

RESOLUTION 2019-08

A RESOLUTION OF THE GOVERNING BOARD OF THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT DECLARING THE BOARD'S INTENTION TO TRANSITION FROM AT-LARGE TO TRUSTEE-AREA BASED ELECTIONS IN NOVEMBER 2022 PURSUANT TO ELECTIONS CODE SECTION 10010 AND EDUCATION CODE SECTION 72036

WHEREAS, trustees of the governing board of the Foothill-De Anza Community College District ("FHDA" or "District") are currently elected in at-large elections, in which each trustee is elected by the registered voters of the entire District; and

WHEREAS, California Education Code section 72036 authorizes the governing board of a community college district to transition from at-large to trustee-area elections pursuant to the process set forth in California Elections Code section 10010, conditioned upon the State Board of Governors' approval of the college district's proposed trustee area map; and

WHEREAS, on January 30, 2019, Sebastian Aguilar, through his attorney, presented a written claim that 1) asserts the FHDA's at-large election system violates his rights under the California Voting Rights Act (CVRA) because of alleged racially polarized voting in elections involving District voters, and 2) asks the District to commence the process of changing from at-large elections to trustee-area elections; and

WHEREAS, the District disputes the allegation that its trustee elections have been characterized by racially polarized voting and notes that those elections have consistently resulted in voters electing trustees of diverse races and ethnicities; and

WHEREAS, the District denies liability under the CVRA but nevertheless recognizes that the Act strongly favors area elections over at-large elections, and makes a successful defense of the District's current election system difficult, if not unlikely, even though there has not been racially polarized voting in District elections; and

WHEREAS, the District believes it should support a law whose aim is to right wrongs where they have actually occurred;

WHEREAS, a prompt settlement of Mr. Aguilar's claim will permit the District to defer implementation of trustee-area elections until the November 2022 general election so that it can use data from the 2020 decennial federal census to create the initial trustee areas, thereby avoiding the duplicative expense of creating trustee areas immediately and then revising them after the census; and

WHEREAS, the board has concluded that it is in the public interest to avoid the substantial expense and uncertainty of litigating the application of the CVRA to the District's current election system; and

WHEREAS, the board has also concluded that it is appropriate for the District to transition to a trustee-area election system pursuant to the process outlined in Elections Code section 10010 and Education Code section 72036;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT, AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. Upon agreement with Mr. Aguilar, the District will plan on implementing a trustee area election process in the November 2022 general election.

SECTION 3. Implementation of trustee area elections shall occur only after completing the otherwise applicable public hearing and Board of Governors approval steps required by Elections Code section 10010 and Education Code section 72036 by no later than April 29, 2022.