


**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

1102 Q STREET
SACRAMENTO, CA 95811-6549
(916) 445-8752
HTTP://WWW.CCCCO.EDU



**Request to Change Election System without an Election – Election Waiver
Ed. Code, § 72036**

Community College District: SANTA CLARITA COMMUNITY COLLEGE DISTRICT		Contact's name and title: CHRISTOPHER SKINNELL, SPECIAL COUNSEL		Email: CSKINNELL@NMGVLAW.COM	
Address: NIELSEN MERKSAMER, ET AL. 2350 KERNER BLVD., SUITE 250		City: SAN RAFAEL	State: CA	Zip: 94901	Phone: 415/389-6800
Date of request: NOVEMBER 6, 2015		Local board approval date: (Required) NOVEMBER 4, 2015 (SEE RESO. 2015/16-10, ATTACHMENT A)			
Legal criteria					
<p>1. Specify which change in election system the district is proposing (check one):</p> <p><input checked="" type="checkbox"/> to move from an <i>at-large</i> election system to a <i>by trustee area</i> election system</p> <p><input type="checkbox"/> to adopt a top-two primary system in conjunction with a change, or as an addition to a previous change, from an <i>at-large</i> election system to a <i>by trustee area</i> election system</p> <p><input type="checkbox"/> to increase the number of trustees and trustee areas to five or more or decrease them nine or fewer in conjunction with a change, or as an addition to a previous change, from an <i>at-large</i> election system to a <i>by trustee area</i> election system</p> <p><input type="checkbox"/> to both adopt a top-two primary system and to increase the number of trustees and trustee areas to five or more or decrease them to nine or fewer, and both in conjunction with a change, or as an addition to a prior change, from an <i>at-large</i> election system to a <i>by trustee area</i> election system</p>					
<p>2. Reason for changing election systems: AVOID POSSIBLE LITIGATION UNDER THE CALIFORNIA VOTING RIGHTS ACT. SEE ATTACHMENT B</p>					
<p>3. Number of trustees and trustee areas under the newly proposed election system: 5 TRUSTEES (NO CHANGE); 5 TRUSTEE AREAS</p>					
<p>4. Explain how ALL of the Education Code section 72036(c) requirements have been met. N/A. THE SANTA CLARITA COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES DOES NOT ANTICIPATE CHANGING THE NUMBER OF TRUSTEES AT THIS TIME. THE ONLY CHANGE FOR WHICH THE DISTRICT SEEKS APPROVAL FROM THE BOARD OF GOVERNORS IS A CHANGE FROM AT-LARGE ELECTIONS TO TRUSTEE AREA ELECTIONS PURSUANT TO EDUCATION CODE § 72036(a).</p>					
<p>District or County Certification – I hereby certify that the information provided on this application is accurate and complete.</p>					
Authorized Signature: 		Name and Title: CHRISTOPHER SKINNELL, SPECIAL COUNSEL		Date: NOVEMBER 6, 2015	

**Election Waiver Request Form
California Community Colleges Chancellor's Office**

Page 2

Please note that additional pages can be attached, if needed.

Send Original plus one copy to:

California Community Colleges
Chancellor's Office
1102 Q Street
Sacramento, CA 95811-6549
ATTN: Legal Affairs
Election Waiver Request

Or

Email the completed form and back-up material to: legalaffairs@cccco.edu

ATTACHMENT A

**Resolution No. 2015/16-10 of the Board of Trustees of the
Santa Clarita Community College District
(November 4, 2015)**

**BEFORE THE GOVERNING BOARD OF THE
SANTA CLARITA COMMUNITY COLLEGE DISTRICT**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
SANTA CLARITA COMMUNITY COLLEGE DISTRICT
TO ADOPT TRUSTEE AREAS FOR SANTA CLARITA COMMUNITY
COLLEGE DISTRICT BOARD-MEMBERS, FOR SUBMISSION TO THE
BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES
PURSUANT TO EDUCATION CODE §§ 5030 & 72036**

RESOLUTION NO. 2015/16 – 10

WHEREAS, members of the Board of Trustees of the Santa Clarita Community College District (“Santa Clarita CCD” or “District”) are currently elected in “at-large” elections, *i.e.*, elections in which “each member of the governing board [is] elected by the registered voters of the entire district . . .,” Cal. Educ. Code § 5030(a); and

WHEREAS, California Education Code § 72036 authorizes the Board of Trustees of the District (“Board”) to change the District’s method of electing its governing board members, subject to approval by the Board of Governors of the California Community Colleges; and

WHEREAS, on September 23, 2015, the Board adopted Resolution No. 2015/16-07, initiating the process of changing the District’s method of election to “by-trustee area” elections, *i.e.*, elections in which “one member of the governing board shall be elected from each trustee area[.]” and in which “[a] candidate for election as a member of the governing board shall reside in, and be registered to vote in, the trustee area he or she seeks to represent[.]” Cal. Educ. Code § 72036(a); and

WHEREAS, the Board proposes to consider and adopt a specific trustee area plan for adoption and use at the November 2016 elections for the District Board and beyond; and

WHEREAS, for that purpose the District has retained experienced legal counsel, and an experienced redistricting/demographic consulting firm, National Demographics Corporation of Claremont, California (“NDC”), to advise it on the process of preparing a trustee area plan; and

WHEREAS, on September 23, 2015, the Board and the public received a presentation from the District’s legal counsel regarding the current demographics of the

District under the 2010 census and the procedures and legal and policy criteria governing redistricting; and

WHEREAS, following that presentation the Board received public input regarding appropriate criteria for the realignment of trustee area boundaries and unanimously approved Resolution No. 2015/16-08, adopting the following criteria to guide the establishment of trustee areas consistent with legal requirements, including reasonably equal population and Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the District:

1. The boundaries of the trustee areas shall be established so that the trustee areas are equal in population as defined by law.
2. The boundaries of the trustee areas shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.
3. The boundaries of the trustee areas shall be established so that the trustee areas do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
4. The boundaries of the trustee areas shall observe communities of interest, including: rural or urban populations; social interests; agricultural, industrial or service industry interests; and the like, insofar as practicable.
5. The boundaries of the trustee areas shall be compact, insofar as practicable.
6. The boundaries of the trustee areas shall be created to contain cohesive, contiguous territory, insofar as practicable.
7. The boundaries of the trustee areas may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways, major roadways and canals, etc., as natural divisions between districts, insofar as practicable.
8. Unless otherwise required by law, the trustee areas shall be created using whole census blocks.
9. The boundaries of the trustee areas may avoid the "pairing" of incumbents in the same trustee area, insofar as this does not conflict

with the constitution and laws of the State of California and the United States.

10. The boundaries of the trustee areas shall comply with such other factors which become known during the redistricting process and are formally adopted by the Board of Trustees; and

WHEREAS, on October 6, 2015, the District made public three draft trustee area plans (Plans A, B and C, incorporated herein), prepared by NDC, which were developed according to the criteria set forth above, and which were posted on the District's website at <http://www.canyons.edu/Offices/BOT/Pages/elections.aspx>; and

WHEREAS, at the October 13, 2015, meeting of the Board of Trustees, NDC presented the three draft trustee area plans to the Board and to the public; and

WHEREAS, on October 13, 2015, the Board held the first of three duly-noticed public hearings, required by Elections Code § 10010, to receive testimony from the public regarding all seven draft trustee area plans; and

WHEREAS, on October 21, 2015, the Board held the second of three duly-noticed public hearings, to receive testimony from the public regarding all three draft trustee area plans; and

WHEREAS, in response to comments from members of the community at the October 21 public hearing, NDC reviewed the proposed plans and consequently made minor adjustments to Plans B and C to address concerns about divided neighborhoods, resulting in a three slightly modified plans ("Plan B2," "Plan C2," and "Plan C3"), which are incorporated herein, and which were also posted to the District's website; and

WHEREAS, on November 4, 2015, the Board held the last of three duly-noticed public hearings, to receive testimony from the public regarding all six draft trustee area plans; and

WHEREAS, the Board has considered all public comments on the plans received at the public hearings; and

WHEREAS, the populations in the proposed trustee areas of all six draft trustee area plans are substantially equal in population, in compliance with legal requirements; and

WHEREAS, Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and all six draft trustee area plans comply with Section 2 of the Voting Rights Act; and

WHEREAS, all six trustee area plans anticipate the use of a single-member, by-trustee area electoral system, and thereby comply with the California Voting Rights Act; and

WHEREAS, each of the plans is drawn to follow major thoroughfares, and respect topography and geography and communities of interest, to the extent possible, while still complying with equal population requirements and federal and state law; and

WHEREAS, each of the plans is drawn to be compact and to contain cohesive, contiguous territory to the extent possible; and

WHEREAS, each of the draft trustee area plans is drawn to avoid the "pairing" of incumbent trustees to the extent possible;

NOW, THEREFORE, the District hereby finds, determines, declares and resolves as follows:

Section 1. Determination of Recitals. All of the recitals set forth above are true and correct, and the District Governing Board so finds and determines.

Section 2. Adoption of Trustee Area Plan. The Board of Trustees prefers the trustee area boundaries in proposed Plan A, attached hereto as Exhibit "A" and incorporated herein by this reference; believes that its adoption would serve the public interest of the District's residents and voters; and by this resolution hereby adopts the trustee area boundaries in that Plan for use at the District's November 2016 election and subsequent elections until a further re-alignment is required pursuant to Education Code § 5019.5, following the release of the 2020 Census.

Section 3. Submission to Board of Governors. The Chancellor and/or her designee shall take all necessary steps to submit this resolution and the Plan attached as Exhibit "A" to the Board of Governors of the California Community Colleges for approval pursuant to Education Code § 72036.

Section 4. Implementation. The Chancellor and/or her designee shall take all actions necessary to notify the Board of Supervisors of the County of Los Angeles and the Los Angeles County Registrar/Recorder-County Clerk's Office, whom the District has requested to conduct elections on behalf of the District, of the Board's determination forthwith and provide whatever assistance may be required by the Registrar's Office to complete the process.

Section 5. Correction of Nonsubstantive Clerical Errors. Because the new trustee area plan may contain technical anomalies caused by errors in the 2010 Census line files that do not substantively affect the populations in the trustee areas, the trustee area boundaries, or the intent of this resolution, which anomalies are not revealed until implementation begins, the Chancellor and/or her designee is authorized to make

technical emendations to the new plan that do not substantively affect the populations in the trustee areas, the trustee area boundaries, or the intent of this resolution, and shall advise the Board of any such emendations that are found to be required in plan implementation by the County Registrar's Office.

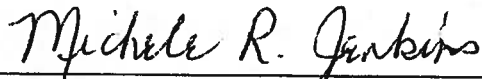
Section 6. Notification of Other Affected Agencies. The Chancellor and/or her designee shall send a copy of this Resolution to the Los Angeles County Superintendent of Education and the State Board of Education.

Section 7. Consultation with Legal Counsel. The Chancellor shall consult with legal counsel to resolve any legal issues necessary to give effect to this Resolution.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Santa Clarita Community College District this 4th day of November, 2015, by the following vote:

AYES:	<u>5</u>
NOES:	<u>Ø</u>
ABSENT:	<u>Ø</u>
ABSTAINED:	<u>Ø</u>

I, Michele R. Jenkins, President of Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.



President of the Board of Trustees
Santa Clarita Community College District

I, Steven D. Zimmer, Clerk of the Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the 4th day of November, 2015, by the above described vote of the Governing Board;

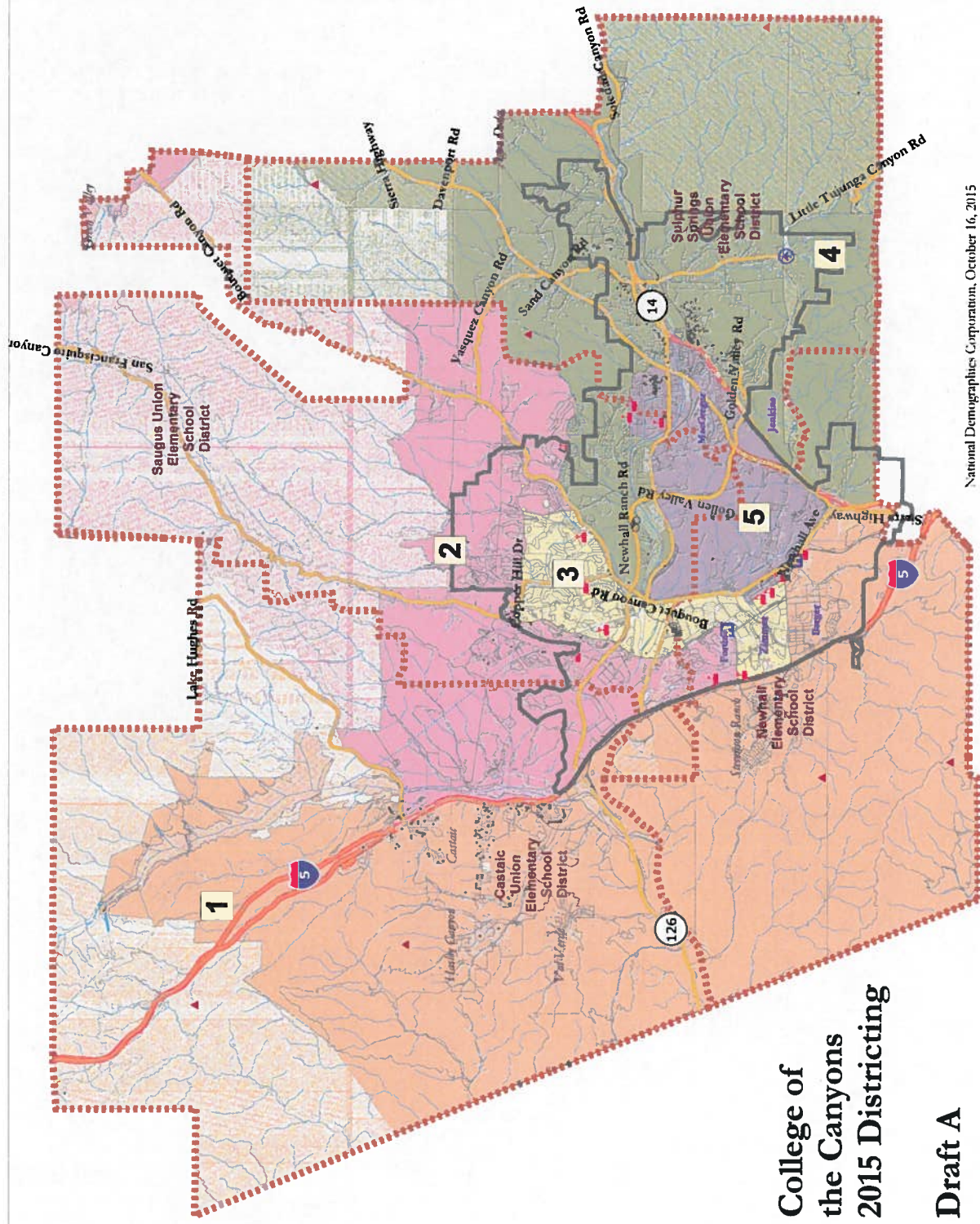
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Santa Clarita Community College District Governing Board this 4th day of November, 2015.



Clerk of the Board of Trustees
Santa Clarita Community College District

EXHIBIT "A"

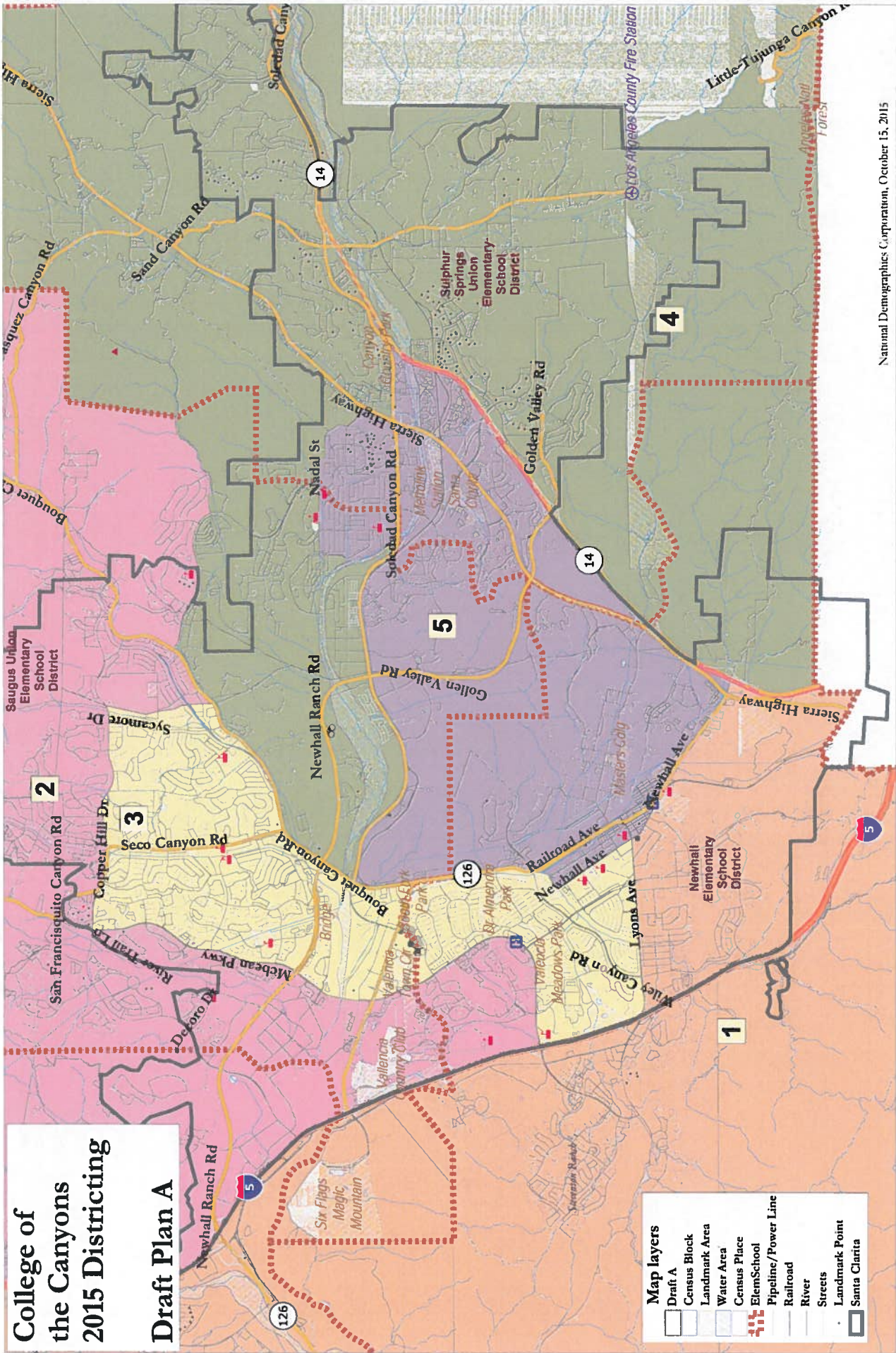
**TRUSTEE AREA PLAN APPROVED BY THE
BOARD OF TRUSTEES OF THE
SANTA CLARITA COMMUNITY COLLEGE DISTRICT
NOVEMBER 4, 2015**



College of the Canyons 2015 Districting

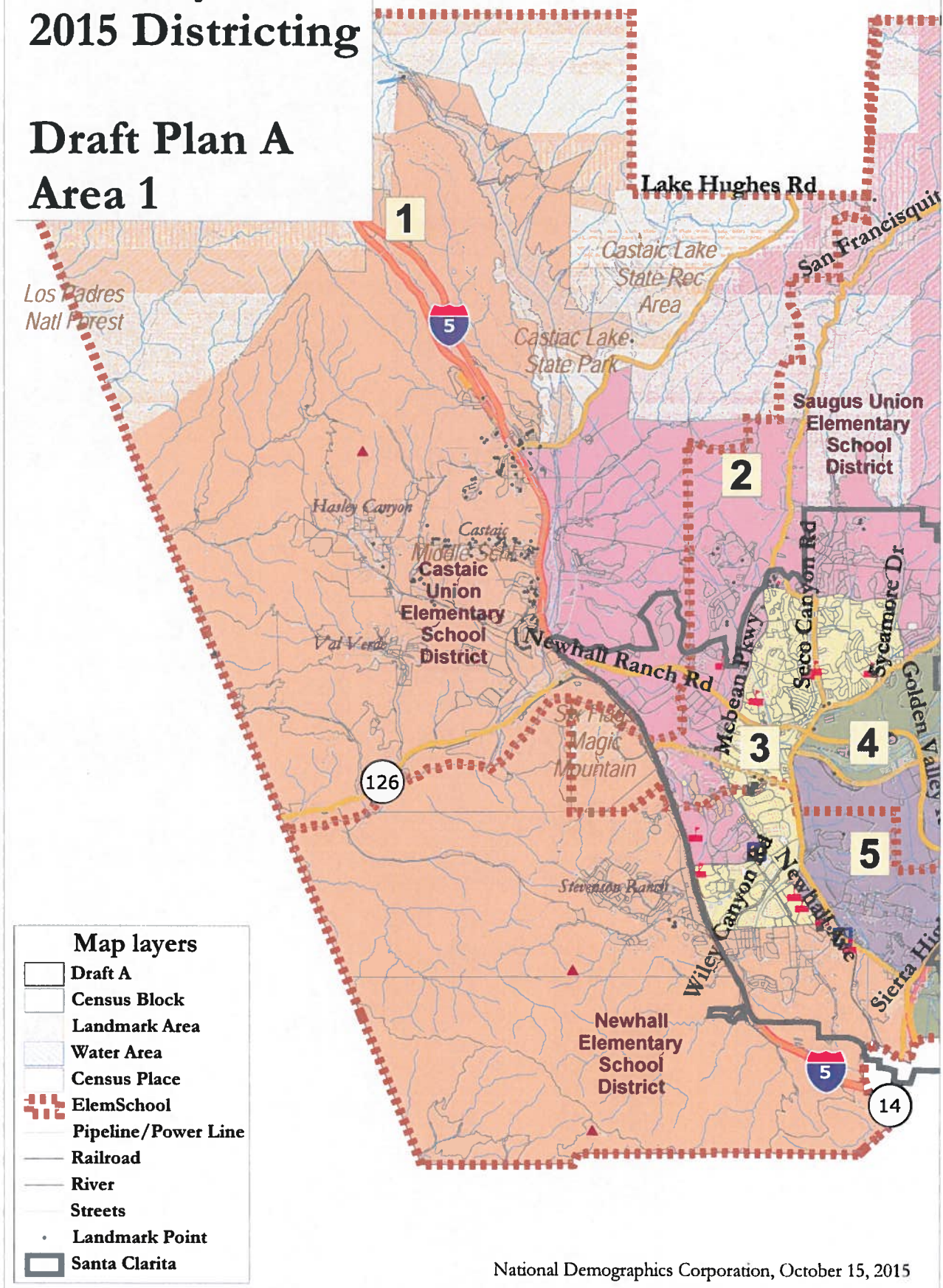
Draft A

College of the Canyons 2015 Districting Draft Plan A



College of the Canyons 2015 Districting

Draft Plan A Area 1



Also includes northern portion of Saugus Elementary School District and Castaic Union east of I-5 and east of Lake Hughes Road.

Map layers

- Draft A
- Census Block
- Landmark Area
- Water Area
- Census Place
- ElemSchool
- Pipeline/Power Line
- Railroad
- River
- Streets
- Landmark Point
- Santa Clarita

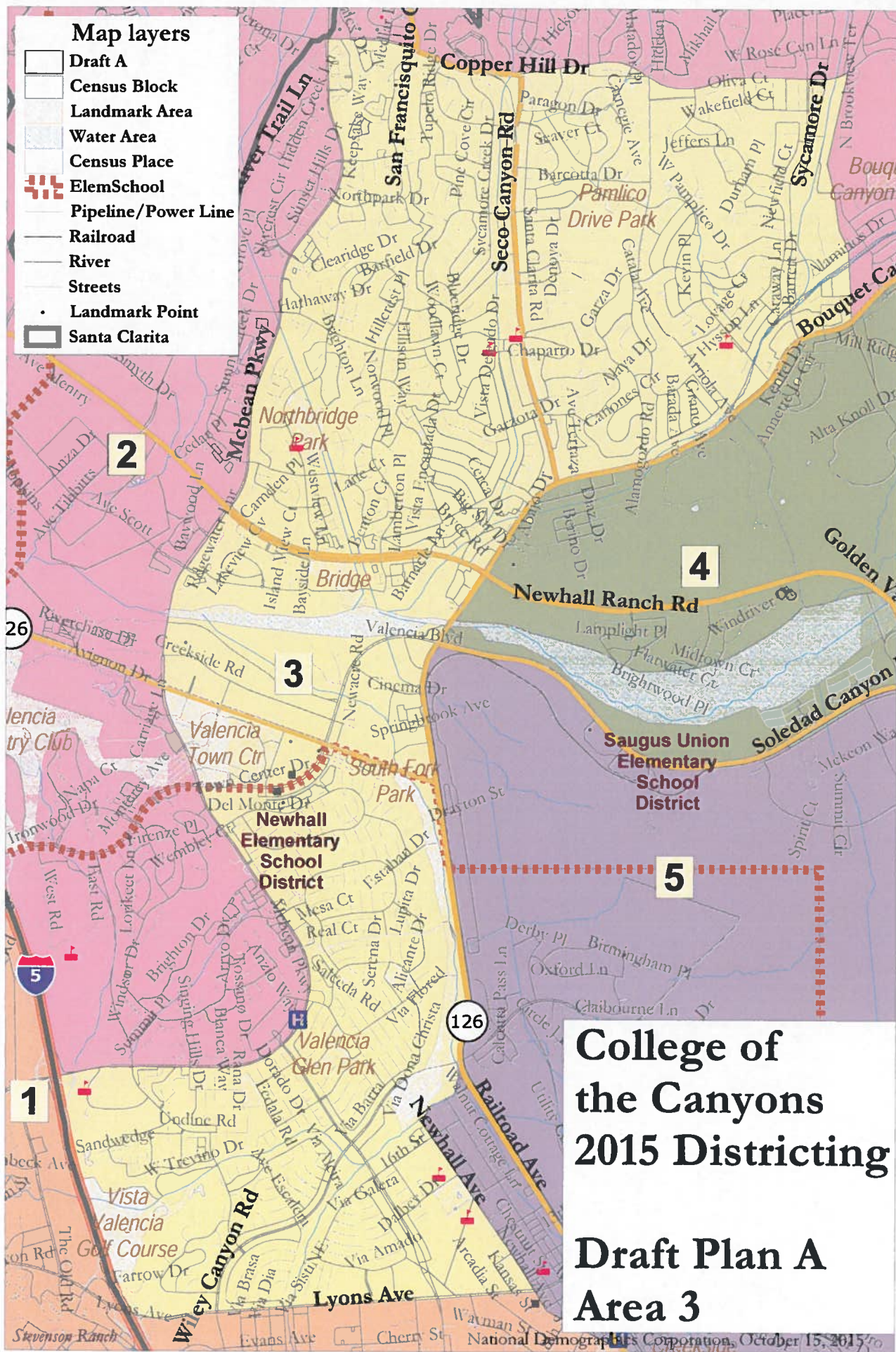
**College of the Canyons
2015 Districting
Draft Plan A
Area 2**

Also includes northern portion of Saugus Elementary School District and Castaic Union east of I-5 and east of Lake Hughes Road.

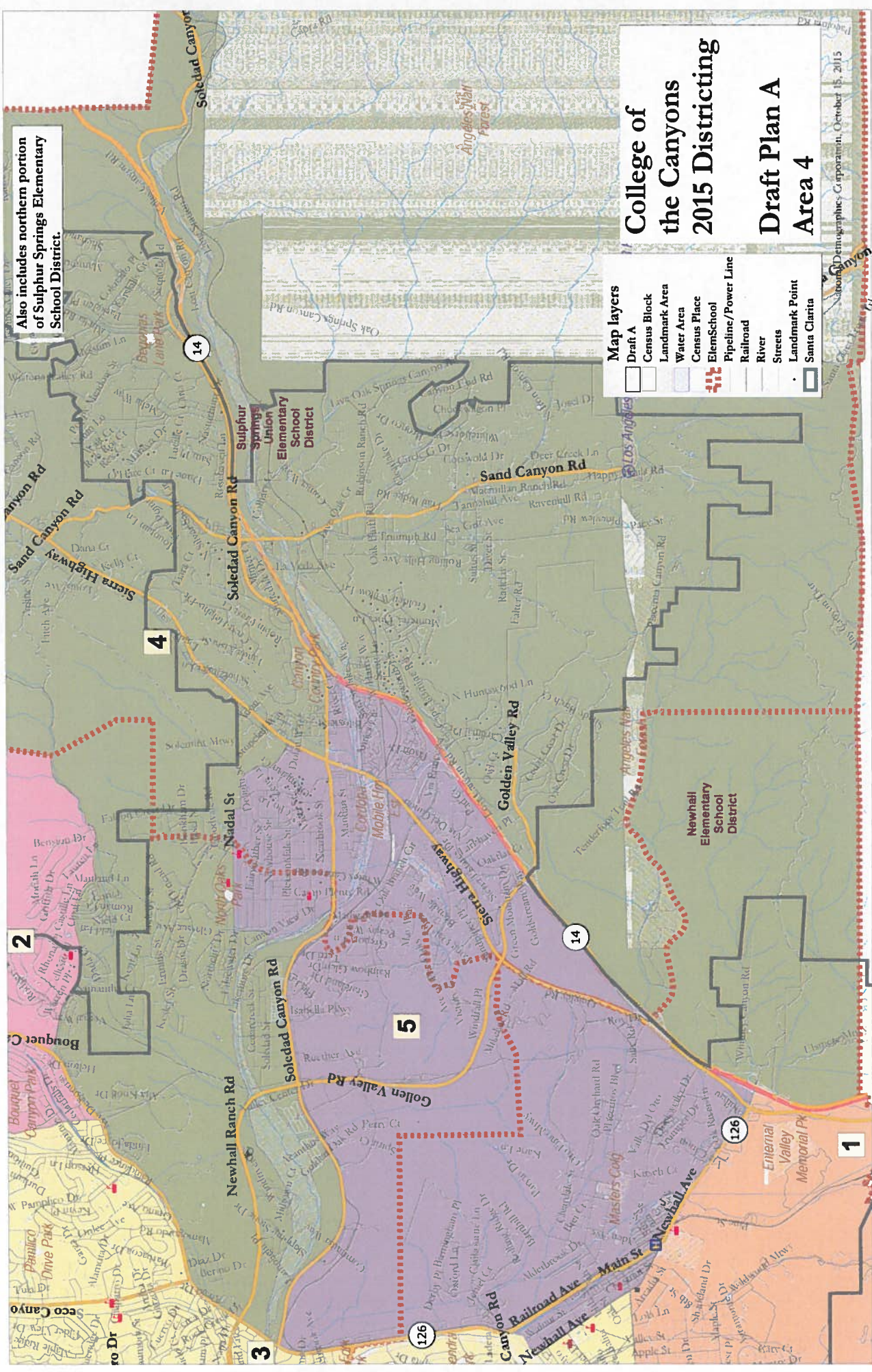
Map layers

- Draft A
- Census Block
- Landmark Area
- Water Area
- Census Place
- ElemSchool
- Pipeline/Power Line
- Railroad
- River
- Streets
- Landmark Point
- Santa Clarita

**College of the Canyons
2015 Districting
Draft Plan A
Area 2**



College of the Canyons 2015 Districting Draft Plan A Area 3



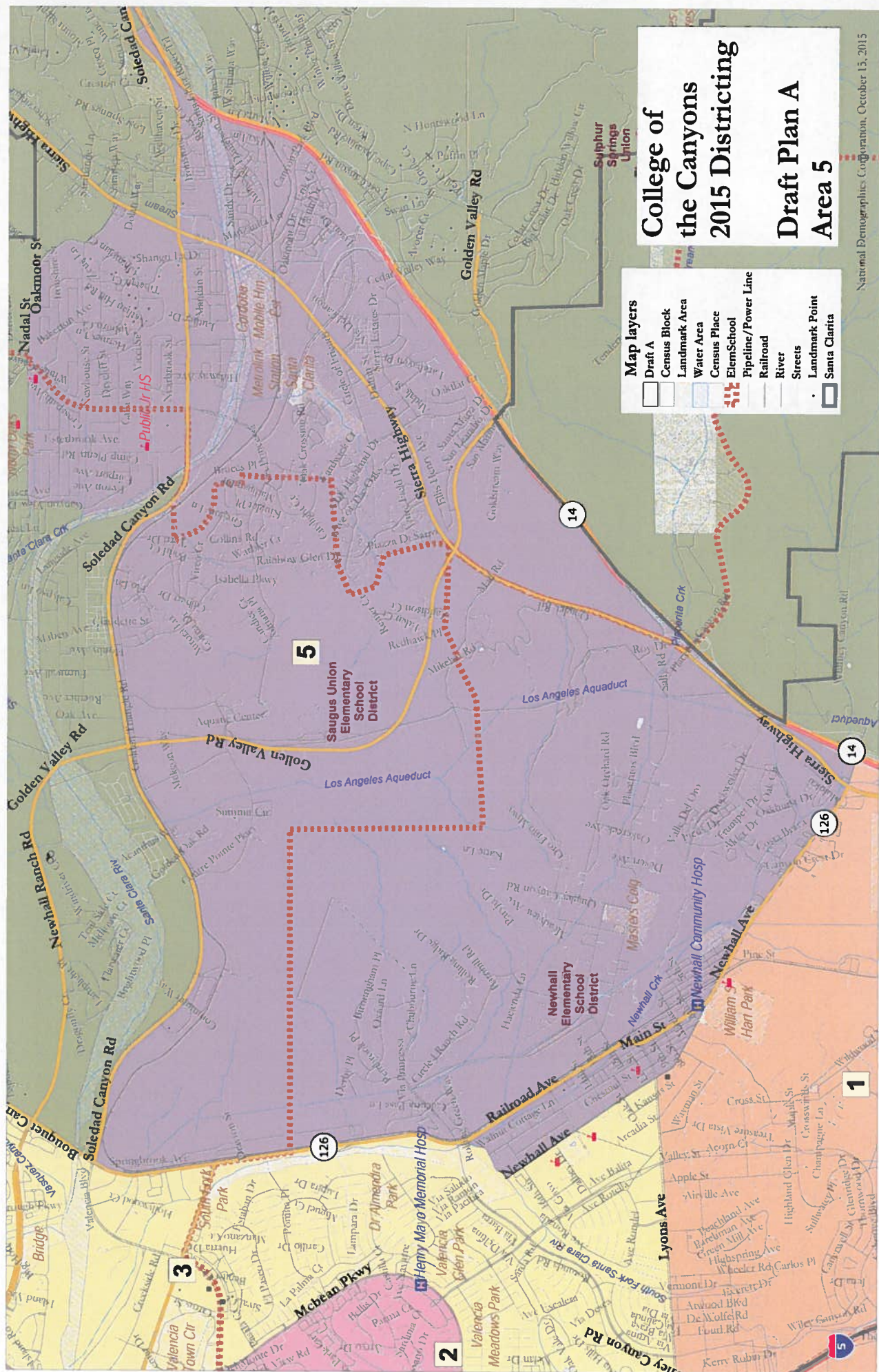
College of
the Canyons
2015 Districting
Draft Plan A
Area 4

- Map layers
- Draft A
 - Census Block
 - Landmark Area
 - Water Area
 - Census Place
 - ElemSchool
 - Pipeline/Power Line
 - Railroad
 - River
 - Streets
 - Landmark Point
 - Santa Clarita

Source: Demographic Corporation, October 15, 2015

Map layers	
<input type="checkbox"/>	Draft A
<input type="checkbox"/>	Census Block
<input type="checkbox"/>	Landmark Area
<input type="checkbox"/>	Water Area
<input checked="" type="checkbox"/>	Census Place
<input type="checkbox"/>	Element School
<input type="checkbox"/>	Pipeline/Power Line
<input type="checkbox"/>	Railroad
<input type="checkbox"/>	River
<input type="checkbox"/>	Streets
<input type="checkbox"/>	Landmark Point
<input type="checkbox"/>	Santa Clara

National Demographics Corporation, October 15, 2015



College of the Canyons Draft Plan A

District		1	2	3	4	5	Total
	Total Pop	53,182	52,355	54,527	52,559	54,421	267,044
	Deviation from ideal	-227	-1,054	1,118	-850	1,012	2,172
	% Deviation	-0.43%	-1.97%	2.09%	-1.59%	1.89%	4.07%
Total Pop	% Hisp	24%	24%	19%	30%	47%	29%
	% NH White	56%	54%	66%	53%	38%	53%
	% NH Black	3%	7%	3%	5%	5%	5%
	% Asian-American	15%	13%	10%	11%	8%	12%
Voting Age Pop	% Hisp	22%	24%	17%	27%	42%	26%
	% NH White	58%	54%	68%	57%	43%	56%
	% NH Black	3%	8%	3%	4%	5%	5%
	% Asian-American	15%	12%	10%	10%	9%	11%
Citizen Voting Age Pop	Total CVAP	33,739	37,139	38,204	35,525	30,878	175,485
	% Hisp	20%	22%	17%	24%	32%	23%
	% NH White	63%	56%	69%	60%	52%	60%
	% NH Black	2%	8%	2%	4%	5%	4%
	% Asian-American	11%	10%	9%	9%	8%	9%
Voter Turnout (Nov 2012)	Total Turnout	20,685	18,699	24,024	19,892	14,955	98,255
	% Latino	16%	15%	13%	18%	23%	17%
	% Asian-Surnamed	4%	4%	3%	3%	3%	3%
	% Filipino-Surnamed	2%	2%	1%	2%	1%	2%
Voter Registration (Nov 2014)	Total Reg.	30,369	26,480	33,578	30,312	23,405	144,143
	% Latino	19%	16%	15%	21%	29%	19%
	% Asian-Surnamed	5%	5%	3%	3%	3%	4%
	% Filipino-Surnamed	2%	2%	2%	2%	2%	2%
Voter Turnout (Nov 2014)	Total Turnout	10,833	9,664	13,526	10,610	7,567	52,200
	% Latino	13%	11%	11%	14%	18%	13%
	% Asian-Surnamed	4%	4%	2%	3%	2%	3%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
Age	age0-19	32%	29%	28%	30%	30%	30%
	age20-60	56%	60%	56%	57%	57%	57%
	age60plus	12%	11%	16%	13%	13%	13%
Immigration	immigrants	20%	18%	16%	20%	28%	21%
Housing Stats	rented	27%	25%	27%	23%	46%	30%
	owned	73%	75%	73%	77%	54%	70%
	singlefamily	81%	77%	81%	82%	56%	75%
	multifamily	19%	23%	19%	18%	44%	25%
Language spoken at home	english	70%	71%	78%	69%	55%	69%
	spanish	17%	16%	11%	19%	35%	20%
	asian-lang	9%	7%	7%	6%	6%	7%
	other lang	5%	6%	4%	6%	4%	5%
Children at Home	child-under18	45%	43%	37%	41%	35%	40%
Household Income	hhincome0-25k	9%	9%	11%	10%	16%	11%
	hhincome25-50k	14%	11%	13%	15%	22%	15%
	hhincome50-75k	12%	13%	15%	16%	19%	15%
	hhincome75-200k	49%	55%	50%	51%	39%	49%
	hhincome200k-plus	15%	13%	11%	8%	4%	10%
Education (among those age 25+)	hs-grad	51%	51%	55%	60%	55%	54%
	bachelor	26%	26%	26%	21%	17%	23%
	graduatedegree	14%	12%	12%	9%	6%	11%

Total and Voting Age population data from the 2010 Decennial Census.

Voter Registration and Turnout data from the California Statewide Database.

Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2009-2013 American Community Survey 5-year data.

ATTACHMENT B

Statement of Reasons for Change

Members of the Board of Trustees of the Santa Clarita Community College District/College of the Canyons ("SCCCD" or "District") are currently elected in "at-large" elections, *i.e.*, elections in which "each member of the governing board [is] elected by the registered voters of the entire district . . .," Cal. Educ. Code § 5030(a). 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").

In 2013 the District was sued in the Los Angeles County Superior Court under the CVRA, by plaintiffs seeking to have the District "implement district-based elections, as defined by the California Voting Rights Act of 2001" (*Soliz v. Santa Clarita Community College District*, Case No. BC512736). In August 2014, the District stipulated, pursuant to a settlement, to the entry of a judgment that retained the existing at-large system, except for requiring the repeal of the District's previous "numbered post" system, but which committed the District to implementing cumulative voting for future elections "unless and until SCCCDC adopts 'by-trustee area' elections..."

The judgment also committed the District to independently conducting its own election, concurrently with the statewide general election in November of even-numbered years, if the Los Angeles County Registrar was unable to conduct those elections. In April 2015, the Los Angeles County Board of Supervisors declined a request for consolidation of the District's elections with the County's in November 2016, citing the Registrar's inability to conduct elections using cumulative voting.

New information, obtained in the time since the District agreed to implement cumulative voting called into question the feasibility, cost-effectiveness, and desirability of conducting elections using a cumulative voting system. Therefore, on September 23, 2015, the SCCCDC Board of Trustees voted to initiate the process of moving to trustee area elections. It adopted a series of traditional districting criteria and retained experienced consultants and counsel to guide it through the process. The Board then scheduled three duly-noticed public hearings (on October 13, October 21, and November 4, 2015), as required by law. (Elec. Code § 10100.)

The District then engaged in a thorough public process, designed to solicit public input. The District initially published three draft trustee area maps (Plans A, B, and C) on October 6, 2015, which the demographic consultant then presented to the Board and the public at the Board of Trustees meeting on October 13.

The District conducted its first two duly-noticed public hearings on October 13 and October 21. Then, in response to comments from members of the community at the October 21 public hearing, the District's demographic consultants, National Demographics Corporation, reviewed the proposed plans and consequently made minor adjustments to Plans B and C to address concerns about divided neighborhoods, resulting in a three slightly modified plans ("Plan B2," "Plan C2," and "Plan C3"). Those plans were made public on October 30, 2015, and presented to the Board and public at the final public hearing on November 4.

Throughout the process, the District displayed on its website: each of the maps with accompanying demographic data; a tentatively-adopted timeline; a description of the districting process and list of Frequently Asked Questions; public notices of the various hearings; a list of the adopted districting criteria; and other pertinent information. (See <http://www.canyons.edu/Offices/BOT/Pages/elections.aspx>.) A link to that page was prominently displayed on the District's homepage as well, as was a Spanish translation of all the materials. Public notices were distributed as follows:

- Postcards mailed to all Santa Clarita Valley households (more than 100,000 addresses) in English and Spanish.
- Announcement placed on the College's three electronic message boards, which have been running since the week prior to the first meeting.
- Notice placed on home page of College website (in English and Spanish), plus maps and Q&A posted at canyons.edu/elections.
- News release posted on College's Public Information Office website.
- News release distributed to local media, plus multiple news stories published in:
 - The Signal – Sept. 22, Sept. 23, Sept. 25, Oct. 11, Oct. 12, Oct. 15, Nov. 4 & Nov. 5.
 - KHTS – Sept. 23, Oct. 12, Nov. 5.
 - SCVTV – Oct. 7
- Formal Public Hearing Notices (in English and Spanish) published in The Signal's legal notices section on October 1, 2, and 5, and October 7, 8, 9, and again on October 21, 22, and 23.
- ¼-page display ads printed in The Signal, Daily News and La Opinion on October 20 and Nov. 3.
- Announcements posted on the Colleges' Facebook and Twitter accounts (more than 13,000 followers) October 12, October 21 and November 4.
- Agendas for public hearing available on Board of Trustees page on College website.
- Public hearing posters placed in three locations where board agendas are posted on campus.

On November 4, 2015, after thorough consideration of the merits of each plan, the Board unanimously voted to adopt Plan A.

If the Board of Governors approves the District's proposal to change its electoral system, the new trustee areas would be implemented for the first time in November 2016.