





# The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS  
DATE: March 3-4, 2014

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

**ISSUE:** The Board of Governors is asked to approve a request by the San Bernardino Community College District governing board to establish elections by trustee areas and to adopt a resolution evidencing its approval:

San Bernardino Community College District

**BACKGROUND:** Education Code section 72036 authorizes governing boards of community college districts to change from an at-large election system to a trustee area election system without first holding an election to authorize the change. The change in election system without first holding an election to authorize the change must be approved by the Board of Governors 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:** The Board of Governors is asked to approve the request by the San Bernardino Community College District by adopting the following resolution:

*Be it resolved*

The Board of Governors adopts Resolution No 2014-02, approving the application by the San Bernardino Community College District to change its trustee election system without an election as set forth in the attached “Resolution of the Board of Trustees of the San Bernardino Community College District Establishing Trustee Areas From Which District Governing Board Members Will Be Elected And Approving the Election of Such Board Members In a By-Trustee Area Election Process,” which was adopted, signed and approved by Bruce Baron, Secretary to the Board of Trustees for the San Bernardino Community College District, on January 16, 2014.

**ANALYSIS:** Education Code section 72036 permits the governing board of a community college district to change its election system from an at-large trustee election to an election by trustee area without first holding an election authorizing the change. To establish trustee areas, the governing board must divide the territory of a district into trustee areas, with one member of the governing board being 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.

Before the enactment of Education Code section 72036 in 2011, 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.

The attached application submitted by the San Bernardino Community College District is complete and was timely filed for review at this meeting.

**RESOLUTION NO. 2014-02**  
**A RESOLUTION OF THE BOARD OF GOVERNORS**  
**OF THE CALIFORNIA COMMUNITY COLLEGES**  
**TO APPROVE BY-TRUSTEE AREA ELECTIONS**  
**FOR SAN BERNARDINO COMMUNITY COLLEGE DISTRICT BOARD MEMBERS**

**Whereas,** members of the Board of Trustees of the San Bernardino Community College District (“San Bernardino 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 less vulnerable to challenge under the CVRA than at large electoral systems; 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 Bernardino 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 Bernardino 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 Bernardino CCD is approved.
2. The Chancellor shall provide a copy of this resolution to the San Bernardino CCD.

\_\_\_\_\_ Date

\_\_\_\_\_ Chancellor