### Election Waiver Request (Ed. Code, §§ 72036, 72036.5)

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<thead>
<tr>
<th>Community College District:</th>
<th>Contact’s name and title:</th>
<th>Email:</th>
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<tbody>
<tr>
<td>San Luis Obispo County Community College District</td>
<td>Gilbert H. Stork, President</td>
<td><a href="mailto:gstork@cuesta.edu">gstork@cuesta.edu</a></td>
</tr>
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<tr>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip:</th>
<th>Phone:</th>
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<tbody>
<tr>
<td>Hwy 1</td>
<td>San Luis Obispo</td>
<td>CA</td>
<td>93403-8106</td>
<td>(805) 546-3118</td>
</tr>
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<tr>
<th>Date of request:</th>
<th>Local board approval date:</th>
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<tbody>
<tr>
<td>6/7/2012</td>
<td>(Required) 5/2/2012 (Resolutions are attached)</td>
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#### Legal criteria

1. **Reason for changing election systems:**

   To comply with the provisions of the California Voting Rights Act (California Elections Code sections 14025-14032).

2. **Number of trustees and trustee areas under the newly proposed election system:**

   5 trustees elected from 5 trustee areas

3. **Per Education Code § 72036(b), will a top-two primary system be implemented?**  
   - Yes  
   - No

4. **Have all the requirements in Education Code § 72036(c) been met? Explain.**

   Yes. The number of District trustees (5) remains unchanged. The number of trustee areas created under the District’s by-trustee area election plan is also five (5).

#### District or County Certification

I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Authorized Signature:</th>
<th>Name and Title:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>Gilbert H. Stork</td>
<td>Gilbert H. Stork, President</td>
<td>June 7, 2012</td>
</tr>
</tbody>
</table>

FOR California Community College Chancellor’s Office USE ONLY

| Staff Member Name: | Signature: | Date: |
Please note that additional pages can be attached, if needed.

Send Original plus one copy to:

California Community Colleges
Chancellor's Office
1102 Q Street
Sacramento, CA 95811-6549
ATTN: Legal Affairs
Election Waiver Request

Or

Email the completed form and back-up material to: legalaffairs@cccco.edu
WHEREAS, the Board of Trustees of the San Luis Obispo County Community College District ("District" or "Cuesta College") is composed of five (5) members currently elected in "from trustee area" elections, i.e., elections in which each member of the governing board is elected by the registered voters of the entire district but board members must reside in defined trustee areas, a system also referred to as a "hybrid" election system;

WHEREAS, "from trustee area" or "hybrid" election systems are a form of at-large electoral systems subject to challenge under the California Voting Rights Act ("CVRA"), Elections Code sections 14025-14032;

WHEREAS, by-trustee area electoral systems, i.e., elections in which a member residing in each trustee area is elected by the registered voters only of that particular trustee area, are not vulnerable to challenge under the CVRA;

WHEREAS, the current trustee areas contain significant deviations from an ideal trustee area that is balanced by population and may be vulnerable to challenge under the Federal Voting Rights Act;

WHEREAS, the Board of Trustees believes that "by-trustee area" elections using trustee areas that are substantially balanced by population within legal limits will provide for an enhanced opportunity for representation of all communities within the District;

WHEREAS, "by-trustee area" elections will result in significant financial savings due to reduced election costs;

WHEREAS, in this time of funding reductions to California's community college districts and the ongoing fiscal uncertainty facing the District, the Board desires to implement cost savings measures;

WHEREAS, the Board of Trustees believes that "by-trustee area" elections will enhance the ability for a greater number of candidates to run for seats on the Board by eliminating the costs associated with running for election district-wide;

WHEREAS, the District conducted a public hearing at its April 4, 2012 board meeting and explained these election issues to the public;
WHEREAS, the District posted a copy of this resolution and the proposed trustee area map on its website for review by the community in advance of the second public hearing conducted on May 2, 2012;

WHEREAS, the District posted notices of its May 2, 2012 public hearing in both English and Spanish at multiple locations throughout the District and on the District’s website and undertook other actions to ensure that all interested persons and communities would have an opportunity to understand the proposed change to by-trustee elections and to review and provide input on the proposed election change and the proposed trustee area map;

WHEREAS, it is the considered view of the Board of Trustees that the public interest would be better served by election of its governing board members in "by-trustee area" elections;

WHEREAS, California Education Code §72036 authorizes community college districts to transition from at-large election systems to by-trustee area elections upon the adoption of a resolution by the District’s governing board and upon approval of the Board of Governors of the California Community Colleges;

WHEREAS, Education Code section 72036 requires the District to set the boundaries of its trustee areas to reflect substantially equal populations based on the most recent decennial federal census;

WHEREAS, the District has contracted with a nationally recognized demographic expert to assist in the creation of five separate trustee areas that reflect substantially equal populations based on the most recent decennial federal census;

WHEREAS, the District’s demographic consultant has confirmed that the use of the trustee area map created by the San Luis Obispo County Board of Supervisors will create five separate trustee areas that reflect substantially equal populations based on the most recent decennial federal census and will meet all requirements of the California and the Federal Voting Rights Acts;

WHEREAS, a portion of the District lies with Monterey County, a Section 5 “Pre-Clearance” county under the Federal Voting Rights Act;

WHEREAS, the Federal Voting Rights Act requires that community college districts subject to Section 5 Pre-Clearance requirements obtain approval for election system changes from the United States Department of Justice;

WHEREAS, approval by the Board of Governors and United States Department of Justice will take several months and will prevent implementation of this election change in time for the 2012 election;

NOW, THEREFORE, THE SAN LUIS OBISPO COUNTY COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES DOES HEREBY RESOLVE AS FOLLOWS:

1. The Board of Trustees approves changing the method of electing members of the Board from a “hybrid” election system to a “by-trustee area” election system to reduce election costs, to comply with the California Voting Rights Act and the Federal Voting Rights Act, and to enhance voter participation of all communities within the District.

2. In an effort to realize additional increased cost savings while simultaneously complying with all requirements of state and federal law, the Board desires to adopt a trustee area map that follows the boundaries the five election districts created and used by the San Luis Obispo County Board of Supervisors. The San Luis Obispo County Board of Supervisors redistricting map, as that map may be amended from time-to-time, shall be used only so long as
the Board determines that the map meets all requirements of applicable law and is in the best interest of the District.

3. The Board hereby approves the proposed trustee area map attached as Exhibit A, which is the redistricting map created by the San Luis Obispo County Board of Supervisors using 2010 census data and the Board finds that the map meets all requirements of applicable law and is in the best interest of the District;

4. Pursuant to Education Code section 72036, the Board of Trustees directs the College President or his designee to apply to the Board of Governors for approval of the proposed change to by-trustee area voting and approval of the trustee area map attached as Exhibit A.

5. The Board directs that the election system changes and by-trustee elections be initially implemented in 2014 for two trustee areas and for by-trustee elections to be held for the remaining three trustee areas in 2016. In 2012, the District’s board election shall continue to use the “Hybrid” election system.

6. Following approval by the Board of Governors, the Governing Board hereby authorizes and directs the College President or his designee to forward this Resolution and all other relevant documents to the United States Department of Justice for its review and approval as required by Section 5 of the Federal Voting Rights Act.

7. Once all final approvals have been obtained, the Governing Board hereby authorizes and directs the College President or his designee to forward this Resolution and all other relevant documents to the election offices of San Luis Obispo and Monterey counties.

8. The Governing Board hereby authorizes the College President or his designee to take any other actions necessary to implement the intent and purpose of this Resolution.

This Resolution was adopted at a Board meeting of the San Luis Obispo County Community College District on May 2, 2012 by the following vote:

AYES: (6)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Dated: May 2, 2012

[Signature]
Patrick Mullen, Board President
San Luis Obispo County Community College District

CERTIFIED AS A TRUE CORRECT COPY:

Dated: May 2, 2012

[Signature]
Dr. Gilbert Stork, Board Clerk
San Luis Obispo County Community College District
Resolution to Adopt Line Drawing  )  RESOLUTION NO. 16-12
Criteria for Adjusting Trustee Area  )
Boundaries  )

WHEREAS, trustees of the San Luis Obispo County Community College District ("Cuesta College") are elected at-large but must reside within designated trustee area boundaries referred to as a "Hybrid" or a "From Trustee Area" election system;

WHEREAS, the District desires to update its trustee area boundaries based on 2010 census data;

WHEREAS, the District has undertaken a demographic study of its trustee areas using 2010 census data in order to ensure compliance with state and federal voting laws;

WHEREAS, Federal Law and the Equal Protection Clause require that each trustee area be nearly equal in population to ensure compliance with the "one person, one vote" rule; however, deviations (less than five percent (5%) greater than or less than the ideal, for a total of 10% deviation) are presumptively constitutional under the Equal Protection Clause where required to meet an official criteria;

WHEREAS, the Board has instructed the demographer and District staff to prepare or use maps using 2010 census data that create trustee areas as nearly equal as possible to ensure the lawfulness of the District's election procedures but wishes to provide official criteria for any needed deviations;

NOW, THEREFORE, the Board of Trustees of the San Luis Obispo County Community College District hereby adopts the following line drawing criteria:

1. Each trustee area shall contain a nearly equal number of inhabitants;

2. Trustee area borders shall be drawn in a manner that complies with the Federal Voting Rights Act;

3. Trustee areas shall consist of contiguous territory in as compact form as possible;

4. Trustee areas shall respect communities of interest as much as possible;

5. Trustee area borders shall follow visible natural and man-made geographical and topographical features as much as possible;
6. Each new trustee area shall preserve the corresponding existing trustee area's population and territory as much as possible; and

7. Trustee areas shall, to the extent consistent with requirements of the California and Federal Voting Rights Acts and with the District's best interests, follow the voting districts used by the San Luis Obispo County Board of Supervisors.

BE IT FURTHER RESOLVED, that the Superintendent/President or his designee shall be authorized to modify these general line drawing criteria so long as such changes are consistent with all requirements of law;

BE IT FURTHER RESOLVED, that the Superintendent/President or his designee shall be authorized to take any additional acts needed to effectuate the purpose and intent of this resolution.

This Resolution was adopted at a meeting of the San Luis Obispo County Community College District on May 2, 2012, by the following vote:

AYES: (6)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Dated: May 2, 2012

[Signature]
Patrick Mullen
President, Governing Board
San Luis Obispo County Community College District

CERTIFIED AS TRUE AND CORRECT COPY:

Dated: May 2, 2012

[Signature]
Dr. Gilbert Stork
Clerk to the Governing Board
San Luis Obispo County Community College District