

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

SUBJECT: Adoption of Resolution No. 1069: Intent to Initiate a Transition from At-Large to By-Trustee Area Elections Commencing with the 2022 Board Election

DATE: April 22, 2021

PERSON(S) RESPONSIBLE: Ralph Gómez Porras, Superintendent

RECOMMENDATION:

The District Administration recommends the Board review and adopt Resolution No. 1069: Intent to Initiate a Transition from At-Large to By-Trustee Area Elections Commencing with the 2022 Board Election.

BACKGROUND:

The Pacific Grove Unified School District Board of Trustees is currently elected under an “at-large” election system, where trustees are elected by voters of the entire District. Under the California Voting Rights Act (Elec. Code, § 14025, *et seq.*) (“CVRA”), at-large elections are impermissible if they result in racially polarized voting, which is defined as “voting in which there is a difference ... in the choice of candidates or other electoral choices that are preferred by voters in the rest of the electorate.” (Elec. Code, § 14026, subd. (e).) The only election system that provides the District complete protection from a CVRA claim is a “by-trustee area” election system, in which each trustee must reside within the designated trustee area boundary, and is elected only by the voters in that trustee area. In recent years, there have been increasing numbers of legal challenges to local at-large elections.

INFORMATION:

To minimize the potential for impermissible racially polarized voting, and further to limit the possibility of litigation against the District under the CVRA, the Board will review its current Board election system and consider adopting a resolution declaring the intent to transition from at-large to by-trustee area Board elections. The new trustee areas would be implemented in time for the upcoming November 2022 Board election.

FISCAL IMPACT:

The cost for demographer and legal services to assist in the development of proposed by-trustee area boundaries is currently estimated to be approximately \$30,000. This cost will likely be taken out of the General Fund.

**BOARD OF EDUCATION
PACIFIC GROVE UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 1069

**INTENT TO INITIATE A TRANSITION FROM AT-LARGE TO BY-TRUSTEE AREA
ELECTIONS COMMENCING WITH THE 2022 BOARD ELECTION**

WHEREAS, the Board of Trustees (“Board”) of the Pacific Grove Unified School District (“District”) are currently elected “at-large,” meaning that registered voters of the entire jurisdiction elect candidates to the Board;

WHEREAS, trustees are elected in even-numbered years and serve staggered, four-year terms, such that the next election for three trustees is scheduled for November 2022, with the remaining two trustees scheduled for election in November 2024;

WHEREAS, under the California Voting Rights Act (Elec. Code, § 14025, *et seq.*) (“CVRA”), at-large elections are impermissible if they result in racially polarized voting. Racially polarized voting is defined as “voting in which there is a difference . . . in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate” (Elec. Code, § 14026, subd. (e));

WHEREAS, to minimize the potential for impermissible racially polarized voting, and further to limit the possibility of litigation against the public agency under the CVRA, many public agencies in California conduct “by-trustee area” elections, where each trustee must reside within the designated trustee area boundary, and is elected only by the voters in that trustee area;

WHEREAS, the Board understands the importance of fair and accessible elections, and greatly values the opinions and voices of all members of the District’s community;

WHEREAS, while the Board does not believe that its current form of elections violates the CVRA, it does believe that it is in the public interest to begin the process to transition from at-large to by-trustee area elections;

WHEREAS, the boundaries for trustee areas in by-trustee elections are established based on population counts and demographics from the most recent United States’ census;

WHEREAS, the United States’ census count occurs every ten (10) years with the last census count occurring in 2020 (“2020 Census”);

WHEREAS, due to Coronavirus pandemic related delays, the 2020 Census data is not expected to be made available to state and local agencies until September 30, 2021, which is a substantial delay from the original due date of March 31, 2021;

WHEREAS, if the District transitioned to by-trustee area elections prior to the release of the 2020 Census, the trustee areas would be established based on the 2010 Census, which (1) may not fairly and accurately reflect the current voter population distribution and demographics of the District, and (2) could require the District to incur additional, duplicative costs to adjust the trustee areas based on the 2020 Census as required by Education Code Section 5019.5;

WHEREAS, the Board, cognizant of its need to be fiscally responsible, desires to implement this change in the manner of electing board members in a cost effective and efficient manner following release of the 2020 Census data;

WHEREAS, pursuant to Elections Code section 10010, subdivision (a)(1), the Board will hold a minimum of two public hearings to seek public input regarding the composition of the trustee areas prior to developing proposed trustee-area boundary maps;

WHEREAS, the Board will hold a minimum of two additional public hearings to seek public input on the proposed trustee-area maps developed with assistance from a demographer and on the proposed sequence of elections (Elec. Code, § 10010, subd. (a)(2));

WHEREAS, the Board will hold an additional public hearing before adopting a trustee-area map and submitting it to the Monterey County Committee on School District Organization (“County Committee”) for consideration;

WHEREAS, Education Code sections 5019 and 5030 authorize the County Committee, upon application of the Board, to change the method of election of the Board from at-large to by-trustee area;

WHEREAS, if the County Committee approves this request to change the method of electing trustees, Education Code section 5020 requires the County Committee’s resolution of approval to be submitted to the electorate for its approval; and

WHEREAS, in the alternative, the District may seek a waiver of this voter approval requirement from the State Board of Education, pursuant to Education Code sections 33050-33053.

NOW, THEREFORE, BE IT RESOLVED, that the District Board of Trustees hereby finds, determines, declares and resolves as follows:

1. The above recitals are correct and true.
2. This Resolution is passed and adopted pursuant to Elections Code section 10010, subd. (e)(3)(A).
3. Trustee area boundary lines shall be developed based on the most updated federal decennial census data following its release in 2021 to provide for “by-trustee area” elections commencing with the 2022 Board elections.

4. Pursuant to Education Code sections 5019, 5030 and other applicable provisions of law, the Board directs District staff to transmit this resolution to the County Committee so that the County Committee will be on notice of the District's intent, to adopt a change in the method of electing members of the Board from "at-large" elections to "by-trustee area" elections commencing with the 2022 Board elections.
5. Before submitting a final proposal to the County Committee for trustee area maps, multiple public hearings in accordance with Elections Code section 10010 and other applicable laws shall be scheduled to obtain public input on draft trustee area maps and proposals.
6. The Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code section 5019 in a timely manner following the availability of the 2020 Census data to have the 2022 elections for the Board conducted within the new trustee areas.
7. Staff is directed to engage a demographer, legal counsel, and any other consultant deemed required to assist in the development of proposed by-trustee area boundaries.
8. The District Superintendent/designee are authorized to take all actions necessary to seek a waiver from the State Board of Education of the election requirement imposed by Education Code section 5020, which would otherwise require an election to determine whether to transition to by-trustee area elections.
9. The District Superintendent/designee are hereby authorized and directed to take any other actions necessary to effectuate the purposes of this resolution.
10. This resolution shall become immediately effective upon adoption by the Board.


PASSED AND ADOPTED by the Board of Education of the Pacific Grove Unified School District this 22nd day of April 2021, by the following vote:

AYES: 4

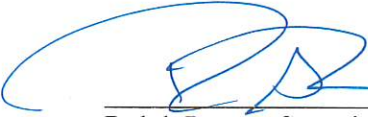
NOES: 0

ABSENT: 0

ABSTAIN: 0



John Paff, President
Board of Education



Ralph Porras, Superintendent
Secretary Board of Education