



Fagen Friedman & Fulfroost LLP

# Public Hearing Comments in Advance of Preparing Trustee Area Map Options



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[F3law.com](http://F3law.com)

# 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.).

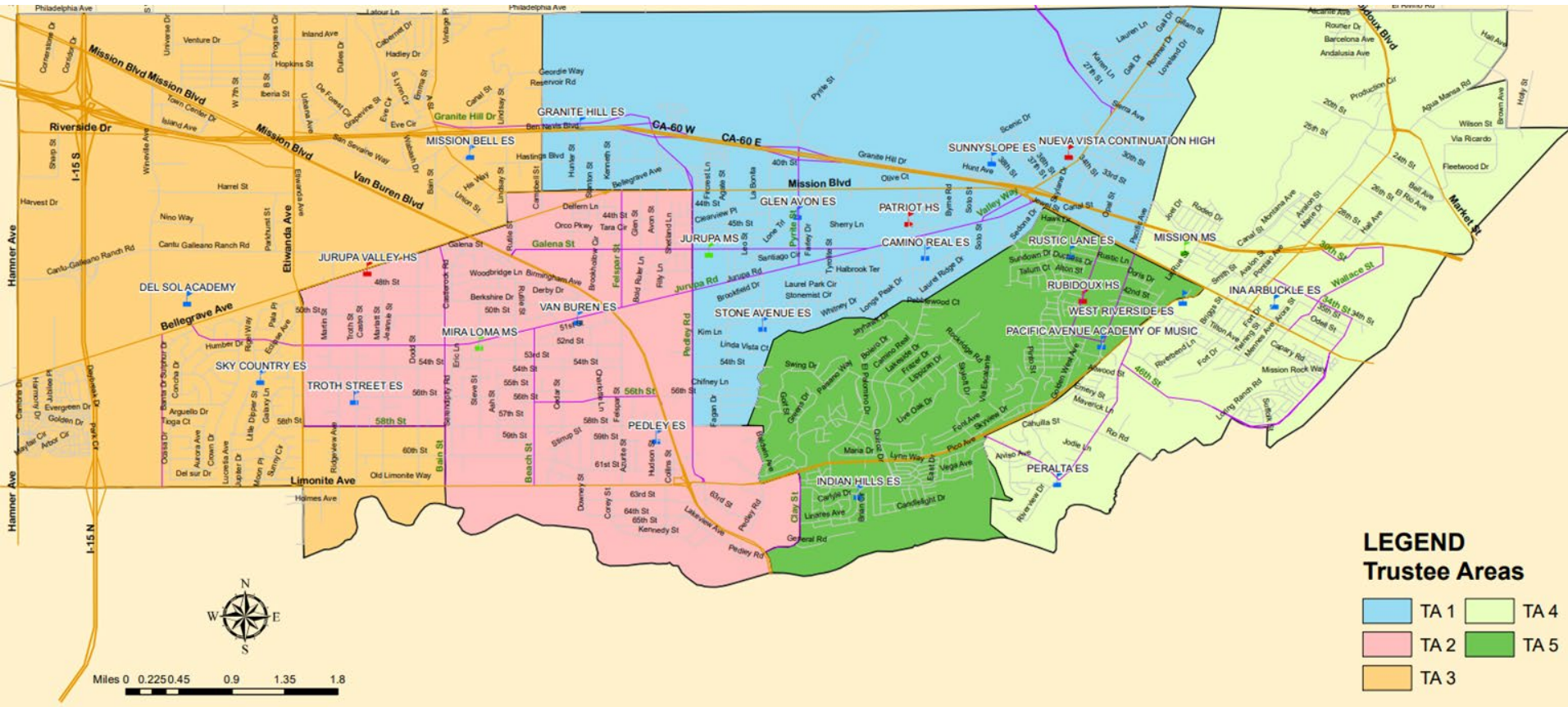


# What is a “By-Trustee Area” Election System?

- *Only safe harbor from a CVRA claim*
- 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



# Current Hybrid At-Large Areas



## “From” Trustee Areas

# 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

## 2010 Census Data (Total Population)

2010 Census Population District Wide		
Population	Total	%
Hispanic/Latino	63,429	65.63%
White	25,411	26.29%
Black/ AfricanAmerican	3,499	3.62%
Asian	2,367	2.45%
Two or More Races	1,242	1.29%
American Indian/ Alaska Native	316	0.33%
Native Hawaiian/ Pacific Islander	240	0.25%
Other	141	0.15%
<b>Total</b>	<b>96,645</b>	<b>100%</b>





# District's Demographics

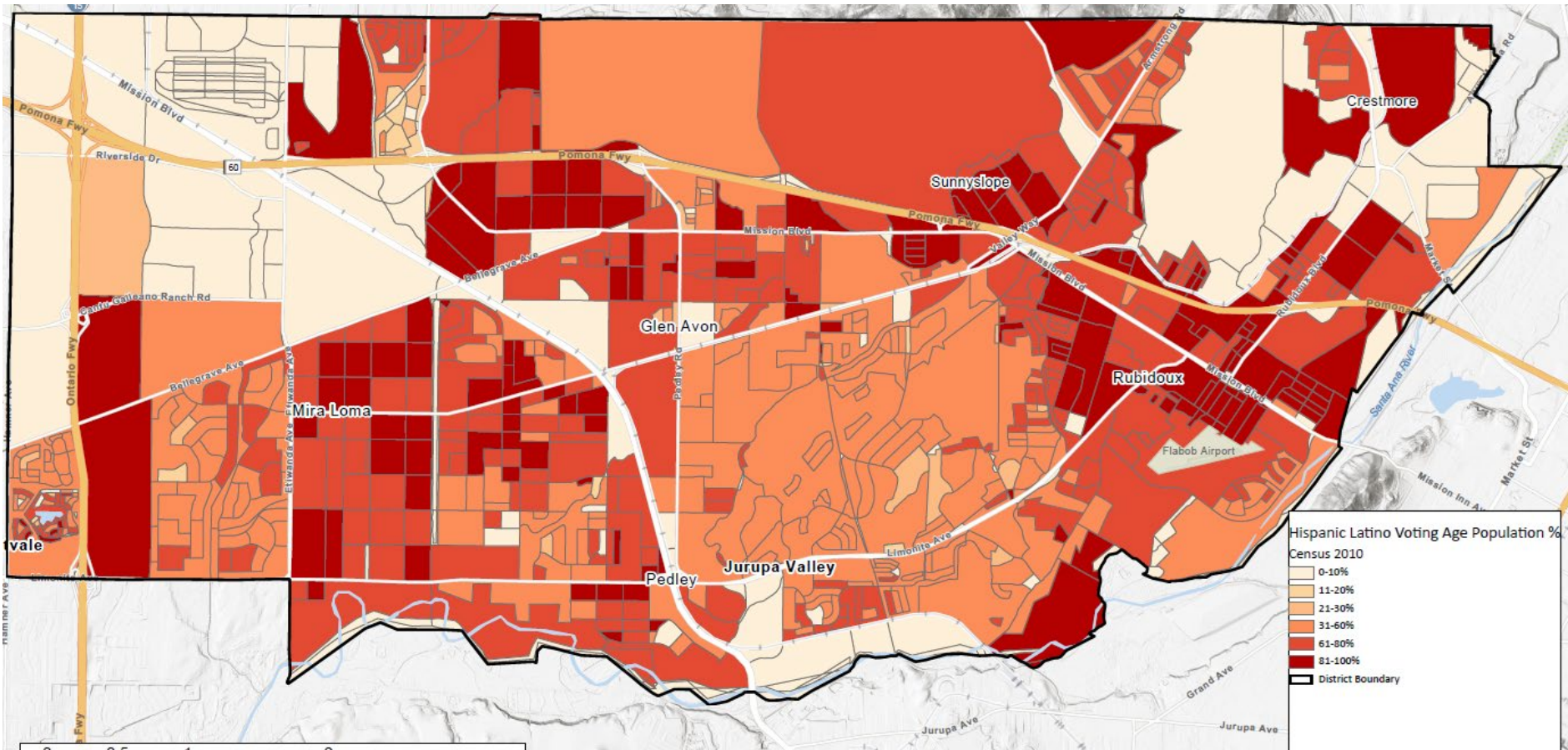
## Citizen Voting Age Population Estimates

Voting Age Population District Wide		
Population	2010 Census	
	Total	%
Hispanic /Latino	39,899	59.45%
White	21,263	31.68%
Black / African American	2,731	4.07%
Asian	1,925	2.87%
Two or More Races	754	1.12%
Native Hawaiian/ Pacific Islander	190	0.28%
Other Race Alone	101	0.15%
American Indian/ Alaska Native	247	0.37%
<b>Total</b>	<b>67,110</b>	<b>100%</b>

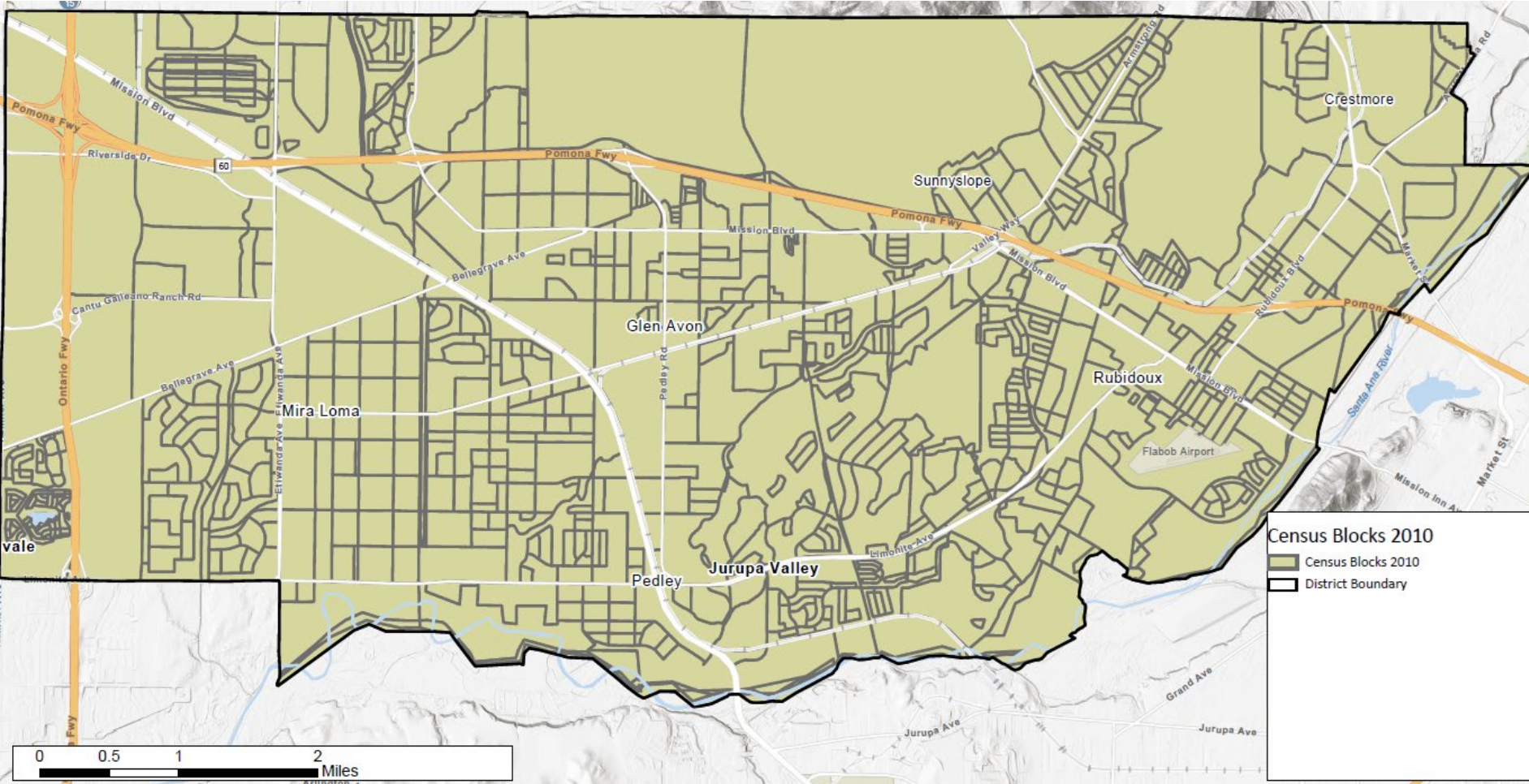
\*\*Total column indicates citizen voting age population.(18 and Over)

# District's Demographics

## Hispanic Citizen Voting Age Population



# How should lines be drawn?



# 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 . . .***

- Van Buren Boulevard
- Jurupa Road
- Etiwanda Avenue
- Mission Boulevard

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

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



# Type of Feedback & Commentary Being Solicited

***“I think . . .***

- All of \_\_\_\_ community should be in one area
- Each middle school boundary should be in multiple/single areas
- The current hybrid trustee area boundaries should help guide map creation
- Each trustee area should serve multiple school sites

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

- It keeps communities together
- It provides good/balanced representation



# After Pre-Map Public Hearings

- Draw Draft Trustee Area Plans
  - Demographer to use 2020 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.





# 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!!!



# Schedule

September 13, 2021	Pre-Map Public Hearing #1
October 4, 2021	Pre-Map Public Hearing #2
<i>2020 Census Data released; Draft map options prepared for public review</i>	
November 8, 2021	Map Public Hearing #1
November 15, 2021 (Special Meeting)	Map Public Hearing #2
December 13, 2021	Map Public Hearing #3



