

VENTURA COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION SPECIAL MEETING

Thursday, March 8, 2018, 4:00 p.m.

*Buena High School, Cafeteria
5670 Telegraph Road, Ventura, CA 93003*

AGENDA

The Secretary to the Ventura County Committee on School District Organization will preside over the meeting until the Chair has been elected.

1. Call to Order and Pledge of Allegiance
2. Introduction of County Committee Members
3. Organizational - Election of Officers:
 - a. Chair
Newly elected Chair assumes leadership of the meeting
 - b. Vice-Chair
4. Comments by Interested Members of the Public who Choose to address the County Committee.
5. Information about Ventura Unified School District's Desired Change in Election Process provided by Anthony Ramos, General Counsel, Ventura Unified School District and presentation from Larry Ferchaw, Cooperative Strategies, LLC., on behalf of the Ventura Unified School District.
6. PUBLIC HEARING on Ventura Unified School District's Desired Change of Election Process from an At-Large Electoral Process to a By-Trustee Area Election Process, pursuant to Education Code Section §5019(c)(1).
7. PUBLIC HEARING on Ventura Unified School District's request that the State Board of Education Waive the Election Requirements of Education Code Sections §5020 and §5030 in order to ensure the timely adoption of Trustee Areas and the District's transition from its current At-Large Electoral Process to a By-Trustee Area Election Process.
8. Discussion and Action by the County Committee to Adopt County Committee Resolution 18-01 Approving the Establishment of Trustee Areas and Changing the Method of Election to a By-Trustee Area Election Process in the Ventura Unified School District.
9. Adjournment

The agenda for this meeting is posted for 72 contiguous hours prior to the meeting at the following locations:

*Ventura County Office of Education, 5189 Verdugo Way, Camarillo 93012
Ventura Unified School District Office, 255 West Stanley Avenue, #100, Ventura 93001
Buena High School, 5670 Telegraph Road, Ventura 93003*

The full agenda packet, with explanatory materials, is available for public review on the Internet at:

<http://www.vcoe.org/Fiscal-and-Administrative-Services/School-District-Organization/Agendas>

Questions? Contact Cathy Samuel, (805) 383-1906, csamuel@vcoe.org

COUNTY COMMITTEE RESOLUTION NUMBER 18-01

RESOLUTION OF THE VENTURA COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION APPROVING THE ESTABLISHMENT OF TRUSTEE AREAS AND CHANGING THE METHOD OF ELECTION TO A BY-TRUSTEE AREA ELECTION PROCESS IN THE VENTURA UNIFIED SCHOOL DISTRICT

WHEREAS, a proposal to establish trustee areas and change the method of election to a by-trustee area election process was presented to the Ventura County Committee on School District Organization ("County Committee") by the Board of Education ("Board") of the Ventura Unified School District; and

WHEREAS, the Board of the Ventura Unified School District has adopted a resolution declaring its intent to seek a waiver of the election requirements from the State Board of Education; and

WHEREAS, Education Code section §5019(c)(1) provides that a proposal to establish trustee areas may be initiated by resolution of the governing board of a district; and

WHEREAS, Education Code section §5019(c)(2) further provides that when a proposal is made by a governing board of a district to establish trustee areas, the county committee on school district organization shall call and conduct at least one hearing in the district on the matter; and

WHEREAS, Education Code section §5030 provides that whenever trustee areas are established in a district, provisions shall be made for one of the alternative methods of electing governing board members; and

WHEREAS, Education Code section §5020 provides that a resolution of a county committee on school district organization approving a proposal to establish trustee areas, and to adopt one of the alternative methods of electing governing board members specified in Education Code section §5030, shall constitute an order of election which shall be presented to the electors of the district not later than the next succeeding election for members of the governing board; and

WHEREAS, the County Committee met on March 8, 2018, to consider the proposal to establish trustee areas and change the method of election to a by-trustee area election process in the Ventura Unified School District; and

WHEREAS, the County Committee meeting on March 8, 2018, took place within the boundaries of the Ventura Unified School District, and the meeting included a public hearing in accordance with Education Code section §5019(c); and

WHEREAS, by Resolution Numbers 17-22 and 18-03, the Board of the Ventura Unified School District determined that an at-large method of election could be subject to legal challenge under the California Voting Rights Act of 2001 and adopted a by-trustee area electoral system for consideration by the County Committee; and

WHEREAS, by Resolution Numbers 17-22 and 18-03, the Board of the Ventura Unified School District declared its intent to request that the State Board of Education waive the election requirements of Education Code section §5020 and §5030 in order to ensure the timely adoption of trustee areas and the district's transition from its current at-large electoral process; and

WHEREAS, having consideration of the proposal of the Board of the Ventura Unified School District to establish trustee areas and change the method of election to a by-trustee area election process as set forth in its Resolution Numbers 17-22 and 18-03, as well as public comments, the County Committee recommends approval of the proposal of the Board of the Ventura Unified School District;

NOW, THEREFORE, BE IT RESOLVED that the County Committee hereby finds the foregoing recitals to be true and correct; and

BE IT FURTHER RESOLVED the County Committee hereby establishes trustee election areas within the Ventura Unified School District as set forth in the district's Resolution Numbers 17-22 and 18-03 attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED the County Committee hereby adopts, as the method of election governing board members to the Board of Education of the Ventura Unified School District, that method of election specified in Education Code section §5030(b), which provides one or more members residing in each trustee area be elected by the registered voters of that particular trustee area; and

BE IT FURTHER AND FINALLY RESOLVED that this action of the County Committee establishing trustee election areas and adopting one of the alternative methods of electing governing board members specified in Education Code section §5030 shall not be deemed to constitute an order of election if the State Board of Education grants the district's waiver and if such waiver is granted, trustee area elections shall be commenced effective the next succeeding Board member election in November 2018.

AYES:

ABSTAIN:

NOES:

ABSENT:

I, Misty Key, Secretary to the Ventura County Committee on School District Organization, hereby certify, in the County of Ventura, State of California, that the above and foregoing Resolution was duly and regularly adopted by said County Committee at a special meeting thereof held on the 8th day of March, 2018, and passed by a vote of _ ayes with _ abstention of said Committee Members present.

IN WITNESS WHEREOF, I have hereunto set my hand this 8^h day of March, 2018

Misty Key, MBA
Secretary to the Ventura County Committee
on School District Organization

**BEFORE THE BOARD OF EDUCATION OF THE
VENTURA UNIFIED SCHOOL DISTRICT
VENTURA COUNTY, CALIFORNIA**

RESOLUTION NO. 17-22

**RESOLUTION INITIATING PROCESS OF
ESTABLISHING TRUSTEE AREAS AND
ELECTIONS BY-TRUSTEE AREAS**

WHEREAS, the Ventura Unified School District ("District") currently uses an at-large system of electing the members of its Board of Education; and

WHEREAS, the Board is aware that under state law an at-large method of election may be deemed to impair the ability of some voters to elect candidates of their choice or to influence the outcome of elections and, therefore, may be subject to challenge under the California Voting Rights Act of 2001, California Elections Code §§ 14025, *et seq.* ("CVRA"); and

WHEREAS, the Board, based on this awareness, has had an ongoing interest in the issue, and has studied the issue, with the assistance and advice of legal counsel, and has decided to initiate the process of establishing trustee areas and changing the method of electing members of the Board, in order to ensure compliance with the CVRA or, at minimum, avoid the potential for costly litigation under the CVRA; and

WHEREAS, transitioning to a by-trustee area election method is and should be a time consuming process, because the process does and should allow for extensive public input, includes public input and the involvement of the Ventura County Committee on School District Organization, as well as potentially seeking and obtaining a waiver of the requirement for an election from the State Board of Education; and

WHEREAS, the Board intends to initiate a very deliberate, careful, and public process for establishing trustee areas, and for changing the method of electing members of the Board, to take effect commencing with the November, 2018 election.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby finds the foregoing recitals to be true and correct; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to immediately initiate the legal and regulatory process to establish trustee areas within the District, as provided in Education Code section 5019, in sufficient time for trustee areas to be established for the November, 2018 election of members of the Board; and

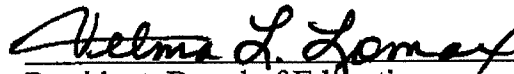
BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to initiate the legal and regulatory process of changing the method of electing members of the Board, from the current at-large system whereby each member of the Board is elected by the registered voters of the entire District (Education Code section 5030(a)), to a method which provides that Board members residing in each trustee area will be elected by the registered voters of that particular trustee area (Education Code 5030(b)), in sufficient time for the new method of

electing members of the Board to be in place for the November, 2018 election; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to initiate processes for establishing trustee areas and changing the method of electing members of the Board that are inclusive, thoughtful, and public, providing for and encouraging significant input on the issues the Board and County Committee on School District Organization will address from all interested citizens and interest groups; and

BE IT FURTHER AND FINALLY RESOLVED that the Superintendent or his designee is authorized to initiate the legal and regulatory process to seek a waiver from the State Board of Education, of the requirements of Education Code section 5020 and related statutes, so that action of the Ventura County Committee on School District Organization establishing trustee election areas and adopting one of the alternative methods of electing Board members specified in Education Code section 5030 does not constitute an order of election.

ADOPTED, SIGNED AND APPROVED this 10th day of October, 2017.



President, Board of Education
Ventura Unified School District

CERTIFICATION

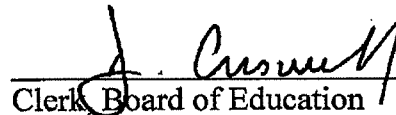
I, David C. Creswell, Clerk of the Board of Education of the Ventura Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of Education of said District at a meeting of said Board held on the 10th day of October, 2017, and that it was so adopted by the following vote:

AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 0



Clerk Board of Education
Ventura Unified School District

RESOLUTION NO. 18-03

**RESOLUTION OF THE GOVERNING BOARD OF
THE VENTURA UNIFIED SCHOOL DISTRICT
AUTHORIZING REQUEST FOR WAIVER OF THE REQUIREMENT THAT THE
ESTABLISHMENT OF TRUSTEE AREAS AND ADOPTION OF A "BY-TRUSTEE
AREA" ELECTION PROCESS BE SUBMITTED TO THE ELECTORS
AS SET FORTH IN EDUCATION CODE SECTIONS 5019, 5020, 5021 AND 5030**

WHEREAS, the Ventura Unified School District ("District") currently uses an at-large system of electing its governing board members; and

WHEREAS, 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"); and

WHEREAS, "by-trustee area" electoral systems are not vulnerable to challenge under the CVRA; and

WHEREAS, in a by-trustee area system of election, candidates for the District's governing board (the "Board") must reside within a specific geographic subarea of the District called a "trustee area" and candidates are elected only by the voters of that trustee area; and

WHEREAS, one method of transitioning from an at-large electoral system to a by-trustee area electoral system is for the school district board of trustees to petition the local county committee on school district organization by resolution to initiate the transition under California Education Code section 5019(c)(1); and

WHEREAS, the Ventura County Committee on School District Organization ("Committee") has indicated that it will initiate this process on behalf of the District if the District so requests; and

WHEREAS, under the provisions of Education Code section 5020 and related sections, the establishment of trustee areas and adoption of a by-trustee area election process must be put to a vote by the electors of the District; and

WHEREAS, several Districts in California have been sued or threatened with a lawsuit for alleged violations of the CVRA by a group that has filed several such lawsuits over the past few years as a result of such Districts' at-large election systems; and

WHEREAS, to avoid the cost, expense and uncertainty inherent in such litigation, the District has proceeded expeditiously to change its current at-large election system; and

WHEREAS, in the event the Board approves the transition to by-trustee area elections, in order to complete the transition in a timely manner and to guarantee that the new by-trustee area process will be in place in time to elect new governing board members at the Board's next regularly-scheduled election, the District must obtain a waiver of the election process of Education Code sections 5019, 5020, 5021 and 5030 from the State Board of Education; and

WHEREAS, Education Code section 33050 *et seq.* allows the governing board of a school district to request the State Board of Education to waive all or part of any section of the Education Code or any regulation adopted by the State Board of Education that implements a provision of the Education Code, subject to certain exceptions; and

WHEREAS, Education Code section 5020 and related sections are not listed as exceptions in Education Code section 33050 *et seq.* and can thus be waived; and

WHEREAS, to obtain a waiver, the District must comply with Education Code and California Department of Education and State Board of Education regulations; and

WHEREAS, the District must consult with all collective bargaining units; and

WHEREAS, the District must consult with any advisory and other committees or councils with an interest in the waiver; and

WHEREAS, the District must conduct a properly noticed public hearing, at which time the public may testify on the merits of obtaining a waiver from the State Board of Education; and

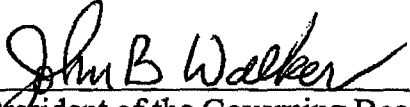
WHEREAS, the District must submit a complete General Waiver Request form to the California Department of Education; and

NOW THEREFORE, be it resolved by the Governing Board of the Ventura Unified School District as follows:

1. That the above recitals are true and correct.
2. That the Board hereby declares the Board's intention to seek a waiver of Education Code section 5020 and portions of related sections pertaining to the requirement that the establishment of trustee areas and adoption of a by-trustee area election process must be put to a vote by the electors of the District.
3. That the District has consulted all collective bargaining units, made every effort to include them as a participant in the waiver process and shall note the collective bargaining units' position regarding the waiver in the District's General Waiver Request.
4. That the District has consulted all committees and councils with an interest in the waiver, and shall note the position of such groups regarding the waiver in the District's General Waiver Request.
5. That the District distributed a notice specifically inviting public testimony regarding the waiver, and said notice was printed in a newspaper of general circulation and included the date, time, location and subject of the hearing.
6. That on January 23, 2018, the District conducted a properly noticed public hearing held during a board meeting at which time the public was able to testify on the waiver proposal.

7. That the District's Superintendent and/or his designee, is authorized and directed to submit a General Waiver Request to the California Department of Education, seeking a waiver of the requirement that the establishment of trustee areas and adoption of a by-trustee area election process must be put to a vote by the electors of the District under Education Code section 5020 and related sections in order to insure the timely adoption of the District's trustee areas and the District's transition from its current at-large electoral process to a by-trustee area electoral process if so approved by the Board.

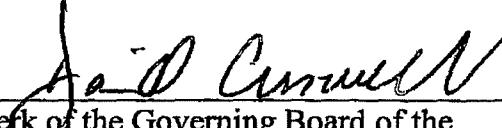
ADOPTED, SIGNED AND APPROVED this 23rd day of January, 2018.



President of the Governing Board for the
Ventura Unified School District

I, DAVID CRESWELL, Clerk of the Governing Board of the Ventura Unified School District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of said Board held on the 23rd day of January, 2018, and that it was so adopted by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 0



Clerk of the Governing Board of the
Ventura Unified School District