

# VENTURA COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

## SPECIAL MEETING

**Monday, February 4, 2019, 4:30 p.m.**

*Simi Valley Unified School District Office, Board Room  
101 West Cochran St., Simi Valley, 93065*

### AGENDA

*The Secretary to the Ventura County Committee on School District Organization will preside over the Organizational 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 Simi Valley Unified School District's Desired Change in Election Process provided and presented by Robert McEntire, National Demographic Corporation, on behalf of the Simi Valley Unified School District.
6. PUBLIC HEARING on Simi Valley Unified School District's Desired Change in 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 Simi Valley 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 19-01 Approving the Establishment of Trustee Areas and Changing the Method of Election to a By-Trustee Area Election Process in the Simi Valley Unified School District.
9. Adjournment

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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, CA 93012  
Simi Valley Unified School District, 101 West Cochran St., Simi Valley, CA 93065*

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](mailto:csamuel@vcoe.org)

## **COUNTY COMMITTEE RESOLUTION NUMBER 19-01**

### **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 SIMI VALLEY 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 Simi Valley Unified School District; and

**WHEREAS,** the Board of the Simi Valley 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 February 4, 2019, to consider the proposal to establish trustee areas and change the method of election to a by-trustee area election process in the Simi Valley Unified School District; and

**WHEREAS,** the County Committee meeting on February 4, 2019, took place within the boundaries of the Simi Valley Unified School District, and the meeting included a public hearing in accordance with Education Code section §5019(c); and

**WHEREAS,** by Resolution Numbers 06-18/19 and 25-18/19, the Board of the Simi Valley 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 Number 28-18/19, the Board of the Simi Valley 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 Simi Valley 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 06-18/19 and 28-18/19, as well as public comments, the County Committee recommends approval of the proposal of the Board of the Simi Valley 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 Simi Valley Unified School District as set forth in the District's Resolution Numbers 06-18/19 and 25-18/19 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 Simi Valley 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 2020.

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 4th day of February, 2019, and passed by a vote of:

**AYES:**

**ABSTAIN:**

**NOES:**

**ABSENT:**

IN WITNESS WHEREOF, I have hereunto set my hand this 4<sup>th</sup> day of February, 2019

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

**SIMI VALLEY UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 06-18/19**

**RESOLUTION INDICATING INTENT TO TRANSITION GOVERNING BOARD ELECTIONS  
FROM AT-LARGE TO BY-TRUSTEE AREA ELECTIONS**

**WHEREAS**, the Simi Valley Unified School District ("District") is governed by a five member Board of Education ("Board");

**WHEREAS**, members of the Board are elected "at large," in which each member of the Board is elected by the registered voters of the entire District;

**WHEREAS**, the District is committed to structures that most effectively involve all community members in the democratic process of elections;

**WHEREAS**, the California Voting Rights Act ("CVRA") (Elec. Code, §§ 14025 et seq.) became law in 2003 and provides a means for prospective plaintiffs to allege racially polarized voting and to seek a change from a jurisdiction's at large election system to a different system, typically a by-district or by-division election system where only registered voters within a specific division may vote for a candidate running from their specific division, and also allows for the recovery of a plaintiff's attorneys' fees; and

**WHEREAS**, a violation of the CVRA may be established if it is shown that racially polarized voting has combined with an at-large voting system to impair the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election; and

**WHEREAS**, the District received a letter on or about September 13, 2018 from the firm of Shenkman & Hughes asserting that the District's at-large election system may violate the CVRA threatening litigation if the District does not voluntarily change to district-based elections; and

**WHEREAS**, the District already had intention to transition to a by-trustee area election, prior to receiving Mr. Shenkman's letter but seeks to avoid litigation and the excessive expense of any litigation;

**WHEREAS**, the Board is concerned that a transition in election systems may have unintended consequences, but is cognizant of the financial impact which would result from any litigation to defend its current at-large election system and seeks to address this matter in a way which safeguards District funds for District students;

**WHEREAS**, the District denies its election system violates the CVRA or any other provision of law;

**WHEREAS**, no other community members or possible plaintiffs have directly voiced concerns about the election processes to the Board;

**WHEREAS**, prior to any decision to establish trustee areas, Elections Code section 10010 requires a series of public hearings;

**WHEREAS**, the District will retain an experienced demographer to work with its legal counsel and staff to develop proposed trustee area boundaries; and

**WHEREAS**, the transition to by-trustee area elections will not affect the current terms of any Board members.

NOW, THEREFORE BE IT RESOLVED, that the District, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve as follows:

SECTION 1. This Resolution indicates the District's intention to transition from at-large to by-trustee area elections.

SECTION 2. The Board directs staff to work with the retained demographer, and other appropriate consultants as needed, to provide a detailed analysis of the District's current demographics and any other information or data necessary to prepare a draft map that divides the District into voting districts in a manner consistent with the intent and purpose of the California Voting Rights Act and the Federal Voting Rights Act.

SECTION 3. The Board seeks public input on the trustee area boundaries and will employ the following steps and timeline to effectuate this transition:

October 16, 2018	First Pre-Map Public Hearing: CVRA Presentation
October 30, 2018	Second Pre-Map Public Hearing: Presentation/Discussion with Demographer regarding Criteria for Boundaries
November 27, 2018	Third Public Hearing: Public Hearing on Draft Trustee Area Boundary Maps
December 11, 2018	Fourth Public Hearing: Public Hearing on Revised Trustee Area Boundary Maps and Adoption of Area Boundary Maps (note: if a change is made at the 4th hearing another public hearing will be scheduled).
TBD (if necessary)	Fifth Public Hearing on Revised Trustee Area Boundary Maps and Adoption of Trustee Area Boundary Maps

SECTION 4. The timeline contained in Section 3 may be augmented or adjusted by the Board or District staff as necessary.

SECTION 5. The Board directs staff to post information regarding the proposed transition to a district based election system, including maps, notices, agendas and other information.

SECTION 6. District staff is authorized to work with the demographer retained by the District and its legal counsel and execute any documents necessary to carry out the intent of this Resolution.

SECTION 7. The Board directs the Superintendent, through legal counsel, to provide a written notice to Kevin Shenkman of the law firm Shenkman & Hughes of the District's determination to voluntarily change to a district-based election system and respond to his letter of September 13, 2018.

APPROVED, PASSED AND ADOPTED by the Board of Education of the Simi Valley Unified School District this October 2, 2018, by the following vote: #43 Blough/LaBelle (5/10)

AYES: Blough  
Dunn  
Snodgrass  
LaBelle  
White

NOES:

6

ABSTAIN:

6

ABSENT:

6

  
Dan White, Board President

## **RESOLUTION NO. 25-18/19**

### **BEFORE THE BOARD OF TRUSTEES OF THE SIMI VALLEY UNIFIED SCHOOL DISTRICT VENTURA COUNTY, CALIFORNIA**

#### **RESOLUTION ADOPTING A MAP OF PROPOSED TRUSTEE AREAS, AND RECOMMENDING THAT THE VENTURA COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION APPROVE AND ESTABLISH TRUSTEE AREAS FROM WHICH SIMI VALLEY UNIFIED SCHOOL DISTRICT BOARD MEMBERS WILL BE ELECTED IN A BY-TRUSTEE AREA ELECTION PROCESS**

**WHEREAS**, the Simi Valley Unified School District ("District") currently has no trustee areas, wherein each of the five members of the District's Board of Trustees ("Board") must reside within the boundaries of the District but not within any specific geographical sub-region of the District; and

**WHEREAS**, the District currently uses an at-large system of electing its Board members, wherein all voters in the District elect each member of the Board; and

**WHEREAS**, at-large electoral systems such as that used by the District 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 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**, the Board considers it prudent to initiate the process to transition to a by-Trustee area system of election; and

**WHEREAS**, the Board took action at its regular meeting on October 2, 2018 adopting Resolution 06-18/19 to initiate the process to change its election methodology from an at-large system to a by-Trustee areas method of election as described in Education Code section 5030(b); and

**WHEREAS**, one method of transitioning from an at-large electoral system to a by trustee area electoral system is for the Board to petition the Ventura County Committee on School District Organization ("County Committee"), by resolution, to initiate the transition under California Education Code section 5019(c)(1); and

**WHEREAS**, the County Committee has indicated that it will initiate this process on behalf of the District at the District's request, and will consider any recommendation on specific trustee areas made by the District; and

**WHEREAS**, District staff retained and worked with Consultant, National Demographic Corporation, and have prepared Draft trustee area Maps (the "Draft Maps"). The Consultant has extensive experience working with school districts and local jurisdictions regarding electoral demographics, taking into consideration the CVRA, the Federal Voting Rights Act, and related election system choices.

**WHEREAS**, all of the proposed trustee area boundary plans prepared by Consultant were drawn with all applicable laws and regulations in mind, including the CVRA and federal election law.

**WHEREAS,** Prior to the preparation and presentation of the Draft Maps, the Board held public hearings on October 16, 2018 and October 30, 2018, to allow for public input on the conversion and how to draw draft trustee area maps; and

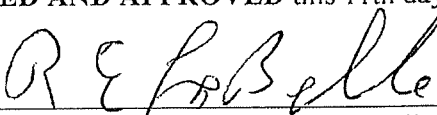
**WHEREAS,** the Draft Maps were presented to the public on November 27, 2018, a public hearing was held on the same date to obtain feedback on the Draft Maps, and information regarding the Draft Maps was and is posted online on the District's website; and

**WHEREAS,** the Board has conducted an additional public hearing earlier this evening on December 11, 2018, prior to consideration, discussion, and action on this Resolution, and has received and considered any and all public input and comment on: 1) the Draft Maps; 2) the proposal to transition to establishing trustee areas; and 3) the proposal to adopt a by-trustee area system of election; and

**NOW THEREFORE,** be it resolved by the Board of Trustees of the Simi Valley Unified School District as follows:

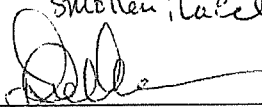
1. That the above recitals are true and correct.
2. That based upon its review of the public input and comment on the Draft Maps, its proposal to transition to establishing trustee areas, and its proposal to adopt a by-trustee area system of election, as well as input from staff and consultants, the Board hereby adopts and recommends the map known as Plan 101 to the County Committee for its consideration. A true and correct copy of Plan 101 is attached hereto as **Exhibit A**.
3. That at the District's next election in 2020, seats in trustee areas A, B, and C will be up for election, and in November 2022, seats in trustee areas D and E will be up for election.
4. That this Resolution shall serve as the District's petition to the County Committee pursuant to Education Code section 5019(c)(1), the Board hereby proposes and requests that the County Committee approve the establishment of trustee areas as defined in **Exhibit A**, and approves the adoption of the method of electing Board members specified in Education Code section 5030(b), whereby candidates for the Board must reside within a trustee area, and candidates are elected only by the voters of that trustee area, effective with the November, 2020 regular election of District Board members.
5. That the Superintendent and/or her designee take all actions necessary to notify the Committee of the Board's determination forthwith and provide whatever assistance may be required by the Committee to complete the process.

**ADOPTED, SIGNED AND APPROVED** this 11th day of December, 2018.

  
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President, Board of Trustees, Simi Valley Unified School District

**CERTIFICATION**

I, Dawn Smolen, Clerk of the Board of Trustees of the Simi Valley Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of Trustees of said District at a meeting of said Board held on the 11th day of December, 2018, and that it was so adopted by the following vote:

AYES: Blough, White, Jorgensen, Smolen, LaBelle NOES: 0 ABSTAIN: 0 ABSENT: 0  
  
\_\_\_\_\_  
Clerk, Board of Trustees, Simi Valley Unified School District

**SIMI VALLEY UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 28-18/19**

**RESOLUTION OF THE GOVERNING BOARD OF THE SIMI VALLEY UNIFIED SCHOOL DISTRICT, REQUESTING A WAIVER FROM THE STATE BOARD OF EDUCATION OF THE REQUIREMENT THAT ESTABLISHMENT OF TRUSTEE AREAS AND ADOPTION OF A "BY TRUSTEE AREA" ELECTION PROCESS BE SUBMITTED TO THE ELECTORS AS SET FORTH IN EDUCATION CODE §§ 5019, 5020, 5030, AND RELATED PROVISIONS**

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

WHEREAS, on October 2, 2018, the District passed Resolution #06-18/19 "Intent to Transition Governing Board Elections from At-Large to By-Trustee Area Elections." In doing so, the District wished to undo its "at-large" electoral systems, which is vulnerable to challenge under the California Voting Rights Act ("CVRA"), Elections Code sections 14025- 14032; and

WHEREAS, although Education Code section 5020 requires a County Committee's resolution approving a change in the method of electing board members must normally be submitted to the electorate for its approval at the District's next regular election, the Board of Trustees intends to seek a waiver of the voter approval requirement as permitted by law; and

WHEREAS, Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement that could reduce the costs and risks associated with this proposed change in the manner of electing board members; and

WHEREAS, the Board of Trustees believes that it is appropriate to seek a waiver of the election requirement in Education Code section 5020, and portions of sections 5019, 5021 and 5030, in time to implement by-trustee area elections for the Board's 2018 election, because an election to approve the change in voting methods will result in a cost to the District and uncertainty as to outcome despite the fact that at-large electoral systems such as the Districts are subject to challenge under the California Voting Rights Act at great financial risk to the District; and

WHEREAS, the Board, cognizant of the need for fiscal responsibility, desires to implement this change in the manner of electing board members in the most cost effective and efficient manner.

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 in order to ensure that there is no impact on bargaining issues or work conditions; and

WHEREAS, the District must consult with any advisory committee, as well as any 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 as follows:

- A. The above recitals are true and correct.
- B. District Superintendent is hereby directed to work with legal counsel to seek a waiver from the State Board of Education of the election requirement imposed by the Education Code, and conduct a hearing as required by statute.
- C. The Superintendent shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

APPROVED, PASSED AND ADOPTED by the Board of Education of the Simi Valley Unified School District on January 22, 2019, by the following vote: *Motion #94 Brought/Quayle 4/10/11*

AYES: *Brough*  
*Quayle*  
*Frodden*  
*LaBelle*

NOES: *0*

ABSTAIN: *0*

ABSENT: *0*

*Bob LaBelle*  
Bob LaBelle, Board President