



Fagen Friedman & Fulfroft LLP

# Public Hearing Comments in Advance of Preparing Trustee Area Map Options



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# What is the California Voting Rights Act (“CVRA”)?

- Took effect January 1, 2003
- Prohibits the use of “at-large” elections when such an election system:

*“impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election....”*

(Elections Code § 14027.)



# Does not require intent

- The CVRA is far broader than its federal counterpart
- Much easier for a plaintiff to bring a claim against a government entity
- Proof of intent on the part of voters or elected officials to discriminate against a protected class is not required  
(Elections Code § 14028(d).)



# Right to Attorneys' and Expert Fees

CVRA grants a prevailing plaintiff the right to recover reasonable attorneys' fees **AND** expert witness fees.

If district wins, it is **not** granted the same right.

(Elections Code § 14030.).



# What is a “By-Trustee Area” Election System?

- *Only safe harbor from a CVRA claim*
- School district is divided into trustee areas
- A governing board member is elected from each trustee area
- Board members are elected **by only the registered voters in the particular trustee area** where the governing board member resides



# Current Step: Two Public Hearings

- 2019: District passes resolution to initiate transition to by-trustee area election system after 2020 Census. Process will be completed in time for 2022 governing board elections.
- Two Public Hearings Required → Prior to the preparation of draft trustee voting area plans by the District's demographer



# Current Step: Two Public Hearings

- Prior to the preparation of draft trustee voting area plans by the District's demographer
- Receive community comments and public testimony concerning:
  - The composition of potential trustee voting areas associated with the District's transition to a by-trustee area election system



# Type of Feedback & Commentary Being Solicited

***“I would like to keep Neighborhood X  
and Neighborhood Y in the same trustee  
area...”***





# Type of Feedback & Commentary Being Solicited

***“I think . . .***

- Interstate 15
- Needles Freeway
- Newberry Road
- Harvard Road

***. . . may make sense as a trustee area  
boundary because . . .***

- It seems like a natural boundary
- It makes sense geographically



# Type of Feedback & Commentary Being Solicited

***“I think . . .***

- All of \_\_\_\_\_ community should be in one area
- \_\_\_\_\_ school sites should be kept in one area
- Each trustee area should serve multiple school sites

***. . . may make sense as a trustee area  
boundary because . . .***

- It keeps communities together
- It provides good/balanced representation



# Criteria for Consideration

## Article 21 of the California Constitution:

- Comply with the U.S. Constitution.
- Achieve population equality as nearly as is practicable.
- Comply with the Federal Voting Rights Act.
- Voting districts shall be geographically contiguous.
- Local *communities of interests*.
- Geographical compactness.
- Cannot favor or discriminate against an incumbent, political candidate or political party.



# After Pre-Map Public Hearings

- Draw Draft Trustee Area Plans
  - Demographer to use 2020 Census Data and additionally permitted updated data.
  - Population must be as equal “as is practicable” – people, not citizens.
  - Ed Code section 1002: “...trustee areas shall be as nearly equal in population...”
  - A certain amount of deviation may be permitted.



# After Pre-Map Public Hearings

- Maps posted on the District's website
- 3 Public Hearings after the maps are drawn
- Community input and feedback on the draft maps
- Board votes to adopt a map.
- Map is transmitted to the County Committee for review
- County Committee conducts public hearing and considers approval of District's map



# Final Thoughts

- Does not change overall District boundaries
- Does not change school attendance boundaries
- **Does not** change how the District is governed:
  - Each Board member, regardless of the trustee area in which he/she resides, still owes fiduciary duty to entire District
  - Still one District with common goals and challenges!!!



# Tentative Proposed Schedule

October 26, 2021	Pre-Map Public Hearing #1
November 9, 2021	Pre-Map Public Hearing #2
<i>Draft map options prepared for public review</i>	
December 14, 2021	Map Public Hearing #1
January 11, 2022	Map Public Hearing #2
February 8, 2022	Map Public Hearing #3 and Adoption of Map



