TRUSTEE ELECTION WAIVER AT COMMUNITY COLLEGE DISTRICTS
March 5-6, 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 a trustee election waiver request submitted by the following community college districts and to adopt the attached resolution regarding:

Imperial Community College District
Rancho Santiago Community College District
Santa Barbara Community College District
Solano Community College District
Yuba Community College District

Background

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

AB 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 AB 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 Imperial, Rancho Santiago, Santa Barbara, Solano, and Yuba 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 2012-04, 2012-05, 2012-06, 2012-07, and 2012-08 approving the applications by Imperial, Rancho Santiago, Santa Barbara, Solano, and Yuba Community College Districts to change its trustee election system.

Staff:  Jonathan Lee, Staff Counsel
RESOLUTION NO. 2012-04
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR IMPERIAL COMMUNITY COLLEGE DISTRICT BOARD MEMBERS.

Whereas, members of the Board of Trustees of the Imperial Community College District (“Imperial 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. Educ. Code § 5030 (a); and

Whereas, at-large electoral systems such as the District’s are subject to challenges under the California Voting Rights Act of 2001, codified at sections 14025-14032 of the California Elections code (“CVRA”); 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. Elec. Code § 5030 (b), are not vulnerable to challenge under the CVRA; and

Whereas, it is considered 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 (2011-12 Reg. Sess.), signed by the Governor in October 2011 would authorize community college districts to adopt trustee area elections with the approval of the Community College board of Governors; and

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

Whereas, the BOG finds that trustee area elections are in the best interest of Imperial 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 Imperial CCD is approved.

2. The Chancellor shall provide a copy of this resolution to the Imperial CCD.
RESOLUTION NO. 2012-05
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT BOARD MEMBERS.

Whereas, members of the Board of Trustees of the Rancho Santiago Community College District ("Rancho Santiago 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. Educ. Code § 5030 (a); and

Whereas, at-large electoral systems such as the District’s are subject to challenges under the California Voting Rights Act of 2001, codified at sections 14025-14032 of the California Elections code (“CVRA”); 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. Elec. Code § 5030 (b), are not vulnerable to challenge under the CVRA; and

Whereas, it is considered 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 (2011-12 Reg. Sess.), signed by the Governor in October 2011 would authorize community college districts to adopt trustee area elections with the approval of the Community College board of Governors; and

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

Whereas, the BOG finds that trustee area elections are in the best interest of Rancho Santiago 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 Rancho Santiago CCD is approved.
2. The Chancellor shall provide a copy of this resolution to the Rancho Santiago CCD.
RESOLUTION NO. 2012-06
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR SANTA BARBARA COMMUNITY COLLEGE DISTRICT BOARD MEMBERS.

Whereas, members of the Board of Trustees of the Santa Barbara Community College District (“Santa Barbara 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. Educ. Code § 5030 (a); and

Whereas, at-large electoral systems such as the District’s are subject to challenges under the California Voting Rights Act of 2001, codified at sections 14025-14032 of the California Elections code (“CVRA”); 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. Elec. Code § 5030 (b), are not vulnerable to challenge under the CVRA; and

Whereas, it is considered 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 (2011-12 Reg. Sess.), signed by the Governor in October 2011 would authorize community college districts to adopt trustee area elections with the approval of the Community College board of Governors; and

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

Whereas, the BOG finds that trustee area elections are in the best interest of Santa Barbara 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 Santa Barbara CCD is approved.

2. The Chancellor shall provide a copy of this resolution to the Santa Barbara CCD.
RESOLUTION NO. 2012-07
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR SOLANO COMMUNITY COLLEGE DISTRICT BOARD MEMBERS.

Whereas, members of the Board of Trustees of the Solano Community College District ("Solano 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. Educ. Code § 5030 (a); and

Whereas, at-large electoral systems such as the District’s are subject to challenges under the California Voting Rights Act of 2001, codified at sections 14025-14032 of the California Elections code (“CVRA”); 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. Elec. Code § 5030 (b), are not vulnerable to challenge under the CVRA; and

Whereas, it is considered 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 (2011-12 Reg. Sess.), signed by the Governor in October 2011 would authorize community college districts to adopt trustee area elections with the approval of the Community College board of Governors; and

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

Whereas, the BOG finds that trustee area elections are in the best interest of Solano 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 Solano CCD is approved.

2. The Chancellor shall provide a copy of this resolution to the Solano CCD.
Whereas, members of the Board of Trustees of the Yuba Community College District ("Yuba 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. Educ. Code § 5030 (a); and

Whereas, at-large electoral systems such as the District’s are subject to challenges under the California Voting Rights Act of 2001, codified at sections 14025-14032 of the California Elections code (“CVRA”); 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. Elec. Code § 5030 (b), are not vulnerable to challenge under the CVRA; and

Whereas, it is considered 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 (2011-12 Reg. Sess.), signed by the Governor in October 2011 would authorize community college districts to adopt trustee area elections with the approval of the Community College board of Governors; and

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

Whereas, the BOG finds that trustee area elections are in the best interest of Yuba 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 Yuba CCD is approved.
2. The Chancellor shall provide a copy of this resolution to the Yuba CCD.