



# TOWN OF FAIRFAX COUNCIL MEMBER MEMORANDUM

**DATE:** February 7, 2024  
**TO:** Mayor and Town Council  
**FROM:** Barbara Coler, Mayor  
**SUBJECT:** Consideration of a donation of \$25,000 to the Fairfax-Anselmo Children's Center (FXSACC) solely for the purpose of purchasing the property at 199 Porteous Avenue, Fairfax, from the Ross Valley School District so they may continue to operate the FXSACC at the location, and adopt Resolution making findings as appropriate.

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## RECOMMENDATION

Approve a donation of \$25,000 to the Fairfax-Anselmo Children's Center (FXSACC) solely for the purpose of purchasing the property at 199 Porteous Avenue, Fairfax, from the Ross Valley School District (RVSD) so they may continue to operate the FXSACC at this location, and adopt a Resolution making findings as appropriate. Authorize the Town Manager to enter into an agreement with the FXSACC to transfer the funds if and when an agreement is entered into between RVSD and the Center so that FXSACC may complete the purchase. Authorize Mayor Coler to send a letter to RVSD transmitting the resolution if approved by the Town Council.

## BACKGROUND

Mayor Coler has brought forward this proposed donation for Council consideration; she has drafted the findings in the attached Resolution.

The Fairfax-San Anselmo Children's Center was founded by Ethel Seiderman in 1973 in response to a group of parents in Marin County who recognized the need for an affordable childcare center; it has operated at 199 Porteous Avenue in Fairfax for more than fifty years. The FSACC has provided high-quality subsidized childcare and education services for children from infancy through fifth grade. The Center has leased the former Deer Park Elementary School site from the Ross Valley School District.

Early in 2022, Terry Tao, a lawyer for RVSD, advised the district to terminate the lease due to fire safety and liability issues. Jason Weber, then Ross Valley Fire Chief (and the County's Fire Chief) stated publicly at the time that the Center was as safe as many other schools in the County down one-way roads that are in similar situations. Mr. Tao's advice to RVSD began a series of discussions and public meetings over the last almost two years, with many speaking in support of retaining the Children's Center at the location.

Shortly after taking office, Marin County Office of Education Superintendent John Carroll announced that his office would seriously explore purchasing/renovating the property. In accordance with California's Field Act law, an assessment (required for K-12 schools) was conducted by his office – it showed that about \$14 million was needed for the renovations. A few weeks before the August 31, 2023 lease expiration date, Superintendent Carroll announced that the county would no longer pursue the purchase. Given what they viewed as needed costly repairs, it was surprising that RVSD estimated the property value at \$3 million. It should be noted that a Field Act assessment is not used or required for a childcare center such as FXSACC.

Over the last year, several supporters of the Center, including Marin County and the Marin Community Foundation, among others, including Foley & Lardner pro bono legal expertise, have come together to assist the Center in its efforts to first seek an alternate suitable location and when none was found (despite looking at more than twenty properties) to provide support and guidance for an offer to purchase the property at RVSD.

The Center has conducted assessments of the property using skilled experts – an architect, structural engineer, and a construction company to determine the costs of repairs and upgrades needed for the property. Mark Lockaby, our Fairfax Building Official, also conducted an inspection in December 2023 – he stated that upgrades could be done in phases thus allowing the Center to continue operating without relocating or using portables.

## **DISCUSSION**

In November 2023, FSACC delivered an offer to RVSD including: a discounted purchase price of \$1,561,500; a nonrefundable deposit of \$156,150; the land and structures would be sold “as is” and with the following Reversionary Provisions: restricting the property for sole use as childcare center and with an option for RVSD to repurchase property from FSACC if necessary to be used as a school after 17 years.

On January 18, 2024, the RVSD held a public meeting wherein the FXSACC’s Board Chair, Julia Howard-Gibbon presented the FXSACC offer, background information, and outlined the Center’s plan and costs of phased repairs and upgrades (see <https://www.fsacc.org/news/blog-post-title-one-y83dp-j9c4s>). Mr. Terry Tao, RVSD’s attorney, also provided a presentation, outlining concerns with the Center’s offer and approach. After public comment, the RVSD Trustees went into Closed Session, the “report out” from Closed Session was that the Trustee’s voted 5-0 to evict the Center.

Despite this vote, the Center and its many supporters are still working towards an equitable solution to purchase the site from the Ross Valley School District. They remain confident that they can reach agreement. Our Town Council can formally demonstrate its support of the Center by pledging this donation in support of their acquisition.

## **FISCAL IMPACT**

The donation cost would be absorbed within the Adopted FY23-34 budget, utilizing Measure F funds. Measure F, the Municipal Services Tax, can be allocated, among other things, to support Youth and Senior Programs.

## **ATTACHMENT**

Resolution with findings.

RESOLUTION 24-\_\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
TO DONATE \$25,000 TO THE FAIRFAX-SAN ANSELMO CHILDREN’S CENTER (FXSACC)  
501(c)(3) SOLELY FOR THE ACQUISITION OF THE PROPERTY AT 199 PORTEOUS AVENUE,  
FAIRFAX, CA FROM THE ROSS VALLEY SCHOOL DISTRICT TO CONTINUE ITS USE SOLELY  
AS THE FXSACC**

**WHEREAS**, the Fairfax-San Anselmo Children’s Center was founded by Ethel Seiderman in 1973 in response to a group of parents in Marin County who recognized the need for an affordable childcare center; and

**WHEREAS**, the FXSACC has operated at 199 Porteous Avenue in Fairfax for more than fifty years; and

**WHEREAS**, the FXSACC is a non-profit, and is registered as a 501(c)(3) charitable organization; and

**WHEREAS**, for all these years, FSACC has provided high-quality subsidized childcare and education services for children from infancy through fifth grade, supporting a diverse population of families. The center has leased the former Deer Park Elementary School site from the Ross Valley School District (RVSD); and

**WHEREAS**, the FXSACC is a vital resource for low-income parents/guardians, most who are working, in vocational school or college and/or are homeless; and

**WHEREAS**, the Center’s goals are to support and increase children’s school readiness skills while providing a safe and healthy learning environment, and to enhance family well-being and foster parent leadership in our community; and

**WHEREAS**, the Center serves the workforce by operating 52 weeks per year. Their Infant/Toddler and Pre-School programs are open from 8-5, Monday-Friday and the School Age program is in session whenever the kids are on break from school (including afternoons after school); and

**WHEREAS**, John Carroll, Superintendent of Marin County Office of Education has stated: *“We (Marin County Office of Education) want to expand Early Childhood Education, that means we can’t watch it contract...the staff in my office tell me the FSACC is consistently rated as the best preschool in Marin. Not only just a loss of a preschool but a loss of an example for others”*; and

**WHEREAS**, over 75% of children at FXSACC are children of color in a region that is over 80% white; and

**WHEREAS**, the FSACC have 110 subsidized childcare slots – the County has a waitlist of over 900 children for subsidized childcare; and

**WHEREAS**, 71% of the children enrolled at the Center live in the Ross Valley area with approximately half of the children from Fairfax; and

**WHEREAS**, the FXSACC recently made an offer to purchase the 199 Porteous site for \$1.561M from the RVSD and they also pledged to conduct needed repairs in phases over time spending several million dollars. However, the Center is in danger of closing due to a January 18, 2024 vote by the School District Trustees to reject their offer and to evict the FXSACC; and

**WHEREAS**, despite this RVSD vote, the Center and its many supporters which include the County and the Marin Community Foundation, among others, continue to move forward on their attempts to purchase the property; and

**WHEREAS**, Supervisor Katie Rice recently stated, *“the center closing will mean not only hardship for the families currently being served, but an enormous, irreparable loss to the Ross Valley community and county at large”*; and

**WHEREAS**, the Town of Fairfax supports the efforts of the Children’s Center to remain in its location of more than 50 years, we stand up for its superior childhood education, we further demonstrate our commitment to diversity, equity and inclusion by supporting the children and staff to remain at the Center’s location, and we enthusiastically join with others to provide financial resources to ensure that the extraordinary public benefits provided by FXSACC continue at 199 Porteous Avenue, Fairfax; and

**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Fairfax hereby approves a donation of \$25,000 to the Fairfax-San Anselmo Children’s Center 501(c)(3) conditioned upon a sale of the property at 199 Porteous Avenue, Fairfax from the Ross Valley School District to the FXSACC restricting its use solely as a childcare center.

The foregoing resolution was adopted at a regular meeting of the Fairfax Town Council of the Town of Fairfax held in said Town on the 7<sup>th</sup> day of February 2024, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
BARBARA COLER, Mayor

Attest:

\_\_\_\_\_  
Christine Foster, Deputy Town Clerk