

Tempers flare as Ione-Morrow Co. school district split turns acrimonious *continued from page one*

that legislation. How much spoon feeding do we have to do," retorted Joe McElligott. "I think we will be down there (in Salem) and we will pass it," said Jerry Rietmann. "I think they (the school board) didn't bother to acquire the facts and their concerns—many of them are unfounded. I think they don't have the facts at hand."

"We'll see where it goes from here," McElligott told the Gazette-Times following the meeting. "I was hoping they would have gotten more information from their attorney in interpreting the bill. Nothing's going to change about dividing the assets. They need to get their attorney with our attorney. I think they had ample time to get a copy of the law. It was in the EO. All they had to do was to get on the Internet and bring it up. They didn't even have a current copy of the petition." But, he added, "We can still negotiate and hopefully still be friends." "I think this bill has been made out to be a Pandora's box and it's not," said Lisa Rietmann, of Ione, after the meeting. "They (the board) acted without bothering to get all the information."

Weikel told the G-T that the first indication the board received about the bill was Feb. 14 when they received a phone call from a lobbyist in the legislature inquiring as to why MCSD was not opposed to the bill. "In our naiveté, we thought it (the bill) would be within existing Oregon law," said Weikel, who added that she was especially concerned that the bill provided for no remonstrance of the citizens of the county. "We have to do everything we can to get this bill killed," she concluded.

After legislators heard of opposition to the bill, the bill was tied up in committee, with legislators waiting to hear from the parties involved prior to taking any action.

(See adjoining: summary of the bill in the legislature; the petition before the Umatilla-Morrow ESD for a boundary change; letter to Dr. Crippen and the board from the Self Determination Committee distributed to the board at the Friday night meeting.)

Senate Bill 372

Sponsored by Senators Brown, Clarno, and Nelson; Senators Atkinson, Beyer, Carter, Courtney, Deckert, Ferrioli, Fisher, George, Gordly, Harper, Messerle, Metsger, Morse, Shields, B. Starr, C. Starr, Walker, and Winters; Representatives Anderson, Backlund, Beyer, Brown, Butler, Close, Dalto, Farr, Flores, Garrard, Jenson, Kafoury, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Scott, G. Smith, P. Smith, T. Smith, Westlund and Zauner

Summary:

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Directs district boundary board to approve boundary change to divide Morrow County School District No. 1 into two districts. Specifies conditions for division of district.

Sunset on July 1, 2006.

Declares emergency, effective on passage.

A Bill For An Act:

Relating to school districts; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + Section 2 of this 2003 Act is added to and made a part of ORS 330.092 to 330.101. + }
SECTION 2. { + (1) Notwithstanding any other provision of law, a district

boundary board shall approve a request or petition to divide the Morrow County School District No. 1 into two districts if:

(a) The request or petition meets the requirements of this section and ORS 330.095; and

(b) The request was filed by the board of the district or the petition contained the signatures of five percent or 500 electors, whichever is less, of the district.

(2) The two districts shall be Morrow County School District No. 1 and a district designated as Ione School District. The Ione School District shall consist of the attendance area for Ione School as it exists on the effective date of this 2003 Act. Each district shall offer educational programs in kindergarten through grade 12.

(3) The request or petition submitted to the district boundary board shall contain a proposal for distribution of all real and personal school property of the former district that is located in the proposed Ione School District to the Ione School District. The request or petition shall also contain a proposal for distribution of all assets and liabilities of the former district based on the expected weighted average daily membership (ADMw) of the districts.

(4) A remonstrance petition or election may not be allowed on any request for a boundary change submitted to the district boundary board under this section.

(5) The district boundary board shall appoint by order five residents of the Ione School District as the initial board of directors of the district. Two of the members shall be appointed to serve until June 30 following the election of their successors at the next district election. The first election for district board members shall be held not less than 90 days from the date of the order. The remaining members shall be appointed to serve until June 30 following the election of their successors at the next succeeding district election.

(6) The employees of the former school district who have been employed at Ione School may elect to transfer to the new Ione School District upon the creation of the districts. A school district employee of the former district may not be deprived of seniority or accumulated sick leave solely because the duties of the employee have been assumed or acquired by a new school district. + }

SECTION 3. { + Section 2 of this 2003 Act is repealed on July 1, 2006. + }

SECTION 4. { + This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage. + }

Before The Umatilla-Morrow Education Service District Petition For Boundary Change In Morrow County School District 1

Pursuant to ORS 330.095, the signers of this petition respectfully petition the Board of Directors of the Umatilla-Morrow Education Service District (the "Board"), in its capacity as school boundary board for Morrow County, to enter an order changing the boundaries of Morrow County School District 1 ("District 1") so as to withdraw and remove from District 1 all of the territory identified as Exhibit A to this petition (the "Territory").

The Umatilla-Morrow Education Service District is the only education service district with jurisdiction of this requested boundary change. District 1 is the only affected school district.

The purpose of the proposed boundary change is to permit the formation of a new and separate K-12 school district in the Territory, to be designated as Ione School District, with such number designation as may be assigned.

A copy of this petition has been filed with the County Clerk of Morrow County, and all signatures have been made after that filing.

Pursuant to ORS 332.118, the following (not more than three) persons are designated as the chief petitioners, all of whom reside in and are registered electors in District 1 and the Territory.

/s/ Jerry L. Rietmann,

Ione

/s/ Joseph P. McElligott,

Ione

/s/ Anne C. Morter, Ione

Petitioners request that the Umatilla-Morrow Education Service District schedule a public hearing and give notice to the public, in the manner provided by law, of the filing of this petition and the time and place of the public session of the Board at which petition will be considered. If no remonstrance petition is filed requiring an election, or if the 2003 legislative assembly determines that remonstrance and election provisions should not apply, petitioners request that the Board order that the change shall become effective as provided in ORS 330.103.

Petitioners request that the order of the Board appoint five residents of the Ione School District as the initial board of directors of that district. Two of the members shall be appointed to serve until June 30 following the election of their successors at the next district election not less than 90 days from the date of the order. The remaining members shall be appointed to serve until June 30 following the election of their successors at the next succeeding district election.

Petitioners further request that an equitable division of assets and liabilities be made between District 1 and the new district as provided in ORS 330.123. Any real or personal property of the present school within the Territory shall be transferred to the new district. All accounts and other assets and liabilities shall be divided between District 1 and Ione School District based upon their respective weighted average daily memberships (ADMw). The new district shall retain the obligation to accept students from the Lexington school area and the Olex attendance area.

The employees of District 1 who are employed at the Ione School shall have the right to elect whether to become employees of Ione School District. No employee shall be deprived of seniority or accumulated sick leave solely because the duties of the employee have been assumed or acquired by the new district.

Each signer of this petition certifies that he or she is a resident and registered elector in Morrow County School District 1, Morrow County, Oregon.

Dated as of this 3 day of February, 2003, the date of filing of an original counterpart with the Morrow County Clerk.

/s/ Jerry L. Rietmann
/s/ Joseph P. McElligott
/s/ Anne C. Morter
Chief Petitioners

Letter to MCSB members and Dr. Jack Crippen, MCSB Superintendent

February 20, 2003
To: Morrow County School Board Members

Dr. Jack Crippen,
Morrow County School District Superintendent

From: The Ione Self Determination Committee
Dr. Crippen and School Board Members;

Pursuant to a meeting between Dr. Crippen and Joe McElligott, several questions have been raised regarding the process that we have initiated to form a separate Ione School District. We will attempt to answer each of them to the best of our abilities and understanding and have referred some to either our legal counsel, Mr. John Osburn, or to our Administrative Consultant, Mr. Al Meunier.

Lexington Students:

The first of these questions is in regards to an assumption that we made regarding the students who attend Ione Schools from the Lexington attendance area. What we have said in regards to these students is that they will not be included within our district boundaries because we don't think it would be fair to not allow other children who currently attend Heppner Schools from the same area to continue to have that choice. We would like to expect that the Morrow County School District would feel the same way about the students who currently attend Ione Schools and allow them to make the choice to continue to attend Ione Schools, even though they would have to be released from Morrow County School District to do so.

We did include these students in our projected budget revenue. However, this was more of a matter of simplicity for us than an assumption that Morrow County School District would release these children. It is not really clear what Ione's ADMw count would be as a separate school district and we had to have a number to use, so we used our current one as a reasonable starting point. However, we do believe that we could create a budget without those 20 or so students in it, and we are currently working on doing so. We have referred the adjustment of the budget to our Administrative Consultants Mr. Al Meunier and Mr. Terry Carty.

We do not believe that we have to have those 20 students to have a financially viable school district. What we do believe is that those students and their families should be treated fairly by the Morrow County School District and allowed to continue to attend Ione Schools, if they so choose.

District Boundaries - Lexington Area:

Another issue that has arisen in regards to the Lexington attendance area is whether or not, under Senate Bill 372, we are attempting to take all of the Lexington area into the Ione School District. Senate Bill 372 states that "The Ione School District shall consist of the attendance area for the Ione School as it exists on the effective date of this 2003 act". It is our understanding that the Morrow County School Board has, by policy, designated attendance areas for each school within the school district. We have used a map provided by the Morrow County School District to attempt to follow the boundaries of the Ione School Attendance Area, as designated by the Morrow County School District. It is our understanding that the Lexington and Pine City areas are specified by the Morrow County School District as non-designated attendance areas. Therefore, we fail to understand why specifying that the proposed Ione School District would consist of the attendance area of the Ione Schools, as it exists today, would possibly indicate that we are attempting to include any of the Lexington area in the proposed Ione School District.

Our petition, with a legal description of the boundaries of the proposed Ione School

District, has been filed with the Morrow County Clerk's Office (as required by state law before a petition can be circulated). We have also provided the legal description to the Morrow County Assessor's Office and they have drawn it onto a map. This is available on the public record to anyone who chooses to verify what we are telling you here. This petition was approved by the Clerk's Office for circulation and if we wished to change any part of it, we would have to start completely over on the circulation of the petition. Senate Bill 372 still requires that we file a petition with the Boundary Board for the Morrow County School District. Therefore, we could not use Senate Bill 372 to change the boundaries of the proposed Ione School District anyway.

Transportation Costs:

A question was brought up regarding the estimated transportation costs for the proposed Ione School District. The question is that the estimate that was used in our projected budget included continuing to be able to use the Morrow County School District bus barn, and why would we assume that we would be allowed to use that facility? It is true that the estimate that we received did make that assumption. However, they also indicated that if that was not the case, our total costs would be increased by approximately \$10,000. Our non-reimbursed 30% would be only about \$3,000. We felt that this was not a material amount in the overall scheme of things and that it might be in the best interest of both districts if we could work out an arrangement that would allow MidCo to use MCSD's bus barn for Ione's buses as well.

Foundation money included in the budget:

It has been suggested that there is money projected to be received from the Ione Education Foundation included in the projected budget for the proposed Ione School District. The only revenue projection included in the budget that was drafted by Mr. Al Meunier and Mr. Terry Carty was the money received through the State School Funding Equalization Formula based on 277 ADMw and the state's Transportation Grant at 70% of the projected transportation expenses. In an attempt to be conservative we did not include any other revenue in this projected budget.

Special Education Services:

We are referring the question regarding whether or not we have provided for an adequate level of service to our special education student to Mr. Meunier and Mr. Carty. However, we do believe that the level of staffing that we have budgeted allows for adequate special education staff as well as all other necessary student services.

Additional Athletic Funding From Recreation District:

Our understanding is that the arrangement of funding athletic activities from the recreation district would not change. It is a county-wide district and we assume that Ione would receive its current share of the funding from this district plus a proportionate yearly increase. We did not include any revenue from them, or expenses for athletic activities in our projected budget. This should not have an impact on the remaining Morrow County School District.

Division of Assets and Liabilities:

We have referred this question to our legal counsel. However, the following information may help to address some of the concerns in this area.

Senate Bill 372 states that "The request or petition

submitted to the district boundary board shall contain a proposal for distribution of all real and personal school property of the former school district that is located in the proposed Ione School District. The request or petition shall also contain a proposal for distribution of all assets and liabilities of the former district based on the expected weighted average daily membership (ADMw) of the districts."

ORS 330.123 provides that "When changes in school district boundaries are made by the detachment of territory or annexation of less than an entire school district to another, the district boards of the districts affected by each change shall immediately after the change make an equitable division of the then existing assets and liabilities between the districts affected by such change and provide the manner of consummating the division." This statute also provides for a Board of Arbitration to determine an equitable division if the two districts are unable to do so within 20 days of the boundary change taking effect.

We have not circumvented this process or dictated the method that will be used to determine what an equitable division is simply by requiring ourselves to provide a proposal for the structure under which such a division should take place in our petition. The language in the petition is essentially the same as the language in Senate Bill 372.

Furthermore, we don't understand why the proposal that we take the buildings and facilities that are inside of the proposed boundaries of the Ione School District and our respective share of the other (non-Facility specific) assets of the district based on ADMw should be such an inflammatory one. We believe that the assets of the Morrow County School District belong to the taxpayers of the district and we, as taxpayers, should be able to take our share of those assets with us into the new district. However, we want to be clear with the Morrow County School Board, that the language of Senate Bill 372 does not state that assets shall be divided this way. It simply states that the petitioners will provide a proposal for the division of assets based on this structure and we have done so.

Timing and how it affects MCSB:

We have requested that our legal counsel address the issue.

Bonded Indebtedness:

Our legal counsel has addressed this issue with us previously and it is our understanding that the bond levy applies to every property that was within the Morrow County School District at the time of the bond issue. We cannot, nor do we have any intention of attempting to change this by creating a separate Ione School District. Property within the new Ione School District would remain subject to the property tax assessment to repay the bonded indebtedness just as the voters intended at the time the bond issue passed.

Heppner Garden Club to hold meeting

The Heppner Garden Club will be holding their March meeting, March 3, at 7 p.m. at St. Pat's Senior Center.

Daisy Collins and Mary Goheen will host the evening. The program will be on birdhouses, with speakers Wilbur and Dorothy Jackson. The Jacksons will also show some of the birdhouses they have built and collected.