

RESOLUTION NO. 1000

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
GAVILAN JOINT 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, AND REQUESTING THAT THE BOARD
OF GOVERNORS WAIVE THE REQUIREMENT OF AN ELECTION PRIOR TO THE
CHANGE IN ELECTION METHODOLOGY.**

WHEREAS, the Gavilan Joint Community College District ("District") currently uses an at-large process of electing its governing board members; and

WHEREAS, at-large election processes such as the District's are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025-14032 of the California Elections Code ("CVRA"); and

WHEREAS, a by-trustee area election process is not vulnerable to challenge under the CVRA; and

WHEREAS, in a by-trustee area election process, candidates for the District's Governing Board of Trustees (the "Board") must reside in, and be registered to vote, within a specific geographic subarea of the District called a "trustee area" and candidates are elected only by the voters of that trustee area; and

WHEREAS, Education Code section 72036 allows Community College Districts to transition from an at-large election process to a by-trustee area election process upon the adoption of a resolution by the District's Board in support of transitioning to a by-trustee area election process and upon the approval of the Board of Governors of the California Community Colleges. The Board of Governors may waive the election requirement associated with a change in election methodology; and

WHEREAS, the Board of Trustees, at its April 14, 2015 meeting, took action to amend Board Policy 2100, Board Elections, and to state its intention to transition to a system of by-trustee area elections in time for the Governing Board's November 2016 election.

WHEREAS, District staff and consultants prepared proposed trustee area plans and recommendations (the "Plans") that the Board has considered; and

WHEREAS, at its July 14, 2015 meeting, the Board adopted Resolution No. 996 establishing community meetings that were held as follows: Wednesday, July 29, 2015 at 6:00 p.m. in Morgan Hill, Saturday, August 1, 2015 at 10:30 a.m. in Hollister, and Tuesday, August 4, 2015 at 6:00 p.m. in Gilroy. Another community meeting was added at the Board's meeting of August 11, 2015, and was held on August 24 at 6:00 p.m. at the Morgan Hill campus; and

WHEREAS, pursuant to Elections Code section 10010, the Board has conducted two public hearings on the trustee area Map Plan to be adopted. Public hearings were held at the Board's regular meetings of September 8, 2015, October 13, 2015, and November 10, 2015, to

receive public input and comment on the plans, including the acceptance of Plan IV approved for a second and final public hearing on November 10, 2015, following the public hearing held on October 13, 2015; and

WHEREAS, the Board has considered all such public input and comment on the Plans; and

WHEREAS, the Board hereby adopts Map Plan IV, a copy of which is attached to this Resolution as Exhibit "A", for use in the District's next regularly scheduled governing board member election occurring in November, 2016 in a by-trustee area election process; and

WHEREAS, each trustee area in Map Plan IV contains substantially equal population utilizing the most recent decennial federal census data as required by Education Code section 72036; and


WHEREAS, the trustee areas from which governing board members will be elected in November, 2016, are Areas 2, 4 and 6; and

WHEREAS, the trustee areas from which governing board members will be elected in the following governing board member election occurring in November, 2018, are Areas 1, 3, 5 and 7.

NOW THEREFORE, be it resolved by the Governing Board of Trustees of the Gavilan Joint Community College District as follows:

1. That the above recitals are true and correct.
2. That the Board hereby adopts Map Plan IV for use in a by-trustee area election process commencing with the District's next regularly scheduled governing board member election occurring in November of 2016.
3. That the Superintendent/President and/or his/her designee take all actions necessary to obtain the approval of this change from the Board of Governors of the California Community Colleges and provide whatever information or assistance may be required by the Board of Governors to complete this process. The Superintendent/President and/or his/her designee shall submit the Waiver Request form attached hereto as Exhibit "B."

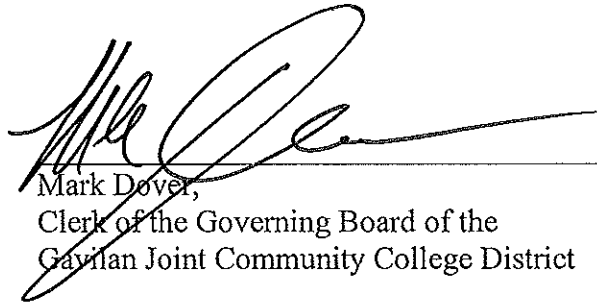
ADOPTED, SIGNED AND APPROVED this 10th day of November, 2015.



 Walt Glines,
 President of the Governing Board of the
 Gavilan Joint Community College District

I, Mark Dover, Clerk of the Governing Board of the Gavilan Joint Community College District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of said Board held on the 10th day of November, 2015, and that it was so adopted by the following vote:

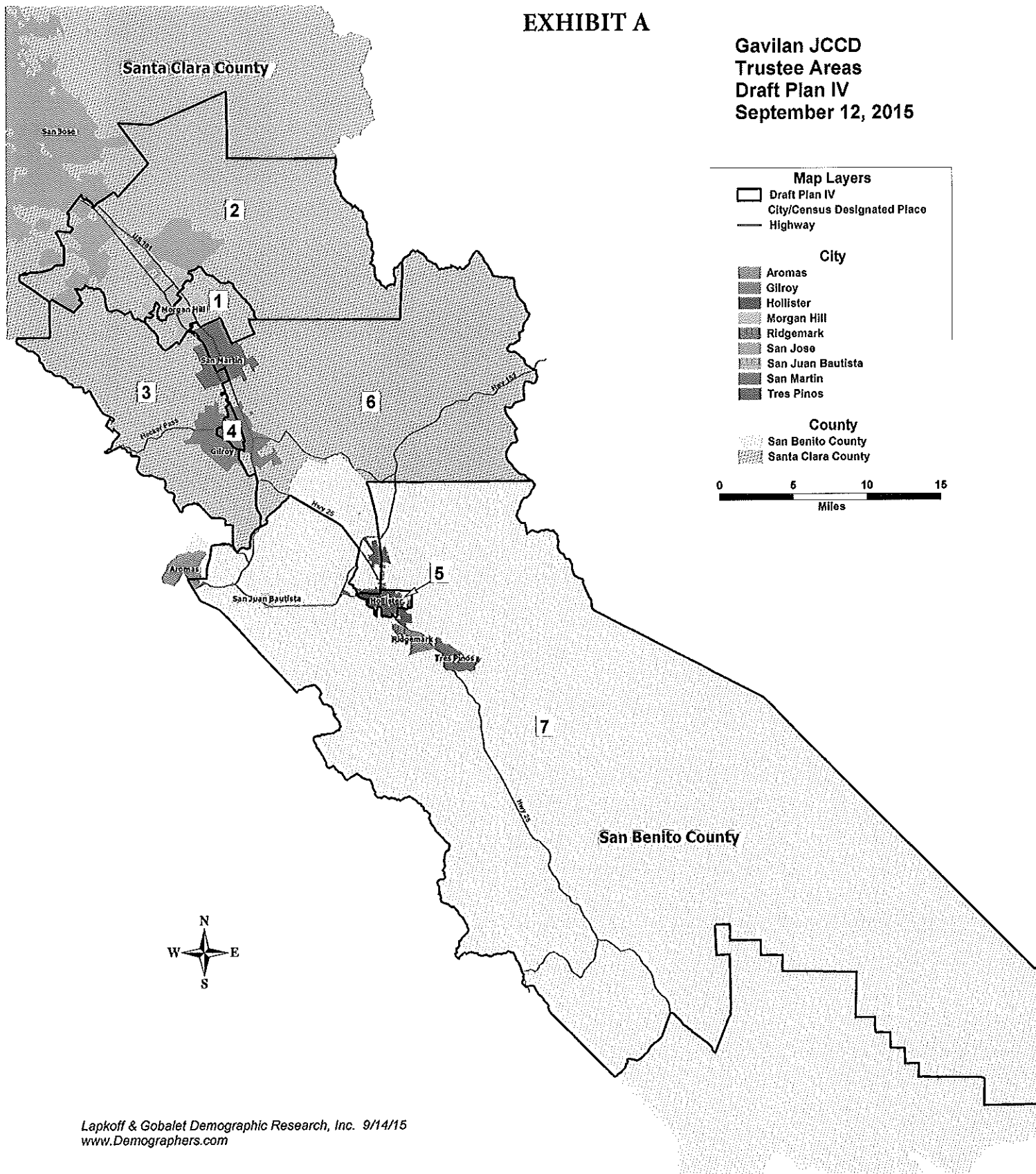
AYES: 6 Tom Breen, Jonathan Brusco, Mark Dover, Lois Locci, Laura Perry,
Walt Glines, and Adrian Lopez (student trustee)
NOES: 0
ABSTAIN: 0
ABSENT: 1 Kent Child



Mark Dover,
Clerk of the Governing Board of the
Gavilan Joint Community College District

EXHIBIT A

Gavilan JCCD
Trustee Areas
Draft Plan IV
September 12, 2015



**Gavilan JCCD
Trustee Areas
Draft Plan IV (north detail)
September 12, 2015**



Map Layers

- Draft Plan IV
- City/Census Designated Place
- Highway
- Street
- River

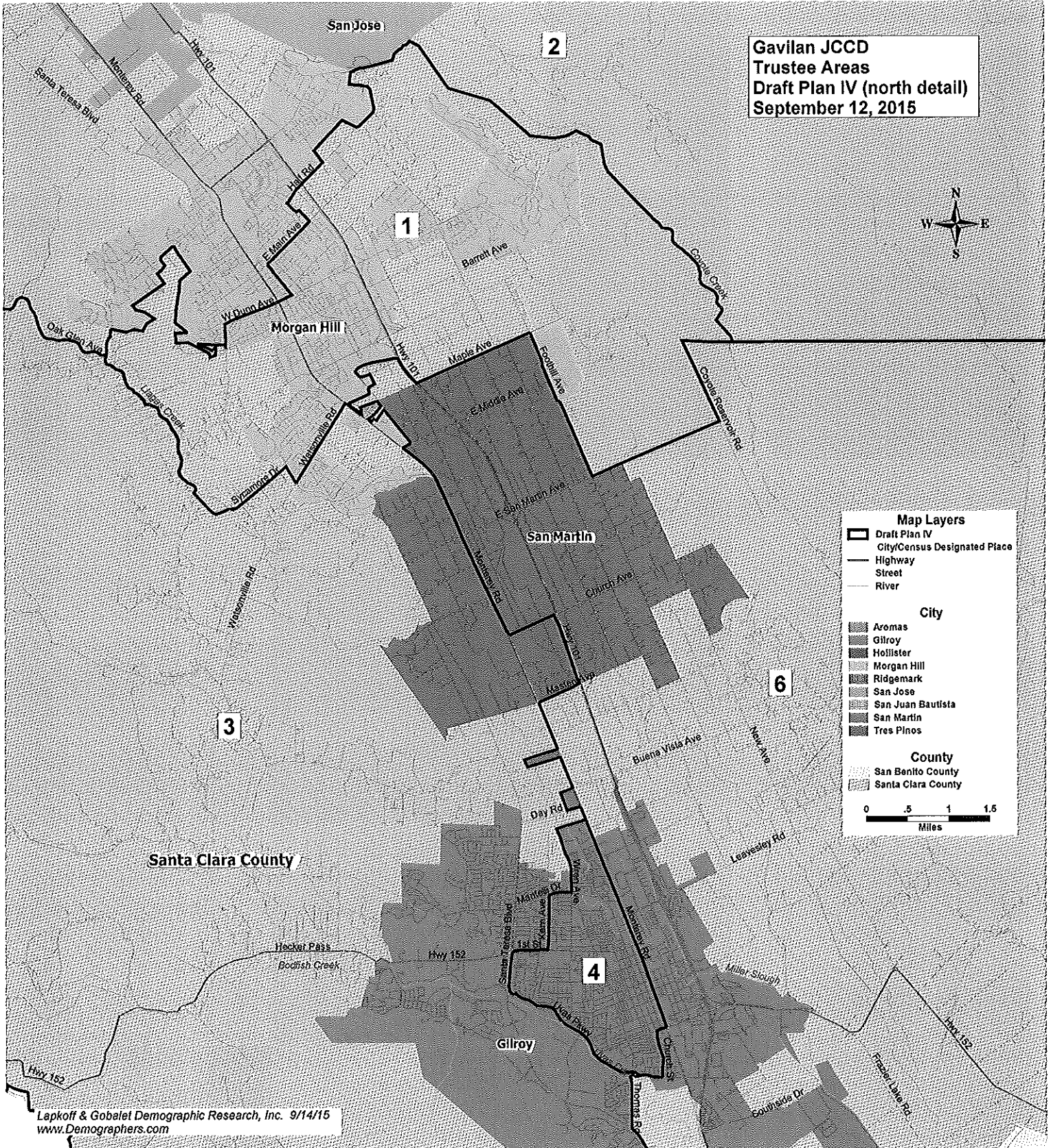
City

- Aromas
- Gilroy
- Hollister
- Morgan Hill
- Ridgemark
- San Jose
- San Juan Bautista
- San Martin
- Tres Pinos

County

- San Benito County
- Santa Clara County

0 0.5 1 1.5
Miles



Data for Draft Plans I, II, and III

**Gavilan Community College District
Draft Plan IV adopted 10/13/15**

Data:	Source:
Total and VAP (Voting Age Population) CVAP (Citizen Voting Age Population) Registered & actual voter data	Census 2010 PL94-171 redistricting data release American Community Survey 2006-10 ("2010") & 2009-13 ("2013") California Statewide Database

Percent of Trustee Area that was

Trustee Area	Population	Deviation	Percent Deviation	Hispanic/Latino		Spanish Surname		Other groups' shares of total 2010 population											
				Total pop 2010	VAP 2010	estimated CVAP 2010	estimated CVAP 2013	Registered voters 2010	Nov 2010	Nov 2010	African American	Asian	non-Hispanic White	Other					
Draft Plan IV																			
1	24,949	406	1.7%	33%	29%	25%	22%	18%	14%	2%	10%	52%	2%	2%	2%	2%	2%	2%	2%
2	24,303	-240	-1.0%	34%	30%	26%	24%	20%	17%	3%	17%	44%	2%	2%	2%	2%	2%	2%	2%
3	25,327	784	3.2%	36%	31%	26%	28%	22%	17%	2%	11%	50%	2%	2%	2%	2%	2%	2%	2%
4	24,203	-340	-1.4%	62%	57%	47%	55%	38%	31%	1%	5%	29%	1%	1%	1%	1%	1%	1%	1%
5	24,769	226	0.9%	64%	59%	49%	58%	45%	35%	1%	3%	31%	2%	2%	2%	2%	2%	2%	2%
6	24,475	-68	-0.3%	66%	62%	47%	56%	45%	33%	1%	4%	27%	1%	1%	1%	1%	1%	1%	1%
7	23,778	-765	-3.1%	44%	39%	31%	34%	28%	24%	1%	4%	50%	2%	2%	2%	2%	2%	2%	2%
Total	171,804	1,549	6.3%	49%	44%	35%	39%	29%	20%	2%	8%	41%	2%	2%	2%	2%	2%	2%	2%

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

1102 Q STREET
SACRAMENTO, CA 95811-6549
(916) 445-8752
HTTP://WWW.CCCCO.EDU




**Request to Change Election System without an Election – Election Waiver
Ed. Code, § 72036**

Community College District: Gavilan Joint Community College District	Contact's name and title: Steven M. Kinsella, DBA, CPA, Superintendent/President	Email: SKinsella@gavilan.edu		
Address: Gavilan College 5055 Santa Teresa Boulevard, Gilroy, CA 95020	City: Gilroy	State: California	Zip: 95020	Phone (408) 848-4712
Date of request: November 12, 2015	Local board approval date: (Required) November 10, 2015			
Legal criteria				
1. Specify which change in election system the district is proposing (check one): <input checked="" type="checkbox"/> to move from an <i>at-large</i> election system to a <i>by trustee area</i> election system <input type="checkbox"/> to adopt a top-two primary system in conjunction with a change, or as an addition to a previous change, from an <i>at-large</i> election system to a <i>by trustee area</i> election system <input type="checkbox"/> to increase the number of trustees and trustee areas to five or more or decrease them nine or fewer in conjunction with a change, or as an addition to a previous change, from an <i>at-large</i> election system to a <i>by trustee area</i> election system <input type="checkbox"/> to both adopt a top-two primary system and to increase the number of trustees and trustee areas to five or more or decrease them to nine or fewer, and both in conjunction with a change, or as an addition to a prior change, from an <i>at-large</i> election system to a <i>by trustee area</i> election system				
2. Reason for changing election systems: Compliance with the California Voting Rights Act; see Board Resolution No. 1000 dated November 10, 2015.				
3. Number of trustees and trustee areas under the newly proposed election system: Seven.				
4. Explain how ALL of the Education Code section 72036(c) requirements have been met. Not Applicable – this proposal does not include a change in the number of Board members.				
District or County Certification – I hereby certify that the information provided on this application is				

Election Waiver Request Form
California Community Colleges Chancellor's Office

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<i>accurate and complete.</i>		
Authorized Signature: 	Name and Title: Steven M. Kinsella, DBA, CPA, Superintendent/President	Date: November 12, 2015

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