



**SCHOOL & COLLEGE LEGAL SERVICES**  
**OF CALIFORNIA**

**OVERVIEW OF RULES AND GUIDELINES  
RELATED TO  
POSSIBLE TRUSTEE AREA CHANGES**

**March 25, 2015**

**Presented by:**

**Margaret M. Merchat, Senior Associate General Counsel  
School & College Legal Services of California**

## ISSUES

Questions have been raised about the current configuration of the College's trustee areas. The following is provided:

- Current format has five trustee areas. Three trustees are elected from one trustee area that is three times the size of the other trustee areas. The Education Code does provide for this type of configuration.
- The current configuration is NOT an “at-large” voting system.

- The CVRA is intended to protect communities from “polarized” voting wherein “at-large” voting of a whole can dilute the voting of a particular segment of the community.
- In order to determine if community voting has been diluted, studies must be done to assess voting patterns in past elections; assessments must be done of community make-up **and** voting age eligibility.
- Given current voting age numbers in the District, a screening tool typically used to begin assessment of voting patterns does not trigger additional concerns. (Formula: Does number of voting age people in specified class multiplied by the number of seats exceed total number of voting age people?)

- Review of recent voter action on Measure Q should be considered. In 2012 Santa Rosa voters were provided an opportunity to determine whether to elect council members by area rather than “at large.” This measure was defeated by a 60% vote which appears to have crossed virtually all voter areas.

## **Modifying Trustee Areas Outside the Decennial Census “Window”**

In the event there is an interest in reconfiguration of the trustee boundaries, there are two systems: one at the time of the decennial census and the other when changes are contemplated outside of the decennial census “window.” The following will focus on the process outside of the window:

- The reconfiguration of school and community college districts is generally governed by Education Code §§ 5019-5030.

- Those districts that already have been divided into trustee areas and which elect trustees by the voters in each trustee area must adjust their boundaries after the decennial census to rebalance the population of existing trustee areas. Section 5019.5 gives each district board special authority to adjust its own boundaries before the first day of March of the year following the year in which the results of the decennial census are released. The College did this review in 2012.

- Outside of this special decennial window, the adjustment of trustee area boundaries is a function reserved to each county's County Committee on School District Organization ("county committee"). County committees are given broad authority under this part of the Education Code (§§ 4000-5033) to control almost all matters relating to boundary adjustments and other organizational changes of both K-12 and community college districts. This includes the authority to establish trustee areas, rearrange the boundaries of trustee areas, and change the methods by which school and community college districts elect their governing boards.

- One Exception: Education Code section 72036 adopted in 2011 authorizes the governing board of a college district to change election systems from “at large” to one trustee per area without involvement of the County Committee. This section is not applicable to this District because the District already has election by trustee area. Adjustments to the areas must be done by the County Committee.



The procedure to do so involves the following steps:

- The issue must first come to the County Committee. This can be done by one of three ways:
  - The County Committee may take up the issue on its own initiative; or
  - This Board could adopt a resolution calling for the County Committee to consider change; or
  - A citizen petition of a certain percent of the qualified voters or X number, whichever is less (number depends on number of qualified voters).

- The Resolution should also be addressed to the county committees in the other two counties that have territory of the District (Marin and Mendocino) if the reorganization proceedings will affect the trustee areas that extend into those counties. Proceedings in the other counties can be done separately or a joint meeting can be convened.
- Once the county committee has received a proposal, it is required to call and conduct at least one public hearing in the district. No legal time frame is specified for conducting this hearing.

- Following the hearing (though not necessarily at the same meeting), the county committee must either approve or disapprove the proposal and act to establish the new boundaries. The general guideline is that the largest trustee area should be no more than 10% more populous than the smallest trustee area in the District. Of course, the goal is to try to make the trustee areas as close in size as possible.
- There are 3 recognized measures for determining the size of each trustee area: total population, voting age population and registered voter numbers.

- If the county committee approves a proposal for change, this approval constitutes an order of election.
- A complete analysis of trustee areas would require review of all trustee areas not just the Santa Rosa trustee area.
- Typical considerations for boundary determination beyond size include, but are not limited to: school affiliation, geographic boundaries, community of interests, election precinct boundaries.

- The proposal is placed on the ballot not later than the next succeeding election for members of the governing board.
- If the voters approve the change, a copy of the map outlining the rearranged trustee areas and a legal written description describing the boundaries of the trustee areas must be submitted to the county superintendent of schools and the registrar, recorder, or county clerk.

- All existing board members retain their seat for their full term. Thus implementation of new trustee areas is done over time as seats become open.
- Costs are typically the responsibility of the district if issue is initiated by board resolution. All election costs are paid by the district.
- Even after this process is initiated, trustee areas may still need to be modified in 2020-21 based on the new federal census.



Margaret M. Merchat, Senior Associate General Counsel

School & College Legal Services of California  
5350 Skylane Boulevard  
Santa Rosa, CA 95403  
(707) 524-2690  
[www.sclscal.org](http://www.sclscal.org)