



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS
DATE: January 13-14, 2014

SUBJECT: Trustee Election Waiver at a Community College District		Item Number: 1.3	
		Attachment: Yes	
CATEGORY:	Legal	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Steve Bruckman, Executive Vice Chancellor	Consent/Routine	X
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	
		Information	

ISSUE: The Board of Governors is asked to review a trustee election waiver request submitted by the following community college district and to adopt the attached resolution regarding:

MiraCosta Community College District

BACKGROUND: Assembly Bill 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.

RECOMMENDED ACTION: It is recommended that the Board of Governors adopt the following resolution:

Be it resolved

The Board of Governors adopts Resolution No. 2014-01, approving the application by MiraCosta Community College District to change its trustee election system.

ANALYSIS: 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.

The application submitted by MiraCosta Community College District is complete and timely filed for review at this meeting.

RESOLUTION NO. 2014-01
A RESOLUTION OF THE BOARD OF GOVERNORS
OF THE CALIFORNIA COMMUNITY COLLEGES
TO APPROVE BY-TRUSTEE AREA ELECTIONS
FOR MIRACOSTA COMMUNITY COLLEGE DISTRICT BOARD MEMBERS

- Whereas,** members of the Board of Trustees of the MiraCosta Community College District (“MiraCosta 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,** MiraCosta CCD has submitted all necessary materials to the BOG; and
- Whereas,** the BOG finds that trustee area elections are in the best interest of MiraCosta 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 MiraCosta CCD is approved.
2. The Chancellor shall provide a copy of this resolution to the MiraCosta CCD.

Date

Chancellor