site at the current time.

More specifically, as described in the staff report to the Planning Commission Meeting on November 22, 2016, Voices is not seeking a CUP at this time. Rather, it currently seeks only a preliminary indication of the feasibility of the Health Trust site for potential future use as an elementary charter school:

Because this project would require site acquisition, project design, planning entitlement processing, including environmental review, *prior to submitting an application*, staff is requesting policy direction from the Planning Commission whether a school use could be established at the Juan Hernandez site with a Conditional Use Permit or whether rezoning of the site would be necessary.



(Staff Report at p. 1 [emphasis added].)

At this point, whether the property in question represents such an alternative site remains an open question. Further direction from the City Council is needed in order to determine whether it would even be feasible for Voices to seek an application for a Conditional Use Permit (CUP).

It is for the purpose of answering this question that city staff has sought “policy direction” from the City Council. The obligation to meet and confer with MHUSD occurs only “[i]n the event that the Charter School seeks a CUP, TUP and/or building permit” for an alternative site. As evidenced by the staff report, no development application for a school use of the property has been submitted and thus the allegation in your letter is off base, and no meet and confer is currently required. While Voices understands and appreciates the District’s concerns, Voices and the property owner must make a preliminary determination of feasibility before such an application can be prepared. This leaves ample time for representatives of our school to meet with members of your staff as contemplated in the agreement. We must also note that the language of the settlement agreement does not give the District veto power over any site in which Voices may seek to locate, but rather only provides the District with the opportunity to express any concerns or objections it might have regarding a potential site.

Moreover, given the preliminary nature of these proceedings, Voices is frankly surprised that, rather than reach out directly to Voices to clarify the matter first, the District leapt immediately to sending formal written communications (which misrepresents Voices’ obligation under the settlement agreement) to the City Council, the City Mayor and the City Treasurer, as well as to all the parents of the adjacent Barrett Elementary School. It has never been clear why the District would go out of its way to interfere with a school which welcomes the very population which the District has struggled so mightily to serve (and which is seeking to minimize its impact on the District by locating in private facilities rather than District facilities under Prop. 39). We will remain optimistic about future discussions, however, even as the District appears eager to commence litigation even though Voices has not yet confirmed the basic feasibility of the property as an alternative site.



Having set forth our concerns, Voices is not opposed to granting the requested continuance in order to allow time for further study and a meeting with your staff, and our attorney communicated potential dates for a meet and confer to your attorney yesterday, December 13th. We sincerely hope that the District desires to reach a mutually satisfactory arrangement for our future facility needs, and will actually work with Voices to help it find a private site in which it can continue to serve the underserved populations to which it is dedicated.

Very Truly Yours,

A handwritten signature in black ink that reads "Frances Teso". The signature is written in a cursive, flowing style.

Frances Teso, CEO

cc: Steve Tate, Mayor, City of Morgan Hill
Larry Carr, Council Member, City of Morgan Hill
Rich Constantine, Council Member, City of Morgan Hill
Marilyn Librers, Council Member, City of Morgan Hill
Gordon Siebert, Council Member, City of Morgan Hill
Leslie Little, Assistant City Manager, City of Morgan Hill
Gina Paolini, Principal Planner, City of Morgan Hill
Morgan Hill Unified School District Board of Education