

TRUSTEE ELECTION WAIVER AT COMMUNITY COLLEGE DISTRICTS

July 9-10, 2012

CONSENT CALENDAR

Presentation: Steven Bruckman, Executive Vice Chancellor of Operations/General Counsel

Item 1.3

Issue

The Board of Governors is asked to review trustee election waiver requests submitted by the following community college districts and to adopt the attached resolutions regarding:

Compton Community College District
Mt. San Antonio Community College District
San Luis Obispo County Community College District
West Hills Community College District

Background

Assembly Bill 684 (Block) signed by the governor on October 8, 2011, added sections 72036 and 72036.5 to the California Education Code as an urgency measure and authorizes the governing boards of community college districts to change election systems, subject to approval by the California Community Colleges Board of Governor. The purpose of the bill was to assist community college districts in complying with the California Voting Rights Act.

Assembly Bill 684 modifies the process by which the governing board of a community college district may change from at-large trustee elections to election by trustee areas. In establishing trustee areas, the territory of a district would be divided into these trustee areas, and one member of the governing board would be elected from each trustee area. Candidates for election are required to reside in, and be registered to vote in, the trustee area he or she seeks to represent. The governing boards are authorized to set the initial boundaries of each trustee area to reflect the population enumerated in the most recent decennial federal census. This bill does not apply to any community college district that is authorized by statute to provide for its own trustee elections.

Before the enactment of Assembly Bill 684, districts were required to hold an election to change to trustee areas. This was both costly and time consuming. The Chancellor's Office has set up an electronic application process for districts to apply for the approval by the Board of Governors. Prior to being submitted to the Board of Governors, all applications are reviewed by Legal Affairs Division staff for completeness and timeliness. It is expected that this item will appear on future board agendas on a regular basis as districts take the necessary steps to change their processes. Board of Governors approval is the final step.

Analysis

The applications submitted by Compton, Mt. San Antonio, San Luis Obispo County, and West Hills Community College Districts are complete and timely filed for review at this meeting.

Recommended Action

The Board of Governors is asked to adopt the following resolutions:

Be it resolved

The Board of Governors adopts Resolution No 2012-12, 2012-13, 2012-14, and 2012-15 approving the applications by Compton, Mt. San Antonio, San Luis Obispo County, and West Hills Community College Districts to change its trustee election system.

Staff: Jonathan Lee, Staff Counsel

RESOLUTION NO. 2012-12
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR COMPTON COMMUNITY COLLEGE DISTRICT BOARD MEMBERS

Whereas, members of the Board of Trustees of the Compton Community College District (“Compton CCD” or “District”) are currently elected in “at-large” elections, *i.e.*, elections in which “each member of the governing board [is] elected by the registered voters of the entire district” (Cal. Ed. Code § 5030, subd (a)); and

Whereas, at-large electoral systems are subject to challenges under the California Voting Rights Act of 2001 (“CVRA”), codified at sections 14025-14032 of the California Elections Code; and

Whereas, by-trustee area electoral systems, *i.e.*, elections in which “one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area” (Cal. Ed. Code § 5030, subd (b),) are not vulnerable to challenge under the CVRA; and

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

Whereas, Assembly Bill No. 684 (Stats. 2011, ch. 614), signed by the Governor in October 2011, added sections 72036 and 72036.5 to the Education Code authorizing community college districts to adopt trustee area elections with the approval of the Board of Governors of the California Community Colleges (BOG); and

Whereas, Compton CCD has submitted all necessary materials to the BOG; and

Whereas, the BOG finds that trustee area elections are in the best interest of Compton CCD;

NOW, THEREFORE THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES DOES HEREBY RESOLVE AS FOLLOWS:

1. The change from at-large to trustee area elections for Compton CCD is approved.
2. The Chancellor shall provide a copy of this resolution to the Compton CCD.

Date

Chancellor

RESOLUTION NO. 2012-13
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT BOARD MEMBERS

Whereas, members of the Board of Trustees of the Mt. San Antonio Community College District (“Mt. San Antonio CCD” or “District”) are currently elected in “at-large” elections, *i.e.*, elections in which “each member of the governing board [is] elected by the registered voters of the entire district” (Cal. Ed. Code § 5030, subd (a);) and

Whereas, at-large electoral systems are subject to challenges under the California Voting Rights Act of 2001 (“CVRA”), codified at sections 14025-14032 of the California Elections Code; and

Whereas, by-trustee area electoral systems, *i.e.*, elections in which “one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area” (Cal. Ed. Code § 5030, subd (b),) are not vulnerable to challenge under the CVRA; and

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

Whereas, Assembly Bill No. 684 (Stats. 2011, ch. 614), signed by the Governor in October 2011, added sections 72036 and 72036.5 to the Education Code authorizing community college districts to adopt trustee area elections with the approval of the Board of Governors of the California Community Colleges (BOG); and

Whereas, Mt. San Antonio CCD has submitted all necessary materials to the BOG; and

Whereas, the BOG finds that trustee area elections are in the best interest of Mt. San Antonio CCD;

NOW, THEREFORE THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES DOES HEREBY RESOLVE AS FOLLOWS:

1. The change from at-large to trustee area elections for Mt. San Antonio CCD is approved.
2. The Chancellor shall provide a copy of this resolution to the Mt. San Antonio CCD.

Date

Chancellor

RESOLUTION NO. 2012-14
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR SAN LUIS OBISPO COUNTY COMMUNITY COLLEGE DISTRICT BOARD MEMBERS

Whereas, members of the Board of Trustees of the San Luis Obispo County Community College District (“San Luis Obispo County CCD” or “District”) are currently elected in “at-large” elections, *i.e.*, elections in which “each member of the governing board [is] elected by the registered voters of the entire district” (Cal. Ed. Code § 5030, subd (a);) and

Whereas, at-large electoral systems are subject to challenges under the California Voting Rights Act of 2001 (“CVRA”), codified at sections 14025-14032 of the California Elections Code; and

Whereas, by-trustee area electoral systems, *i.e.*, elections in which “one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area” (Cal. Ed. Code § 5030, subd (b),) are not vulnerable to challenge under the CVRA; and

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

Whereas, Assembly Bill No. 684 (Stats. 2011, ch. 614), signed by the Governor in October 2011, added sections 72036 and 72036.5 to the Education Code authorizing community college districts to adopt trustee area elections with the approval of the Board of Governors of the California Community Colleges (BOG); and

Whereas, San Luis Obispo County CCD has submitted all necessary materials to the BOG; and

Whereas, the BOG finds that trustee area elections are in the best interest of San Luis Obispo County CCD;

NOW, THEREFORE THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES DOES HEREBY RESOLVE AS FOLLOWS:

1. The change from at-large to trustee area elections for San Luis Obispo County CCD is approved.
2. The Chancellor shall provide a copy of this resolution to the San Luis Obispo County CCD.

Date

Chancellor

RESOLUTION NO. 2012-15
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR WEST HILLS COMMUNITY COLLEGE DISTRICT BOARD MEMBERS

Whereas, members of the Board of Trustees of the West Hills Community College District (“West Hills CCD” or “District”) are currently elected in “at-large” elections, *i.e.*, elections in which “each member of the governing board [is] elected by the registered voters of the entire district” (Cal. Ed. Code § 5030, subd (a)); and

Whereas, at-large electoral systems are subject to challenges under the California Voting Rights Act of 2001 (“CVRA”), codified at sections 14025-14032 of the California Elections Code; and

Whereas, by-trustee area electoral systems, *i.e.*, elections in which “one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area” (Cal. Ed. Code § 5030, subd (b),) are not vulnerable to challenge under the CVRA; and

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

Whereas, Assembly Bill No. 684 (Stats. 2011, ch. 614), signed by the Governor in October 2011, added sections 72036 and 72036.5 to the Education Code authorizing community college districts to adopt trustee area elections with the approval of the Board of Governors of the California Community Colleges (BOG); and

Whereas, West Hills CCD has submitted all necessary materials to the BOG; and

Whereas, the BOG finds that trustee area elections are in the best interest of West Hills CCD;

NOW, THEREFORE THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES DOES HEREBY RESOLVE AS FOLLOWS:

1. The change from at-large to trustee area elections for West Hills CCD is approved.
2. The Chancellor shall provide a copy of this resolution to the West Hills CCD.

Date

Chancellor