





The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: January 16, 2018

SUBJECT: Request to Change Election System at the San Mateo County Community College District		Item Number: 2.4	
		Attachment: Yes (2)	
CATEGORY:	Legal	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Marc LeForestier, General Counsel	Consent/Routine	
		First Reading	
Approved for Consideration:	 Eloy Ortiz Oakley, Chancellor	Action	X
		Information	

ISSUE: This item requests approval for the San Mateo County Community College District to move from an *at-large* election system to a *by-trustee area* election system for District elections.

BACKGROUND: Education Code Section 72036 authorizes governing boards of community college districts to change from an *at-large* election system to a *by-trustee area* election system without first holding an election to authorize the change. The board of trustees of the community college district must adopt a resolution in support of the change in election system and obtain the approval of the Board of Governors of the California Community Colleges.

On October 11, 2017, the Board of Trustees of the San Mateo County Community College District adopted Resolution No. 17-14, "Resolution Adopting Trustee Areas for Board of Trustees Elections (Scenario 4) and Requesting Approval From the Board of Governors of the California Community Colleges." The resolution establishes proposed trustee area boundaries and requires that the voting system proposal be submitted to the Board of Governors for approval.

RECOMMENDATION: It is recommended that the Board of Governors adopt the attached Resolution No. 2018-01, approving the San Mateo County Community College District's request to change its trustee election system.

ANALYSIS: Education Code Section 72036 was enacted in 2011 to provide community college districts with a simplified, streamlined and cost-effective procedure for adopting *by-trustee area* election systems. To establish trustee areas, the governing board must divide the territory of a district into trustee areas, with one member of the governing board being elected from each trustee area. Candidates for election are required to reside in, and be registered to vote in, the trustee area he or she seeks to represent. The governing boards are authorized to set the initial boundaries of each trustee area to reflect the population identified in the most recent federal census. Prior to the enactment of Education Code Section 72036, a district was required to seek voter approval for the electoral change, an expensive and time consuming process.

In an *at-large* election system, voters are eligible to vote for all seats up for election. By contrast, in a *by-trustee area* system, voters who live within a geographic area elect a trustee to represent the interests of that particular geographic area. *At-large* electoral systems are subject to challenges under the California Voting Rights Act of 2001 (Voting Rights Act). Education Code Section 72036 was adopted, in part, to assist community college districts in complying with the Voting Rights Act. Section 72036 requires a community college district to obtain the approval of the Board of Governors for the proposed change in trustee election systems.

The Chancellor's Office has established an application process for districts to utilize when seeking Board of Governors approval for a *by-trustee area* election system. Prior to submission to the Board of Governors, all applications are reviewed by the Office of the General Counsel to ensure compliance with legal requirements.

The Board of Trustees of the San Mateo County Community College District currently consists of five (5) members. The District does not intend to change the number of trustees as part of its change to a *by-trustee area* election system.

Attachments: proposed Resolution No. 2018-01 (Attachment 1); and the "Request to Change Election System Without an Election" and supporting documentation submitted by the San Mateo County Community College District (Attachment 2).