



Union High School District

**BOARD OF TRUSTEES
SPECIAL MEETING**

Board of Trustees
Joyce Dalessandro
Beth Hergesheimer
Amy Herman
Maureen "Mo" Muir
John Salazar

Superintendent
Eric R. Dill

**THURSDAY, OCTOBER 19, 2017
6:00 PM**

**DISTRICT OFFICE BOARD ROOM 101
710 ENCINITAS BLVD., ENCINITAS, CA 92024**

Welcome to the meeting of the San Dieguito Union High School District Board of Trustees.

PUBLIC COMMENTS

If you wish to speak regarding an item on the agenda, please complete a speaker slip located at the sign-in desk and present it to the Secretary to the Board prior to the start of the meeting. When the Board President invites you to the podium, please state your name before making your presentation.

In the interest of time and order, presentations from the public are limited to three (3) minutes per person, per topic. The total time for agenda items shall not exceed twenty (20) minutes. An individual speaker's allotted time may not be increased by a donation of time from others in attendance.

In accordance with the Brown Act, public comments are limited to item(s) on the published agenda. The Board may 1) acknowledge receipt of the information, 2) refer to staff for further study, or 3) refer the matter to the next agenda.

PUBLIC INSPECTION OF DOCUMENTS

In compliance with Government Code 54957.5, agenda-related documents that have been distributed to the Board less than 72 hours prior to the Board Meeting will be available for review on the district website, www.sduhsd.net and/or at the district office. Please contact the [Office of the Superintendent](#) for more information.

CLOSED SESSION

The Board will meet in Closed Session to consider qualified matters of litigation, employee negotiations, student discipline, employee grievances, personnel qualifications, or real estate negotiations which are timely.

CELL PHONES / ELECTRONIC DEVICES

As a courtesy to all meeting attendees, please set cell phones and electronic devices to silent mode and engage in conversations outside the meeting room.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications, or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the [Office of the Superintendent](#). Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with the meeting in appropriate alternative formats for persons with a disability.

**SAN DIEGUITO UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
SPECIAL MEETING
AGENDA**

**THURSDAY, OCTOBER 19, 2017
6:00 PM**

**DISTRICT OFFICE BOARD ROOM 101
710 ENCINITAS BLVD., ENCINITAS, CA 92024**

The Governing Board of the San Dieguito Union High School District has scheduled a Special Meeting to conduct a Public Hearing for Thursday, October 19, 2017, at the above location.

1. CALL TO ORDER 6:00 PM

PUBLIC HEARING(ITEM 2)

2. PUBLIC HEARING / CALIFORNIA VOTING RIGHTS ACT (CVRA) / REGARDING THE COMPOSITION OF POTENTIAL TRUSTEE VOTING AREAS ASSOCIATED WITH THE DISTRICT’S TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM IN ADVANCE OF THE PREPARATION OF DRAFT TRUSTEE VOTING AREA PLANS BY THE DISTRICT’S DEMOGRAPHER

A. PUBLIC HEARING

The Governing Board will convene a public hearing to receive public testimony concerning the composition of potential trustee voting areas associated with the District’s transition to a by-trustee area election system in advance of the preparation of draft trustee voting area plans by the District’s demographer.

- Open Hearing
- Take Public Comments
- Close Hearing

3. ADJOURNMENT

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: October 11, 2017

BOARD MEETING DATE: October 19, 2017

**PREPARED &
SUBMITTED BY:** Eric R. Dill, Superintendent

SUBJECT: PUBLIC HEARING / CALIFORNIA VOTING RIGHTS ACT (CVRA) / REGARDING THE COMPOSITION OF POTENTIAL TRUSTEE VOTING AREAS ASSOCIATED WITH THE DISTRICT'S TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM IN ADVANCE OF THE PREPARATION OF DRAFT TRUSTEE VOTING AREA PLANS BY THE DISTRICT'S DEMOGRAPHER

EXECUTIVE SUMMARY

Transitioning to a new by-trustee area election system under the California Voting Rights Act (CVRA) requires the Board to hold public hearings on proposed trustee area boundaries (or maps) prior to asking the San Diego County Committee on School District Organization to approve the change. If the Committee approves the change, "by-trustee" area voting would be held starting with the 2018 general election, on Tuesday, November 6, 2018.

Before the District prepares and presents draft map options, the law requires the District to hold two public hearings to solicit comments and feedback regarding the potential trustee areas. The first public hearing was held October 12, 2017. This is the second public hearing scheduled for a special meeting on October 19, 2017.

Counsel will make a presentation to update the Board on the process and be available to answer questions.

RECOMMENDATION:

The Governing Board will convene a public hearing to receive public testimony concerning the composition of potential trustee voting areas associated with the District's transition to a by-trustee area election system in advance of the preparation of draft trustee voting area plans by the District's demographer.

FUNDING SOURCE:

N/A



Fagen Friedman & Fulfroost LLP

Public Hearing Comments in Advance of Preparing Trustee Area Map Options

San Dieguito

Union High School District

Jonathan Salt, F3

October 12 & 19, 2017

F3law.com



Purpose of Tonight's Meeting

- Introduction to CVRA
- Step-by-step Process
- Public Hearing



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.).



Major CVRA Litigation to Date

Recent Years:

- **\$110,000** (*Gomez v. Hanford Joint Union School District*)
- **\$3 million** (*Sanchez v. City of Modesto*)
- **\$1.2 million** (*Rey v. Madera Unified School District*)
- **\$500,000** (*Avitia, et al. v. Tulare Local Healthcare District*)
- **\$4.5 million + interest** (*Jauregui v. City of Palmdale*)
- It is important to note that these amounts do not account for the fees paid to the entity's own attorneys.



What Constitutes a Violation of CVRA?



Racially Polarized Voting

- A violation of the CVRA is established if it is shown that racially polarized voting has occurred in a district's governing board election, or alternatively state or national elections (as measured by voters who live within the District's boundaries).
- Evaluation looking to see if minority "candidates of choice" have been elected or prevented from being elected due to at-large election system.



The Only Safe Harbor Guarantee from a CVRA claim is...

A transition to “by-trustee” area election system and holding elections using the by-trustee area election system.



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

- 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



Recent Legislative Changes

■ AB 350

- Additional “pre-map” public hearing requirements
 - Two within first 30 days
- Transition Timelines with litigation safe havens
 - 90 days from initiation
- Plaintiff fee reimbursement



Next Steps



First Step for Establishing By-Trustee Area Elections

- Pass a resolution of governing board declaring:
 - Intent to establish “by-trustee area” election system
- District passed this resolution in September



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



District's Demographics

Total Population

Race/Ethnic Profile	Count	Percent
Total Population	165,839	
Latino	16,915	10%
NH White	125,074	75%
NH Black/African-American	1,375	1%
NH Native American	752	0%
NH Asian-American	20,314	12%
NH Pacific Islander	326	0%
NH Other	550	0%
NH Multi-Race	533	0%

Sources: 2010 Census, California Statewide Database (2012 and 2014 November elections), 2011-2015 American Community Survey Special Tabulation of Citizen Voting Age data, and 2011-2015 American Community Survey data. "Latino" registration and turnout numbers are Spanish-surnamed data adjusted with US Census



District's Demographics

CVAP

Citizen VAP total	119,226	
CVAP Latino	9,308	8%
CVAP NH White	95,559	80%
CVAP NH African-American	1,492	1%
CVAP NH Asian & Pacific Islander	11,544	10%
CVAP Other	1,323	1%

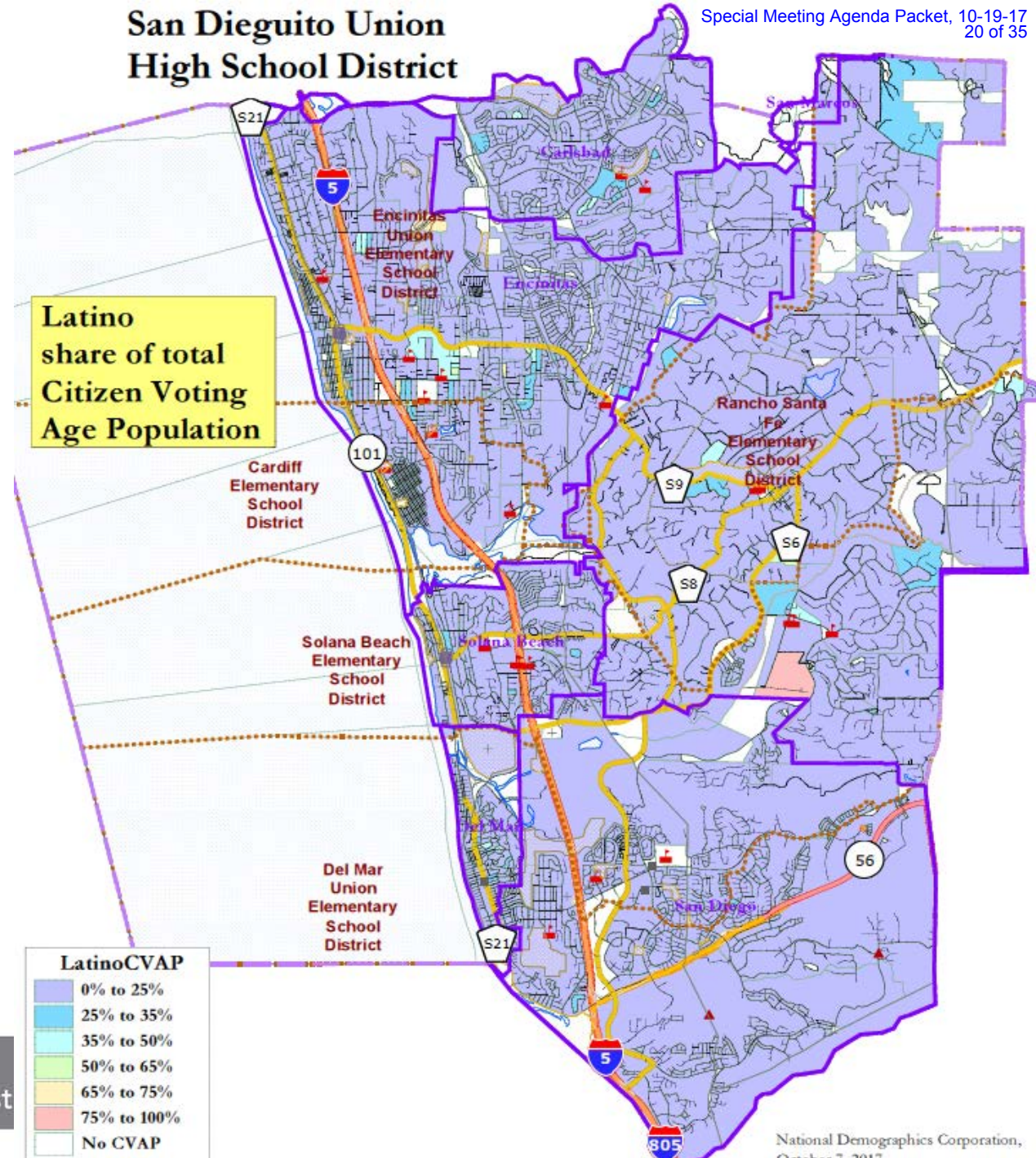
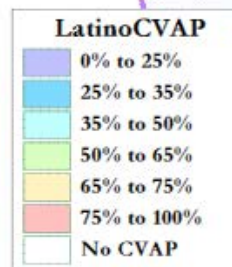
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San Dieguito Union High School District

Latino CVAP

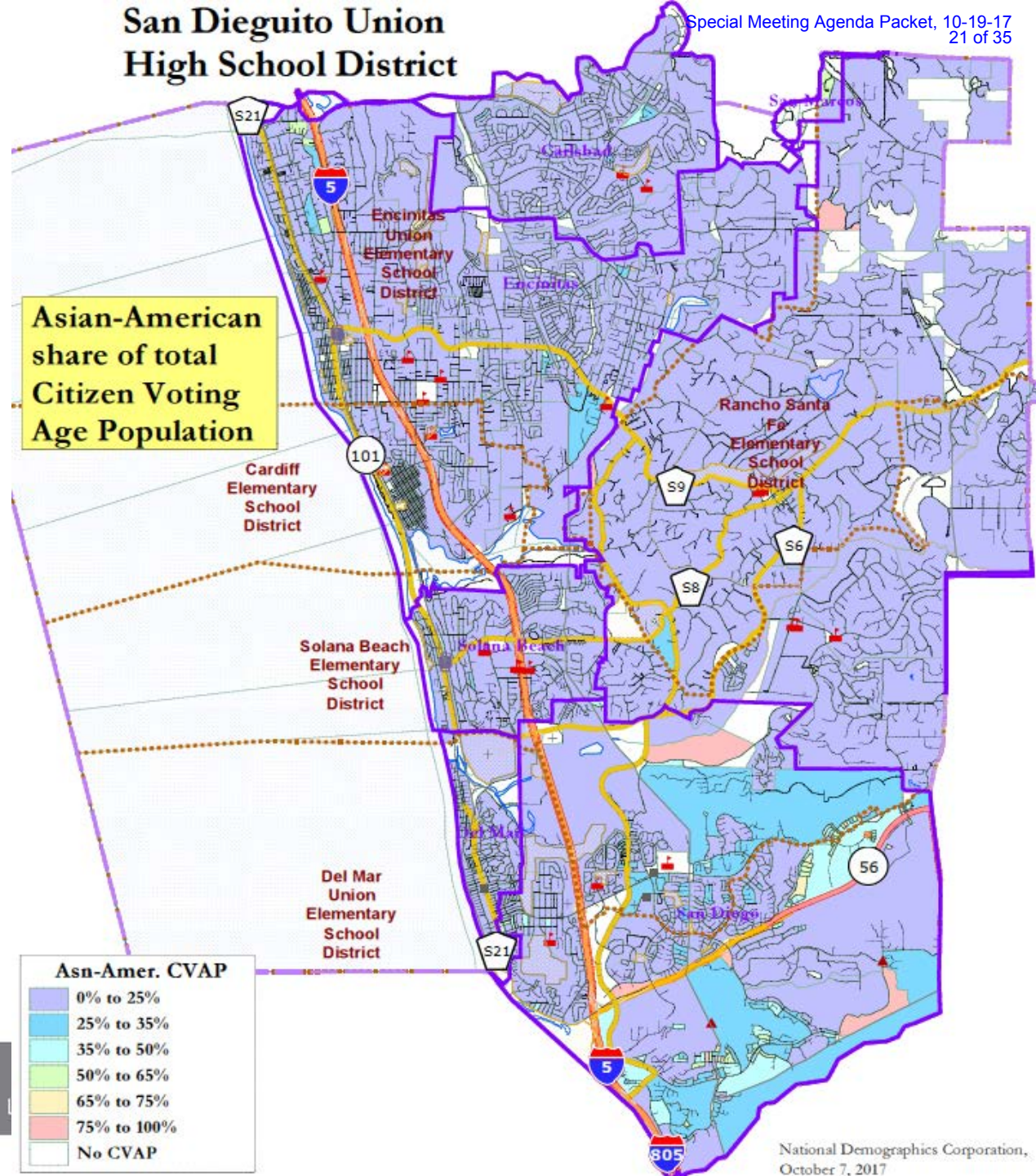
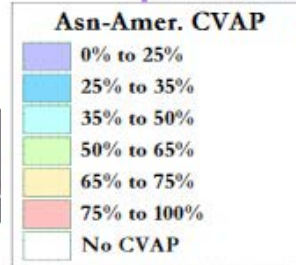
Latino
share of total
Citizen Voting
Age Population



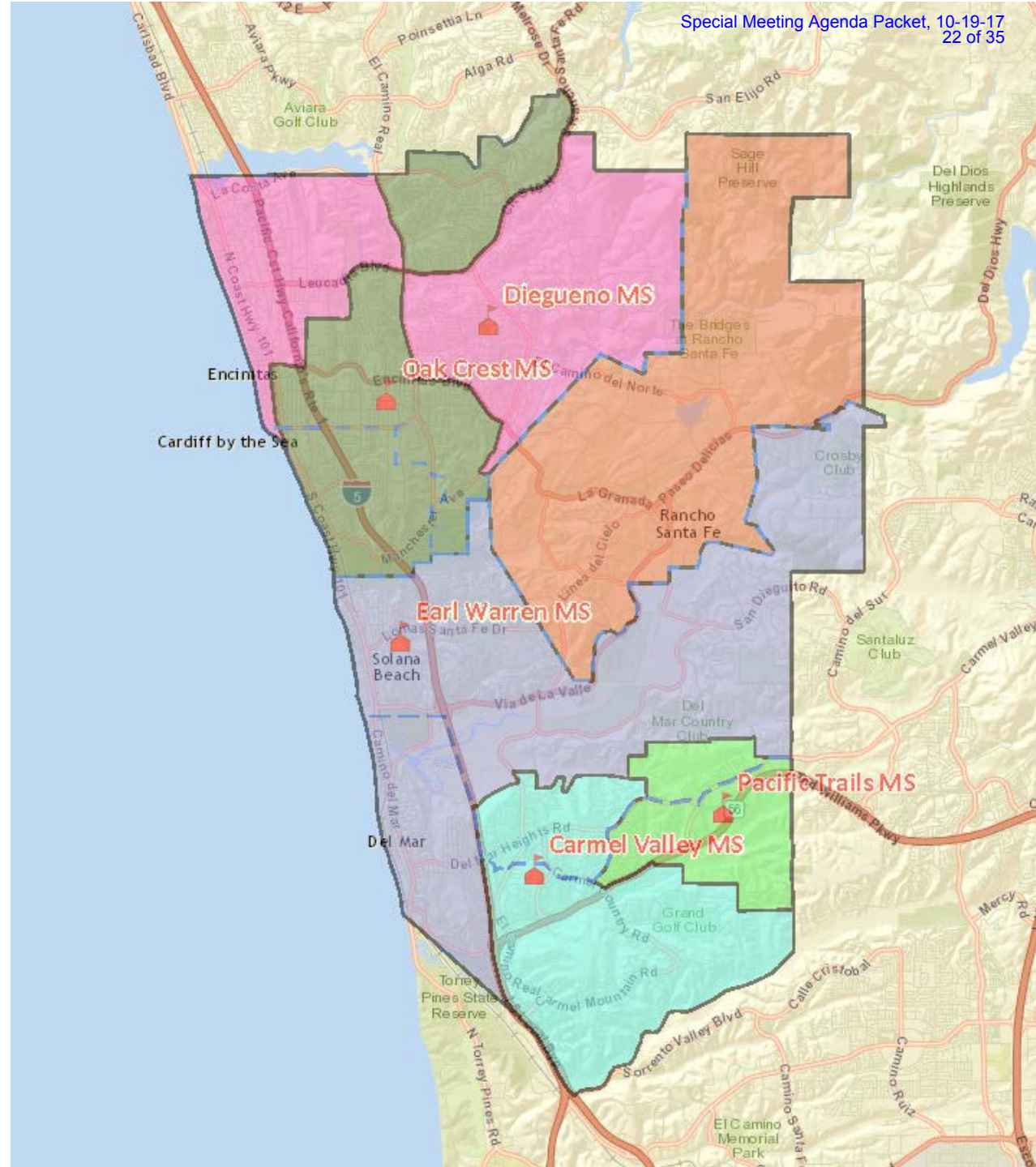
Fagen Friedman & Fulfroast

Asian CVAP

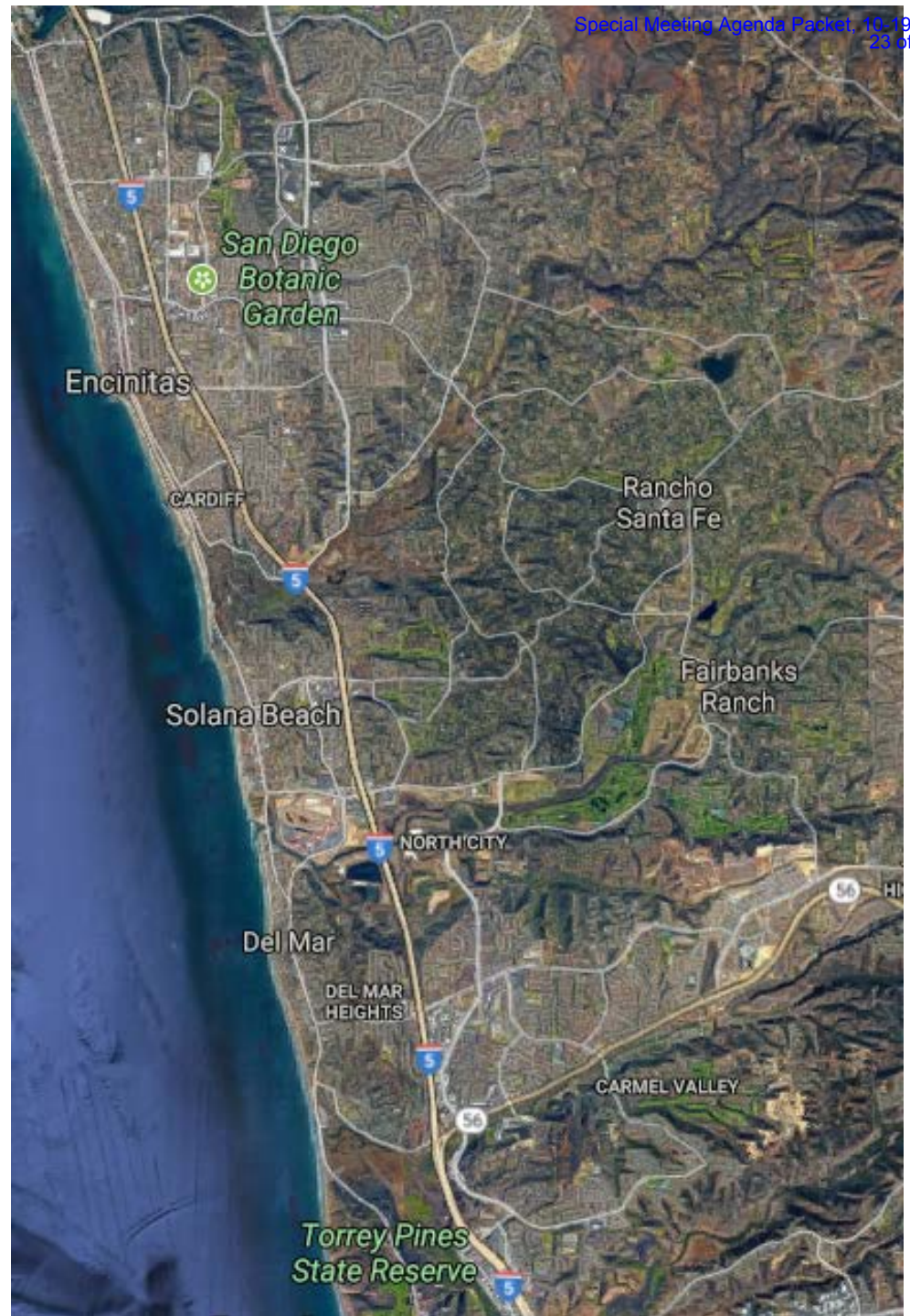
Asian-American share of total Citizen Voting Age Population



How Might the District be Divided into Trustee Areas?



How Might the District be Divided into Trustee Areas?



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 . . .

- The 5
- Via De La Valle
- Encinitas Blvd.
- San Elijo Lagoon
- Fairbanks Ranch Country Club property
- Del Mar Heights Road
- El Camino Real
- Encinitas Ranch Golf Course

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

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

”



After Pre-Map Public Hearings

- Draw Draft Trustee Area Plans
 - Demographer to use 2010 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.



More 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.



Sharing Draft Voting Area Plans with District Constituents

- Draft presented to public for comments before final board consideration.
 - Hold public information sessions
 - Place draft plans on district website
 - Translate documents, if necessary
- Communicate with County during process.



Procedure for Establishing By-Trustee Area Elections

- Governing Board Approval of Final Trustee Area Plan – Requires 2 public hearings before 3rd public hearing to adopt final plan.
- Approval by County Committee on School District Organization at hearing within District.
- Ordinarily, once approved by County Committee, the by-trustee area election proposal and final map would be placed on ballot for approval by electorate; however, the District's choice to seek a waiver will reduce costs and risk of exposure.

(Education Code section 5020)



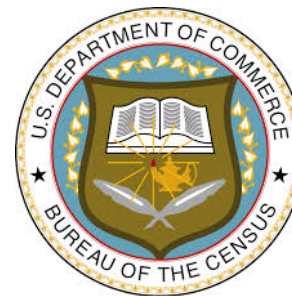
Final Steps in Completing Transition

- File new Voting Area Plan with County Registrar of Voters.
- Hold November 2018 Governing Board elections under new by-trustee area election system.



Additional Items to Keep in Mind

- Once transition made to by-trustee area election system, then following each federal census:
 - Governing board must approve adjustment of trustee area boundaries to make sure the populations in each trustee area are as nearly as equal as practical, among other things.

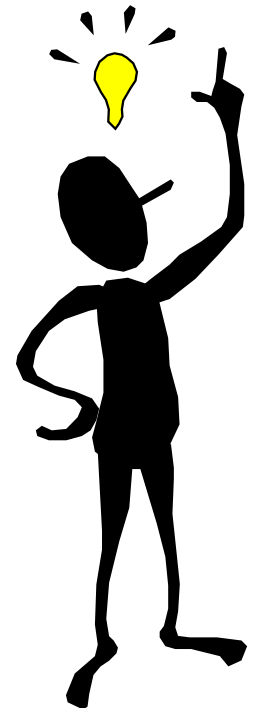


(Education Code section 5019.5(a).)



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!!!



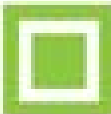


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How Might the District be Divided into Trustee Areas?

