



PALO ALTO UNIFIED SCHOOL DISTRICT

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By U.S. Mail

June 30, 2005

Honorable Alden E. Danner, Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

FILED
JUL 11 2005
KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY D. ALDYCKI DEPUTY

RE: Santa Clara County Civil Grand Jury

Dear Judge Danner:

I write on behalf of the Palo Alto Unified School District ("PAUSD") in response to the 2004-2005 Santa Clara County Civil Grand Jury's Final Report regarding the Transfer of Dedicated Parkland within the City of Palo Alto. In its Final Report, the Grand Jury made three (3) findings and three (3) recommendations. In a letter dated April 4, 2005, Civil Grand Jury Foreperson, Michael A. Smith, invited comments from the District in regard to Finding numbers 1 and 3, as well as to Recommendation number 3. Below are PAUSD's comments:

Response to Finding Number 1:

PAUSD disagrees, in part, with Finding Number 1. Specifically, the joint use agreement did not call for PAUSD's "exclusive use" of the tennis courts and playing field during certain hours of the school day. In fact, Attachment 2 to the joint use agreement states that Terman Middle School would only have "first call" on the tennis courts and the playfield. Attachment 2 also states that PAUSD "will not have the right to routinely exclude members of the public from any dedicated playing field or parkland." Further, Paragraph C(2) of the joint use agreement gives Terman Middle School events and programs "second priority," behind City recreation programs and City co-sponsored programs, to park use.

It should be noted that PAUSD followed all procedures applicable to a public school district while negotiating and entering into a joint use agreement. (Education Code sections 17051, subd. (a) and 35275.)

Response to Finding Number 3:

PAUSD agrees with Finding Number 3.

Response to Recommendation Number 3:

For any future construction, reconstruction or development adjacent to dedicated City parkland, PAUSD will take all reasonable steps to prevent encroachment, including, in necessary, a review of a certified site survey.

Thank you for your attention to these comments.

Sincerely,



Gerald F. Matranga
Associate Superintendent, Business Services
Palo Alto Unified School District