

GLENDALE COMMUNITY COLLEGE DISTRICT

October 21, 2014

RESOLUTION NO. 15-2014-2015

TO: Board of Trustees
SUBMITTED BY: David Viar, Superintendent/President
PREPARED BY: David Viar, Superintendent/President
SUBJECT: BY-AREA ELECTIONS FOR GLENDALE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

DESCRIPTION OF HISTORY/BACKGROUND

The Federal Voting Rights Act of 1965 outlawed intentional and unintentional voting practices that have discriminatory effects. The federal law's intent is to prevent the disenfranchisement of protected classes of voters and to assure election practices do not abridge the ability of those voters in protected classes to elect candidates of their choice.

The California Voting Rights Act of 2001 (CVRA) was enacted to expand the federal provisions. The CVRA addresses specifically at-large elections in political subdivisions. The law states that "an at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election ..." (*CA Election Code, section 14027*)

Proponents of the at-large system of elections have argued that those elected in an at-large process are more likely to look at the needs of all the citizens of the entity and not to focus on only narrow communities of interest. It also is argued there is value to larger numbers of voters being involved in the selection of office holders which comes with at-large election rather than distinct smaller areas within the political subdivision. However, those who support by-area elections argue at-large elections allow bloc voting which keeps minority voters from winning elective office.

The District has received a letter from a law firm demanding the adoption of by-area elections. Also several recent court cases have resulted in settlements or judicial rulings that have cost local government entities \$1.5 million to \$3.5 million and possibly higher. In the 12 years since the CVRA was passed, no local

government entity whose at-large election system was challenged has mounted a successful defense according to the Los Angeles Times.

The Board must again look at its options and consider the merits of at-large elections, the Board's values of inclusiveness and diversity, and the potential loss of \$1.5 million or more of much needed revenue to serve Glendale Community College students and meet community needs.

The options before the Board, as identified by the Los Angeles County Office of Education for local school and community college districts, are as follows on page 3 of this report:

Action	Potential Liability	Cost
Take no action	Potential liability remains	<ul style="list-style-type: none"> • No cost to districts • Potential cost to defend against litigation and possibly pay settlement costs if legal action is filed
Resolve to study issue	Potential liability remains	<ul style="list-style-type: none"> • No cost until study commences • Potential cost to defend against litigation and possibly pay settlement costs if legal action is filed before study is completed
Study issue	Potential liability remains	<ul style="list-style-type: none"> • Cost of study of demographics to draw trustee area lines • Potential cost of study of racially polarized voting (much more costly than demographic study) • Potential cost to defend against litigation and possibly pay settlement costs if legal action is filed while study is underway
Implement trustee area voting	Districts remain vulnerable to legal action under the CVRA as long as they have at-large voting, however, initiating this process and moving forward in timely fashion should render judicial action unnecessary. Under the CVRA as it currently exists, once a district moves to trustee areas there is no more basis for liability under that Act.	<ul style="list-style-type: none"> • Districts implementing trustee area voting must commission a demographic study so their trustee area lines comply with the CVRA and with Federal voting rights regulations- there is a cost for these studies • Potential cost of study of racially polarized voting if districts choose to conduct one (much more costly than demographic study) • If waiver requested, there is a cost to prepare

Should the Board determine it is ready to approve by-area elections it would adopt the attached Resolution No. 15-2014-2015 and such action would be implemented under the timeline and process shown in Resolution No. 15-2014-2015 Exhibit A.

Such action by the Board would be effective with the April 2017 election. There is not sufficient time for the Board to act, employ a consultant to develop options for areas, to receive public comment, and to approve the new areas by October 28, 2014 when the Glendale City Council must act to consolidate the GCCD election with the City of Glendale's biennial municipal election of April 7, 2015.

COMMITTEE HISTORY

Campus Executive Committee	September 2, 2014
Board of Trustees Meeting	September 9, 2014
Campus Executive Committee	October 14, 2014

FISCAL IMPACT

Estimated legal and demographic consulting costs of \$30,000 to \$70,000.

RECOMMENDATION

The Superintendent/President recommends that the Board of Trustees adopt Resolution No. 15-2014-2015 to initiate by-area elections for Glendale Community College District trustees commencing with the April 2017 election.

RESOLUTION NO. 15-2014-2015

**A RESOLUTION OF THE BOARD OF TRUSTEES OF
THE GLENDALE COMMUNITY COLLEGE DISTRICT,
INITIATING A PROPOSAL TO ADOPT BY-AREA
ELECTIONS FOR GLENDALE COMMUNITY
COLLEGE DISTRICT BOARD-MEMBERS**

WHEREAS, the five members of the Board of Trustees of the Glendale Community College District ("Glendale CCD" or "District") are currently elected in "at-large" elections, *i.e.*, elections in which "each member of the [five member] 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 challenge under the California Voting Rights Act of 2001, codified at sections 14025–14032 of the California Elections Code ("CVRA"); and

WHEREAS, by-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 currently vulnerable to challenge under the CVRA; and

WHEREAS, "by-area" elections could ensure representation of all communities within the Glendale CCD on the Glendale CCD Board of Trustees; and

WHEREAS, "by- area" elections may encourage a greater number of candidates to run for seats on the Glendale CCD Board by reducing the size of the area in which candidates must campaign; and

WHEREAS, failure to change to "by-area" elections for trustees may result in a costly lawsuit that will not result in good use of taxpayers' dollars; and

WHEREAS, Education Code § 72036, enacted by the Legislature by Assembly Bill No. 684 (2011-12 Reg. Sess.), and signed by the Governor, authorizes community college districts to adopt by-area elections with the approval of the Board of Governors of the California Community Colleges ("Board of Governors"); and

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE GLENDALE
COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE AS
FOLLOWS:**

SECTION 1. By this resolution, the Board of Trustees applies to the Board of Governors, pursuant to Education Code § 72036, to approve a change in the method of electing members of the Glendale CCD's Board from "at-large" elections, Cal. Educ. Code § 5030(a), to "by-area" elections, Cal. Elec. Code § 5030(b), to be implemented in time for the District's 2017 Board of Trustees elections.


SECTION 2. The Board of Trustees hereby resolves to adopt a by-area plan for a five or seven member governing board for submission to the Board of Governors in connection with this application, as set forth more fully herein, and instructs District staff to prepare sample trustee area plans for a five or seven member governing board for the Board to consider, for adoption by the Board and approval by the Board of Governors.

SECTION 3. The Board hereby approves the tentative timeline contained in Exhibit A hereto, and incorporated herein by this reference, for conducting a public process to solicit public input and testimony on the proposed trustee area plans before adopting any such plan for approval of the Board of Governors, and instructs District staff to provide notice of such hearing in accordance with the provisions of the Government Code. This timeline shall be subject to adjustment by the Board or the Superintendent/President as deemed necessary, provided that such adjustments shall not prevent the District from meeting its goal of finalizing the move to by-area elections in time for the April 2017 elections.

SECTION 4. The Superintendent/President shall make appropriate arrangements for the retention of a qualified demographic consultant to prepare sample trustee area plans for the review and consideration of the Board and the public.

SECTION 5. The Superintendent/President shall send a copy of this Resolution to the Board of Governors, and to take all other steps—including consultation with counsel—to give effect to the foregoing resolutions of the Board.

PASSED AND APPROVED this 21 st day of October 2014.



Member, Board of Trustees



Superintendent/President

EXHIBIT A

TENTATIVE TIMELINE FOR SUBMISSION OF "BY-AREA" ELECTION METHOD TO THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGE DISTRICTS [CALIFORNIA EDUCATION CODE § 72036]

DATE	ACTION
Sept. 9, 2014 Board Meeting	Board considers options and determines if "by-area" elections for April 2017 are to be presented for action at the October 21, 2014 board meeting and to begin process of submitting a change of election method to the Board of Governors of the Community College Districts ("BOG") to adopt "by-area" method of election.
October 21, 2014 Board Meeting	Board acts to approve Resolution, timeline, and the retention of a qualified demographic consultant to implement "by-area" elections for members of the GCCD Board of Trustees beginning with the April 2017 election.
Nov. 18, 2014 Board Meeting	<p>Presentation by special redistricting counsel regarding legal considerations and appropriate policy criteria governing districting, and by demographic consultant regarding District demographics.</p> <p>Board considers public input regarding appropriate criteria and adopts criteria to guide districting process</p>
Dec. 12, 2014	Initial draft trustee area plans to be made publicly available (e.g., posted on District's website for public consideration and/or hard copies made available at appropriate public locations such as Administration Building).
Jan. 27, 2015 Board Meeting	Demographic consultant to present initial draft trustee area plans; Board solicits public comment on draft plans; Board may request modifications to any of the plans.

DATE	ACTION
Jan. 30, 2015	Notice of first public hearing regarding draft plans published in newspaper of general circulation and posted at Administration Building and three other public locations.
Feb. 17, 2015 Board Meeting	Board receives public input and additional testimony regarding draft plans; holds first public hearing on draft plans; Board may order further modifications to any of the plans.
Feb. 20, 2015	Notice of second public hearing regarding draft plans published in newspaper of general circulation and posted at Administration Building and three other public locations.
March 17, 2015 Board Meeting	Board holds second public hearing on alternate plans, votes to adopt trustee area plan for submission to BOG. If Board orders further modifications, another public hearing will be required.
April 1, 2015	Administration and counsel take necessary steps to file application with BOG by this date.
May – July 2015	Proceedings before the BOG.
April 4, 2017	First election using new by-area election plan.