

**SAN LUIS OBISPO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
PUBLIC HEARING MEETING**

August 25, 2021

6:00 p.m.

San Luis Coastal Unified School District, 1500 Lizzie Street, San Luis Obispo, CA 93420
District Office Complex, J2

In the interest of public health, the Public Hearing Meeting will also be held virtually. The San Luis Obispo County Committee on School District Organization is making significant efforts to ensure public participation during this meeting by providing the following link:

Join Zoom Meeting
<https://slococoe-org.zoom.us/j/95613608185?pwd=SVpyb3NlcjU1WVpDZWpiWmp4dUZTUT09>
Meeting ID: 956 1360 8185
Passcode: 331209

AGENDA

1.0 CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2.0 ADOPT AGENDA

3.0 ADOPT CONSENT AGENDA

3.1 San Luis Obispo County Committee on School District Organization Resolution Regarding Establishment of Trustee Area Elections in the Lucia Mar Unified School District

4.0 PUBLIC COMMENT

Government Code 54954.3 provides that, before or during the Committee's consideration of an item, the public may address the Board directly on any item of interest that is within the Committee's purview, provided that no action shall be taken on an item not appearing on the agenda unless otherwise authorized by Government Code 54954.2(b). Further, to ensure the intent of Government Code 54954.3(a) is carried out, the Board may impose reasonable regulations including limiting the amount of time allocated for public testimony on particular issues and for each individual speaker. Each person is limited to three minutes unless the Board provides direction to the contrary.

5.0 PUBLIC HEARING – A proposal to adopt By-Trustee Area Elections as set forth by Resolution No. 29-20-21 adopted by the San Luis Coastal Unified School District Board of Trustees on June 15, 2021

5.1 Declare Public Hearing Open

5.2 Conduct Public Hearing

5.3 Declare Public Hearing Closed

6.0 ACTION ITEM(S)

6.1 ADOPT the San Luis Obispo County Committee on School District Organization Resolution Regarding Establishment of Trustee Area Elections in the San Luis Coastal Unified School District

The County Committee on School District Organization, after hearing comments from the public, may take action on the proposal submitted from the San Luis Coastal Unified School District Board of Trustees identified in District Resolution No. 29-20-21 to adopt By-Trustee Area Elections.

7.0 COMMITTEE MEMBERS COMMENTS

8.0 ADJOURNMENT

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a County Committee Meeting, please contact the Superintendent's Office (805) 782-7201. Notification of at least 48 hours prior to the meeting will assist the staff in assuring that reasonable accommodations can be made.

SAN LUIS OBISPO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
August 25, 2021

**3.1 San Luis Obispo County Committee on School District Organization Resolution Regarding
Establishment of Trustee Area Elections in the Lucia Mar Unified School District**

**SAN LUIS OBISPO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
RESOLUTION REGARDING**

**ESTABLISHMENT OF TRUSTEE AREA ELECTIONS IN THE LUCIA MAR UNIFIED
SCHOOL DISTRICT**

Education Code section 5019 provides that a county committee on school district organization may establish, rearrange, and/or abolish trustee areas and provides that a proposal to establish trustee areas may be initiated by a resolution of the board of trustees of a school district by application to the county committee.

On June 22, 2021, after public hearings, the Board of Trustees of the Lucia Mar Unified School District selected a preferred trustee area boundary map and staggering sequence of elections, and adopted Resolution Number A-2021-41, which was submitted to the San Luis Obispo County Committee for consideration via public hearing and potential approval, which submittal included Lucia Mar Unified School District Resolution No. A-2021-41, which is attached hereto as Exhibit A, for Committee review.

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, subject to the right of the District to seek a waiver of such election through the State Board of Education as authorized by Education Code Sections 33050-33053.

Further to the Board of Trustees of the Lucia Mar Unified School District action on June 22, 2021, it passed a resolution authorizing the Lucia Mar Unified School District to request from the State Board of Education a full waiver of the requirements of Education Code section 5020 and partial waivers of Education Code Sections 5019, 5021 and 5030 to affect such District's decision to move to a by-trustee area election system and proposed map.

In accordance with Education Code Section 5019, the San Luis Obispo County Committee on School District Organization called and conducted at least one public hearing on August 18, 2021, within the jurisdiction of the Lucia Mar Unified School District, (subject to Governor Newsom's Executive Order N-08-21 regarding public participation).

On August 18, 2021, following the public hearing, the San Luis Obispo County Committee on School District Organization approved the establishment of trustee areas within the Lucia Mar Unified School District as set forth in the map attached to Lucia Mar Unified School District Resolution Number A-2021-41 attached with Exhibit A by the following vote:

AYES:	Stuart Selkirk, Chris Bausch, Andrew Hays, Nelson Yamagata Kathryn Madonna, Jim Quesenberry, Sarah Araya, Jim DeCecco, Ron Walton, Ray Buban
NOES:	0
ABSENT:	1
ABSTAIN:	0

I hereby certify that the foregoing resolution was duly and regularly introduced, passed and adopted by members of the San Luis Obispo County Committee on School District Organization at a public meeting thereof held on August 18, 2021. Execution below granted by authority of the Committee:

Ray Buban, Chair
San Luis Obispo County
Committee on School District Organization

Attest:

Jim J. Brescia, Committee Secretary
San Luis Obispo County
Committee on School District Organization

Exhibit A
Lucia Mar Unified School District
Resolution Number A-2021-41
[Attached]

Resolution No. A-2021-41

**RESOLUTION INITIATING A PROPOSAL TO THE SAN LUIS OBISPO
COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION FOR THE
ADOPTION OF BY-TRUSTEE AREA ELECTIONS**

WHEREAS, the Board of Education (“Board”) of the Lucia Mar Unified School District (“District”) is elected “at-large,” meaning that each Board member is elected by voters of the entire District;

WHEREAS, on April 13, 2021 the Board adopted Resolution Number A-2021-28 (attached hereto as Exhibit A), declaring its intent to transition from at-large elections to by-trustee area elections, where each trustee must reside within a designated trustee area boundary, and is elected only by the voters in that trustee area;

WHEREAS, National Demographics Corporation (“Demographer”) was retained to prepare several by-trustee area election map options for the Board and public’s consideration;

WHEREAS, pursuant to Elections Code, section 10010, subdivision (a)(1), the Board held public hearings on April 13, 2021, and May 4, 2021, to consider community input and comment regarding potential trustee area boundaries;

WHEREAS, on May 4, 2021, the Board adopted Resolution Number A-2021-30 (attached hereto as Exhibit B), declaring the criteria that the Demographer would consider in developing trustee area boundaries;

WHEREAS, pursuant to Elections Code, section 10010, subdivision (a)(2), the Board published two trustee area maps, along with potential sequencing of elections, on May 11, 2021, and held a public hearing on May 18, 2021 to gather public input on the proposed trustee area maps and sequence of elections;

WHEREAS, pursuant to Elections Code, section 10010, subdivision (a)(2), the Board published one new trustee area maps, along with potential sequencing of elections, and two revised trustee area maps, along with potential sequencing of elections on June 1, 2021, and held a public hearing on June 8, 2021 to gather public input on the proposed trustee area maps and sequence of elections;

WHEREAS, Education Code sections 5019 and 5030 authorize the San Luis Obispo County Committee on School District Organization (“County Committee”), upon application from a school district’s governing board, to change the method of election in a school district under its jurisdiction;

WHEREAS, Education Code section 5020 requires the County Committee’s resolution of approval to be submitted to the electorate for its approval;

WHEREAS, Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could reduce the costs associated with

the proposed change to trustee area elections; and

WHEREAS, on May 4, 2021, the Board adopted Resolution Number A-2021-32 (attached hereto as Exhibit C), authorizing the Superintendent to seek a waiver of the Education Code section 5020's election requirement from the State Board of Education.


NOW THEREFORE BE IT RESOLVED, the Board of Education of the Lucia Mar Unified School District hereby resolves as follows:

1. The above recitals are correct and true.
2. The Board hereby approves and recommends the adoption of by-trustee area elections, and the adoption of the trustee area map set forth in Exhibit D.
3. The Board hereby proposes that trustee areas 3, 5, 6, and 7 be scheduled for election in 2022, and trustee areas 1, 2, and 4 be scheduled for election in 2024.
4. The District Superintendent or designee is hereby authorized and directed to send a copy of this Resolution to the County Committee, and to work with the County Committee and the County Clerk-Recorder's Office to conduct acts necessary so that trustee area elections can be implemented in the election cycles scheduled in 2022 and 2024.

PASSED AND ADOPTED by the Board of Education of the Lucia Mar Unified School District, at a regular meeting of the Board of Education held on June 22, 2021, by the following vote:

Ayes:	<u>7</u>
Noes:	<u>0</u>
Absent:	<u>0</u>
Abstain:	<u>0</u>

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed, and adopted by members of the Board of Education of the Lucia Mar Unified School District, at a public meeting of said Board held on June 22, 2021.


Chad Robertson
Clerk, Board of Trustees
Lucia Mar Unified School District



Paul Fawcett, Ed.D.
Superintendent
Lucia Mar Unified School District

EXHIBIT A

**RESOLUTION OF THE GOVERNING BOARD
OF THE LUCIA MAR UNIFIED SCHOOL DISTRICT
Resolution No. A-2021-28**

**Resolution to Re-Initiate a Transition to a By-Trustee Area Election System
Commencing with the 2022 Governing Board Election**

WHEREAS, California Education Code sections 5019 and 5030 authorize the San Luis Obispo County Committee on School District Organization (“County Committee”), upon application of a school district’s Governing Board, to change the method of election of governing board members in a school district under its jurisdiction;

WHEREAS, the California Voting Rights Act (“CVRA”) disfavors the use of an “at-large” election system for governing board members of a school district if the “at-large” election system may impair the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election;

WHEREAS, board members of the Lucia Mar Unified School District (“District”) are currently elected using on “at-large” election system (i.e., election system in which registered voters of the entire jurisdiction elect candidates to the Governing Board);

WHEREAS, the Board desires to promote meaningful voter involvement in the election of Board members and increase the ability of candidates to seek elected office;

WHEREAS, it is the considered view of the Board that the public interest will be better served by election of its board members using a “by-trustee area” election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area);

WHEREAS, the boundaries for trustee areas in a by-trustee area election system are established based on population counts and demographics from the most recent United States’ census;

WHEREAS, on May 7, 2019, the Board adopted Resolution No. A-1819-17, a Resolution to Initiate a Transition to a By-Trustee Area Election System Commencing with the 2022 Governing Board Elections;

WHEREAS, the United States’ census count occurs every ten (10) years with the last census count occurring in 2020 (“2020 Census”);

WHEREAS, as provided in Resolution No. A-1819-17, the Board intended to wait until the release of the 2020 Census data, scheduled for March 2021, and then immediately begin the transition process;

WHEREAS, due to COVID-19 pandemic-related delays, the 2020 Census data is not expected to be made available to state and local agencies until September 30, 2021 or later, which is a substantial delay from the original due date of March 31, 2021;

WHEREAS, due to this significant delay, the potential for further delay, and the tight timelines to complete the process in time for the 2022 elections, the Board has concerns about continuing to delay the process until the 2020 Census data is released;

WHEREAS, the Board aspires to promote a robust public input process, and believes that it is now in the best interest of the District not to wait until the release of the 2020 Census data, but to move forward immediately to transition by-trustee area elections using the 2010 Census data pursuant to the process provided in the Elections Code and Education Code;

WHEREAS, the Board will hold a minimum of two public hearings prior to developing proposed trustee-area boundary maps;

WHEREAS, the District will hold a minimum of two additional public hearings to seek public input on the proposed trustee area maps developed with assistance from a demographer;

WHEREAS, the District will hold an additional public hearing before adopting a trustee-area map and submitting it to the County Committee for consideration;

WHEREAS, Education Code sections 5019 and 5030 authorize the County Committee, upon application of the District Board, to change the method of election of the Board from at-large to by-trustee area;

WHEREAS, if the County Committee approves this request to change the method of electing trustees, Education Code section 5020 requires the County Committee's resolution of approval to be submitted to the electorate for its approval;

WHEREAS, in the alternative, the District may seek a waiver of this voter approval requirement from the State Board of Education;

WHEREAS, once the transition process is complete, and the 2020 Census data is released, the District will then review the new Census data as required by Education Code section 5019.5, and make any necessary adjustments to ensure appropriate population balance;

WHEREAS, the adoption of "by-trustee area" elections will not affect the terms of any board members serving or elected during this transition, each of whom will serve out his or her full term.

NOW, THEREFORE, the Board hereby resolves, orders and determines as follows:

1. The above recitals are true and correct;
2. The District shall immediately commence the process of transitioning to by-trustee area elections, in full compliance with all appropriate procedures and policies provided in law, including but not limited to Education Code sections 5019, 5030, and 33050, et seq., and Elections Code sections 10010 and 14025, et seq..

3. Once the transition process is completed, and the 2020 Census data is made available to the District, the Board directs staff to review the new Census data pursuant to Education Code sections 5019, 5030 and other applicable provisions of law, to determine whether adjustments to the adopted trustee area map are required.
4. The Superintendent, or designee, is hereby directed to prepare additional Board resolutions and documents, as needed, to meet all applicable legal requirements in a timely manner, and to seek a waiver from the State Board of Education of the election requirement imposed by Education Code section 5020;
5. The Superintendent, or designee, shall consult with legal counsel to take all steps necessary to implement and give effect to this resolution; and
6. The foregoing resolution shall take effect immediately upon its adoption.

On motion of Board Member SANTOS, seconded by Board Member ROBERTSON, Resolution A-2021-28 is hereby PASSED AND ADOPTED by the Lucia Mar Unified School District Board of Education on April 13, 2021, at a duly noticed meeting and public hearing by the following vote:

AYES: Dahl, Meagher, Meek, Robertson, Santos, Stewart

NOES: None

ABSTAIN: None

ABSENT: Martin

I, Chad Robertson, Clerk of the Board of Trustees of the Lucia Mar Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a lawfully called meeting held on April 13, 2021, by a vote of 6 to 0, with Trustee Martin absent from the meeting.



Chad Robertson, Clerk, Board of Trustees
Lucia Mar Unified School District

EXHIBIT B

**RESOLUTION OF THE GOVERNING BOARD
OF THE LUCIA MAR UNIFIED SCHOOL DISTRICT
Resolution No. A-2021-30**

**CRITERIA FOR
DEVELOPING TRUSTEE AREA BOUNDARIES**

WHEREAS, the Board of Education (“Board”) of the Lucia Mar Unified School District (“District”) is elected “at-large,” meaning that each Board member is elected by voters of the entire District;

WHEREAS, on April 13, 2021 the Board adopted Resolution Number A-2021-28, declaring its intent to transition from at-large elections to by-trustee area elections, where each trustee must reside within a designated trustee area boundary, and is elected only by the voters in that trustee area;

WHEREAS, pursuant to Elections Code section 10010(a)(1), the Board held public hearings on April 13, 2021, and May 4, 2021, to gather public input regarding potential trustee area boundaries;

WHEREAS, the Federal Voting Rights Act (42 U.S.C. Section 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;

WHEREAS, federal law and the Equal Protection Clause require that each trustee-area be equal in population; however, deviations (less than five percent [5%] greater than or less than the ideal, for a total of ten percent [10%] deviation) are presumptively constitutional under the Equal Protection Clause where required to meet an official criteria;

WHEREAS, the Board has instructed its demographer and District staff to develop draft maps to identify trustee areas that fully comply with legal requirements;

WHEREAS, the Board wishes to provide official criteria for any needed deviations from the general rule of equal population;

WHEREAS, the Board has instructed its demographer to utilize these criteria insofar as practicable, recognizing that not all criteria will carry the same weight in every draft map; and

WHEREAS, the draft maps will be used by the Board to study the possible change to trustee area elections, and to inform and solicit further input from the public.

THEREFORE, the Board of Education of the Lucia Mar Unified School District hereby resolves as follows:

1. The above recitals are correct and true.
2. The Board hereby adopts the following criteria, identified in the attached Exhibit A, to guide the demographer and District staff in the development of draft maps and in relation to any necessary deviations as described above.

On motion of Trustee Robertson, seconded by Trustee Santos, Resolution A-2021-30 was **PASSED AND ADOPTED** by the Board of the Lucia Mar Unified School District, at a regular meeting of the Board of Education held May 4, 2021 by the following vote:

Ayes: Dahl, Martin, Meagher, Meek, Robertson, Santos, Stewart
Noes: None
Absent: None
Abstain: None

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Board of Education of the Lucia Mar Unified School District, at a public meeting of said Board held on May 4, 2021.



Chad Robertson
Clerk, Board of Education
Lucia Mar Unified School District

Exhibit A

Criteria to Guide the Establishment of Trustee Areas

All items designated below by a shaded-in box shall be included. Criteria numbers 1-3 are legally mandated, and therefore have been automatically shaded-in.

- 1. The boundaries of the trustee areas shall be established so that the trustee areas are at least as nearly equal in population as required 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 other applicable law.
- 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 be compact, insofar as practicable.
- 5. The boundaries of the trustee areas shall be created to contain contiguous territory, insofar as practicable.
- 6. The boundaries of the trustee areas shall observe communities of interest, such as the District's underlying high school attendance areas, rural or urban populations, municipalities, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.
- 7. The boundaries of the trustee areas may take into account visible features, such as topography and geography, including mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc., insofar as practicable.
- 8. The boundaries of the trustee areas may consider avoiding pairing two or more incumbents in a single trustee area, to the extent legally allowable.
- 9. The boundaries of the trustee-area may be adjusted to offset expected future population growth, to the extent legally allowable.
- 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.
- 11. _____

Exhibit C

**RESOLUTION OF THE GOVERNING BOARD
OF THE LUCIA MAR UNIFIED SCHOOL DISTRICT**

Resolution No. A-2021-32

**RESOLUTION AUTHORIZING THE DISTRICT TO SEEK A WAIVER FROM THE
STATE BOARD OF EDUCATION REGARDING ELECTORATE APPROVAL OF THE
PROPOSED CHANGE FROM AT-LARGE TO BY-TRUSTEE BOARD ELECTIONS**

WHEREAS, the Board of Education (“Board”) of the Lucia Mar Unified School District (“District”) is elected “at-large,” meaning that each Board member is elected by voters of the entire District;

WHEREAS, on April 13, 2021 the Board adopted Resolution Number A-2021-28, declaring its intent to transition from at-large elections to by-trustee area elections, where each trustee must reside within a designated trustee area boundary, and is elected only by the voters in that trustee area;

WHEREAS, pursuant to Elections Code section 10010, subdivision (a)(1), the Board held two public hearings (April 13, 2021 and May 4, 2021) to gather public input regarding potential trustee area boundaries;

WHEREAS, the District, with assistance from a demographer, will hold a minimum of two additional public hearings to seek public input on the proposed trustee area maps developed and on the proposed sequence of elections;

WHEREAS, the District will hold an additional public hearing before adopting a trustee-area map and submitting it to the San Luis Obispo County Committee on School District Organization (“County Committee”) for consideration;

WHEREAS, Education Code sections 5019 and 5030 authorize the County Committee, upon application of the District Board, to change the method of election of the Board from at-large to by-trustee area;

WHEREAS, if the County Committee approves this request to change the method of electing Board members, Education Code section 5020 requires the County Committee’s resolution of approval to be submitted to the electorate for its approval;

WHEREAS, the San Luis Obispo Registrar’s Office estimated that an election to approve the change in voting methods would cost the District anywhere from \$40,000 to \$355,000;

WHEREAS, Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could eliminate this election cost, and expedite the timeline for implementation of the by-trustee area elections;

WHEREAS, in light of the above, the Board wishes to request that the State Board of Education waive the election requirement set forth in the Education Code;

WHEREAS, on May 4, 2021, the Board held a public hearing on the proposed waiver application to solicit input from the public and the District's stakeholders;

WHEREAS, the District properly posted a timely notice of the public hearing in a newspaper of general circulation, and at various sites within the District; and

WHEREAS, the District complied with the notice and consulting requirements set forth in Education Code sections 33050, *et seq.*

THEREFORE, the Board of Education of the Lucia Mar Unified School District hereby resolves as follows:

1. The Board hereby authorizes the Superintendent/designee to seek a full waiver of Education Code section 5020, and partial waivers of Education Code sections 5019, 5021, and 5030 to effectuate the District's goal of moving to a by-trustee area elections system without electorate approval.
2. The District Superintendent/designee is hereby authorized and directed to take any other actions necessary to effectuate the purposes of this resolution.

On motion of Trustee Martin, seconded by Trustee Meek, Resolution No. A-2021-32 was PASSED AND ADOPTED by the Board of the Lucia Mar Unified School District, at a regular meeting of the Board of Education held May 4, 2021 by the following vote:

Ayes: Dahl, Martin, Meagher, Meek, Robertson, Santos, Stewart
Noes: None
Absent: None
Abstain: None

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Board of Education of the Lucia Mar Unified School District, at a public meeting of said Board held on May 4, 2021.



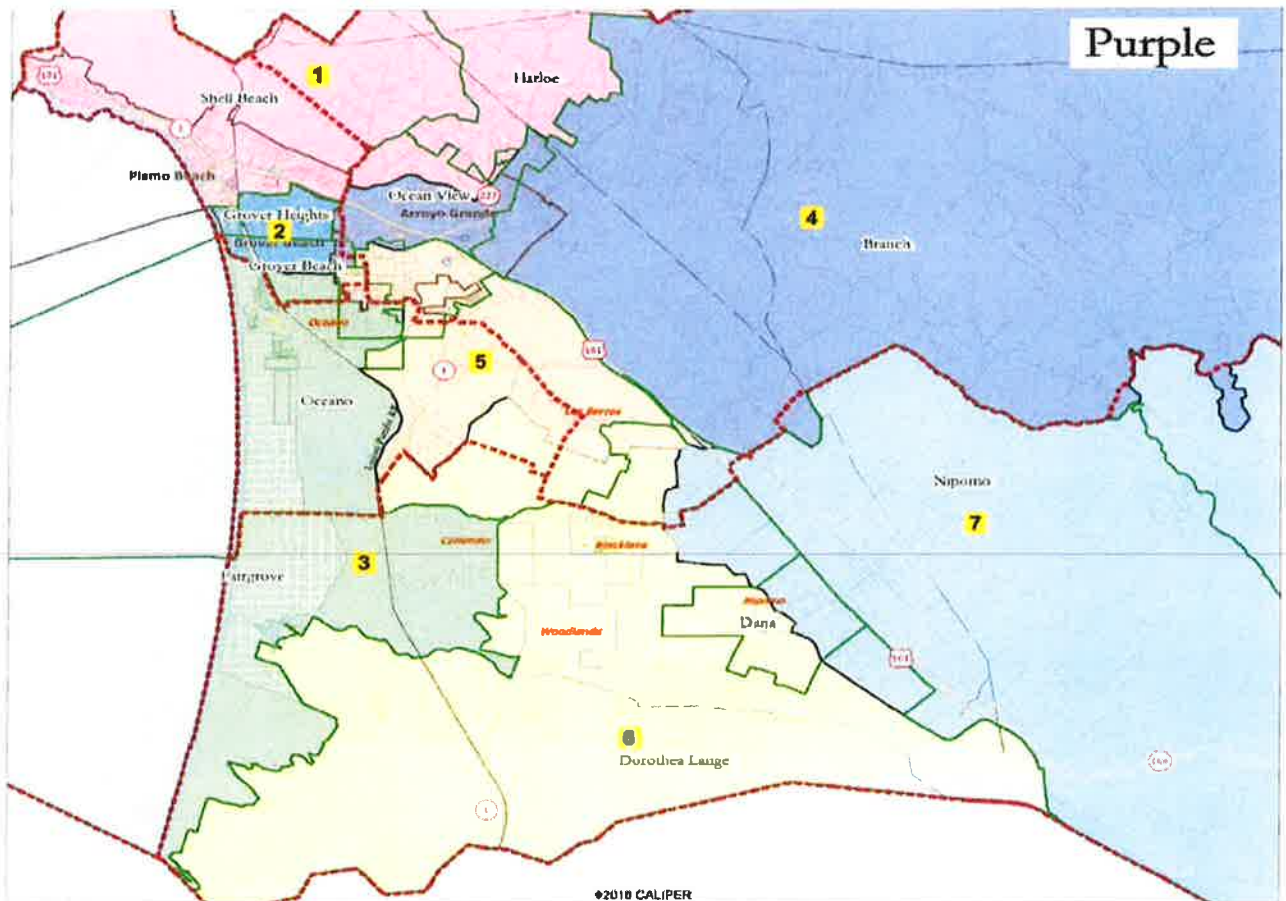
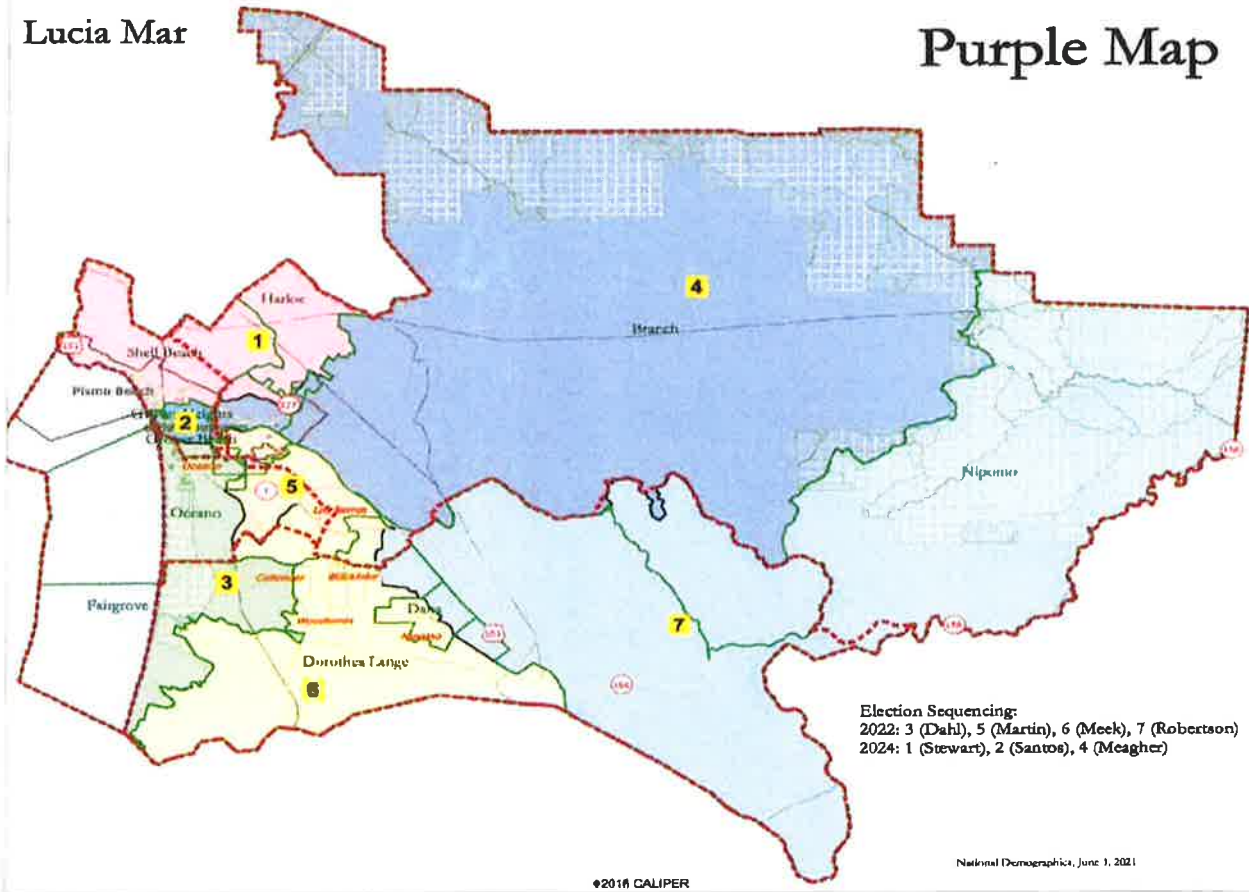
Chad Robertson
Clerk, Board of Education
Lucia Mar Unified School District

Exhibit D

Adopted Map and Staggering Plan

Lucia Mar

Purple Map



Lucia Mar Unified - Purple Map									
District		1	2	3	4	5	6	7	Total
Ideal	Total Pop	10,977	10,896	10,545	10,181	10,869	10,967	10,522	74,957
10,708	Deviation from ideal	269	188	-163	-527	161	259	-186	796
	% Deviation	2.51%	1.76%	-1.52%	-4.92%	1.50%	2.42%	-1.74%	7.43%
Total Pop	% Hisp	9%	30%	41%	13%	18%	27%	43%	26%
	% NH White	85%	62%	52%	81%	74%	67%	51%	68%
	% NH Black	1%	1%	1%	1%	1%	1%	1%	1%
	% Asian-American	3%	5%	3%	4%	4%	3%	3%	4%
Citizen Voting Age Pop	Total	9,540	8,074	7,762	8,431	8,990	9,733	7,695	60,226
	% Hisp	9%	22%	29%	10%	15%	18%	39%	20%
	% NH White	84%	68%	63%	81%	78%	74%	57%	73%
	% NH Black	3%	3%	1%	2%	0%	1%	1%	2%
	% Asian/Pac.Isl.	1%	1%	2%	2%	2%	0%	0%	1%
Voter Registration (Nov 2020)	Total	9,313	6,710	6,388	8,620	7,634	9,753	6,850	55,268
	% Latino est.	9%	20%	28%	11%	14%	19%	33%	18%
	% Spanish-Surnamed	8%	18%	25%	10%	13%	17%	29%	16%
	% Asian-Surnamed	2%	2%	1%	2%	2%	2%	1%	2%
	% Filipino-Surnamed	1%	2%	2%	1%	1%	1%	2%	1%
	% NH White est.	83%	71%	67%	84%	82%	76%	61%	76%
% NH Black	3%	3%	1%	8%	0%	3%	2%	3%	
Voter Turnout (Nov 2020)	Total	8,362	5,591	5,143	7,702	6,665	8,525	5,614	47,603
	% Latino est.	8%	18%	24%	10%	13%	16%	29%	16%
	% Spanish-Surnamed	8%	16%	22%	9%	12%	14%	26%	14%
	% Asian-Surnamed	2%	2%	1%	2%	2%	2%	1%	2%
	% Filipino-Surnamed	1%	2%	2%	1%	1%	1%	2%	1%
	% NH White est.	83%	73%	70%	85%	83%	79%	65%	78%
% NH Black	3%	3%	1%	8%	0%	3%	2%	3%	
Voter Turnout (Nov 2020)	Total	6,559	3,874	3,533	5,943	5,147	6,456	3,765	35,277
	% Latino est.	7%	16%	20%	8%	10%	12%	24%	13%
	% Spanish-Surnamed	6%	14%	18%	8%	9%	11%	22%	12%
	% Asian-Surnamed	2%	2%	1%	2%	2%	1%	1%	2%
	% Filipino-Surnamed	1%	2%	2%	1%	1%	1%	1%	1%
	% NH White est.	89%	78%	75%	88%	87%	82%	71%	83%
% NH Black est.	1%	2%	1%	2%	0%	2%	2%	1%	
ACS Pop. Est.	Total	11,742	11,111	10,965	10,814	11,935	12,556	11,213	80,335
Age	age0-19	17%	24%	23%	23%	21%	22%	24%	22%
	age20-60	44%	53%	52%	47%	46%	46%	52%	49%
	age60plus	40%	23%	25%	30%	33%	31%	24%	29%
Immigration	immigrants	7%	9%	17%	7%	9%	13%	17%	11%
	naturalized	56%	54%	55%	66%	65%	54%	48%	55%
Language spoken at home	english	89%	80%	72%	89%	87%	76%	66%	80%
	spanish	5%	15%	22%	5%	8%	22%	31%	16%
	asian-lang	1%	4%	3%	2%	2%	2%	2%	2%
	other lang	4%	1%	2%	4%	2%	1%	1%	2%
Language Fluency	Speaks Eng. "Less than Very Well"	2%	7%	12%	4%	4%	7%	12%	7%
Education (among those age 25+)	hs_grad	51%	61%	61%	55%	60%	55%	56%	57%
	bachelor	27%	20%	16%	24%	21%	21%	15%	21%
	graduatedegree	20%	11%	8%	16%	12%	13%	9%	13%
Child in Household	child-under18	11%	18%	18%	20%	16%	17%	19%	17%
Pct of Pop. Age 16+	employed	54%	62%	58%	55%	55%	51%	58%	56%
Household Income	income 0-25k	13%	14%	18%	13%	15%	11%	10%	13%
	income 25-50k	15%	21%	18%	13%	17%	13%	15%	16%
	income 50-75k	14%	22%	17%	14%	17%	18%	20%	17%
	income 75-200k	41%	38%	41%	48%	44%	47%	45%	43%
	income 200k-plus	17%	6%	7%	12%	7%	12%	10%	10%
Housing Stats	single family	87%	72%	75%	89%	85%	93%	92%	85%
	multi-family	13%	28%	25%	11%	15%	7%	8%	15%
	rented	31%	48%	43%	29%	33%	25%	26%	34%
	owned	69%	52%	57%	71%	67%	75%	74%	66%

*Total population data from the 2010 Decennial Census. Surname-based Voter Registration and Turnout data from the California Statewide Database. Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.

SAN LUIS OBISPO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
August 25, 2021

5.0 PUBLIC HEARING—A proposal to adopt By-Trustee Area Elections as set forth by Resolution No. 29-20-21 adopted by the San Luis Coastal Unified School District Board of Trustees on June 15, 2021

NOTICE OF PUBLIC HEARING

Proposed Change of Election System and Establishment of Trustee Areas for the Governing Board of the San Luis Coastal Unified School District

Pursuant to Education Code sections 5019 and 5030, the San Luis Obispo County Committee on School District Organization (“County Committee”), upon application from a school district’s governing board, is authorized to change the method of election in a school district under its jurisdiction. On June 15, 2021, the Board of Education of the San Luis Coastal Unified School District selected a preferred trustee area boundary map and staggering sequence of elections, and adopted Resolution No. 29-20-21, which was submitted to the County Committee for consideration and potential approval.

When considering a school district’s proposal to adopt an alternative method of electing governing board members and to establish trustee areas, Education Code section 5019, subdivision(c) requires a county committee to call and conduct at least one public hearing in the district.

Notice is hereby given that the County Committee will conduct a Public Hearing on the proposal to establish trustee areas within the San Luis Coastal Unified School District and to establish a by-trustee area election method for the members of the San Luis Coastal Unified School District Board of Education, as follows:

Date: Wednesday, August 25, 2021
Time: 6:00 p.m.
Location: San Luis Coastal Unified School District
1500 Lizzie Street, J2
San Luis Obispo, CA

In the interest of public health, this meeting will take place both online and in-person. A link to the meeting can be found in advance of the meeting at the County Committee on School District Organization webpage:

<https://www.slocoe.org/divisions/administration/county-committee-on-school-district-organization/>

For convenience, comments may be made via email in advance, and the County Committee may provide a telephonic option for verbal comments. If you wish to address the County Committee, you may email your public comment in advance to: **kknuckles@slocoe.org**

Should you have any questions regarding this notice, please call the County Superintendent’s Office at (805) 782-7201.



SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

1500 Lizzie Street
San Luis Obispo, CA 93401-3062
(805) 549-1202
fax (805) 549-9074

ERIC PRATER, Ed.D.
SUPERINTENDENT

July 8, 2021

Via U.S. Mail and Electronic Mail

James J. Brescia, Ed.D., Committee Secretary
County Superintendent of Schools
San Luis Obispo County Office of Education
3350 Education Drive
San Luis Obispo, CA 93405

Re: San Luis Coastal Unified School District Proposal to County Committee on School District Organization

Dear Dr. Brescia:

I am writing today on behalf of the San Luis Coastal Unified School District, to respectfully submit the District Board of Education's proposal to adopt by-trustee area elections for approval by the San Luis Obispo County Committee on School District Organization ("County Committee").

The District Board is currently elected under an "at-large" election system, where trustees are elected by voters of the entire District. Upon consideration of the California Voting Rights Act ("CVRA"), on April 20, 2021, the Board adopted Resolution No. 20-20-21, declaring its intent to transition from at-large to by-trustee area elections, where each Board member must reside within the designated trustee area boundary, and is elected only by voters in that trustee area.

On June 15, 2021, after five public hearings on the proposed transition, the Board adopted Resolution No. 29-20-21, adopting by-trustee area elections, selecting a trustee area boundary map/election staggering schedule, and initiating this proposal to the County Committee. As indicated in the Resolution, the Board took all necessary steps to comply with the appropriate procedures and policies of law.

Education Code sections 5019 and 5030 authorize the County Committee to approve the District Board's proposed change from at-large to by-trustee area elections. When a proposal is made pursuant to Education Codes section 5019, the County Committee shall call and conduct at least

one public hearing within the district making the proposal on the matter, and at the conclusion of the hearing, shall approve or disapprove the proposal. (Ed. Code, § 5019, subd. (c)(2).)

My understanding is that this meeting will be scheduled in August and my assistant will be forwarding dates of availability for the District. Please let me know if you or the County Committee needs any additional information, or if you would like to set up a time to discuss. We look forward to working with you, as we complete this exciting process.

Sincerely,

A handwritten signature in black ink that reads "Eric Prater". The signature is written in a cursive style with a large, looped "E" and a long, sweeping tail.

Eric Prater, Ed.D., Superintendent
San Luis Coastal Unified School District

Encl: Resolution No. 20-20-21
Initial Presentation Regarding Transition Process



SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

Resolution No. 20-20-21

RESOLUTION TO RE-INITIATE A TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM COMMENCING WITH THE 2022 GOVERNING BOARD ELECTION

WHEREAS, California Education Code sections 5019 and 5030 authorize the San Luis Obispo County Committee on School District Organization (“County Committee”), upon application of a school district’s Governing Board, to change the method of election of governing board members in a school district under its jurisdiction; and

WHEREAS, the California Voting Rights Act (“CVRA”) disfavors the use of an “at-large” election system for governing board members of a school district if the “at-large” election system may impair the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election; and

WHEREAS, board members of the San Luis Coastal Unified School District (“District”) are currently elected using an “at-large” election system (i.e., election system in which registered voters of the entire jurisdiction elect candidates to the Governing Board); and

WHEREAS, it is the considered view of the Board that the public interest will be better served by election of its board members using a “by-trustee area” election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area); and

WHEREAS, the boundaries for trustee areas in a by-trustee area election system are established based on population counts and demographics from the most recent United States’ census; and

WHEREAS, on April 16, 2019, the Board adopted Resolution No. 16-18-19, a Resolution to Initiate a Transition to a By-Trustee Area Election System Commencing with the 2022 Governing Board Election; and

WHEREAS, the United States’ census count occurs every ten (10) years with the last census count occurring in 2020 (“2020 Census”); and

WHEREAS, as provided in Resolution No. 16-18-19, the Board intended to wait until the release of the 2020 Census data, scheduled for March 2021, and then immediately begin the transition process; and

WHEREAS, due to COVID-19 pandemic-related delays, the 2020 Census data is not expected to be made available to state and local agencies until September 30, 2021 or later, which is a substantial delay from the original due date of March 31, 2021; and

WHEREAS, due to this significant delay, the potential for further delay, and the tight timelines to complete the process in time for the 2022 elections, the Board has concerns about continuing to delay the process until the 2020 Census data is released; and

WHEREAS, the Board aspires to promote a robust public input process, and believes that it is now in the best interest of the District not to wait until the release of the 2020 Census data, but to move forward immediately to transition to by-trustee area elections using the 2010 Census data pursuant to the process provided in the Elections Code and Education Code; and

WHEREAS, the Board will hold a minimum of two public hearings prior to developing proposed trustee-area boundary maps; and

WHEREAS, the District will hold a minimum of two additional public hearings to seek public input on the proposed trustee area maps developed with assistance from a demographer; and

WHEREAS, the District will hold an additional public hearing before adopting a trustee-area map and submitting it to the County Committee for consideration; and

WHEREAS, Education Code sections 5019 and 5030 authorize the County Committee, upon application of the District Board, to change the method of election of the Board from at-large to by-trustee area; and

WHEREAS, if the County Committee approves this request to change the method of electing trustees, Education Code section 5020 requires the County Committee's resolution of approval to be submitted to the electorate for its approval; and

WHEREAS, in the alternative, the District may seek a waiver of this voter approval requirement from the State Board of Education; and

WHEREAS, once the transition process is complete, and the 2020 Census data is released, the District will then review the new Census data as required by Education Code section 5019.5, and make any necessary adjustments to ensure appropriate population balance; and

WHEREAS, the adoption of "by-trustee area" elections will not affect the terms of any board members serving or elected during this transition, each of whom will serve out his or her full term.

NOW, THEREFORE, the Board hereby resolves, orders and determines as follows:

1. The above recitals are true and correct; and
2. The District shall immediately commence the process of transitioning to by-trustee area elections, in full compliance with all appropriate procedures and policies provided in law, including but not limited to Education Code sections 5019, 5030, and 33050, et seq., and Elections Code sections 10010 and 14025, et seq.; and
3. Once the transition process is completed, and the 2020 Census data is made available to the District, the Board directs staff to review the new Census data pursuant to Education Code section 5019.5, to determine whether adjustments to the adopted trustee area map are required; and
4. The Superintendent, or designee, is hereby directed to prepare additional Board resolutions and documents, as needed, to meet all applicable legal requirements in a timely manner; and
5. The Superintendent, or designee, shall consult with legal counsel to take all steps necessary to implement and give effect to this resolution; and
6. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 20th day of April 2021, on the following roll call vote:

AYES: Mark Buchman, Eve Dobler-Drew, Kathryn Eisendrath-Rogers, Evelyn Frame, Marilyn Rodger, Ellen Sheffer, and Chris Ungar

NOES: None

ABSENT OR NOT VOTING: None

SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

By: 
Board President or Clerk

ATTEST:


By: 
Board Clerk or Secretary

LS Lozano Smith
ATTORNEYS AT LAW

Transition to Trustee-Area Elections


Presented by: Chelsea Olson Murphy

the University of the North District
2014-15



1

Lozano Smith



Today's Roadmap

- Review California Voting Options and District's Election History
- The California Voting Rights Act
- Process to Transition to By-Trustee Area Elections
- Review Options and Timing of Transition Process

LS

2

2

California's Voting Options and Board Election History

3

California's Voting Options



- At-Large: All voters elect all trustees.
- Hybrid System: Board members live in trustee areas but are elected at-large. ("From District Voting")
 - San Luis Coastal's current method of election
- By-Trustee Areas: Board members live in trustee areas and are elected only by voters in those trustee areas. ("By-District or District-Based Voting")



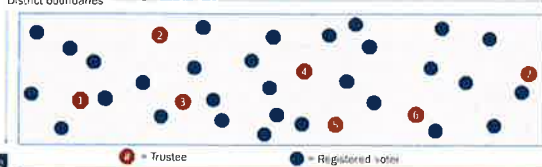
4

4

At-Large Elections

Board members may reside anywhere in the District.
Registered voters within the District may vote for all seats on the Board.

District boundaries



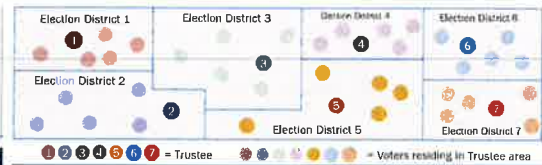
5

5

By-Trustee Area Elections: The Only Method of Election Guaranteed NOT to Violate the CVRA

Trustees must reside within specific trustee areas.
Only voters residing within the specified trustee area may vote for that particular trustee.

District boundaries




6

6

Current Governing Board Composition



- Currently 7-member Board elected using the "hybrid model."
- SLCUSD has 2 trustee areas with 7 total trustees.
- Area 1 (San Luis Obispo)
 - Kathryn Esendriath-Rogers Term Expires 12/2024
 - Mark Buchman Term Expires 12/2022
 - Eve Doblner-Drew Term Expires 12/2024
 - Ellen Sheffer Term Expires 12/2022
- Area 2 (Los Osos/Morro Bay)
 - Chris Ungar Term Expires 12/2024
 - Evelyn Frame Term Expires 12/2022
 - Marilyn Rodger Term Expires 12/2022



7

District's Board Election History



- 2011: Board commissioned a demographic study of the 2010 Census data to determine whether to alter its at-large election method
- 2012: After receiving results from the Voting Rights Study, the Board elected to make no change to its election system.

8

District's Board Election History (Cont.)

- 2019: On April 16, the Board adopted Resolution No. 16-18-19, a Resolution to Initiate a Transition to a By-Trustee Area Election System Commencing with the 2022 Governing Board Election.
- Intent was to wait until the release of the 2020 Census data, and then begin the transition process at that time.
More on this later...


9

California Voting Rights Act ("CVRA")

10

California Voting Rights Act ("CVRA")

- Prohibits the use of "at-large" elections that impair the ability of a protected class to:
 - Elect candidates of its choice; or
 - To influence the outcome of an election.
- "Racially Polarized Voting"
- Proof of intent to discriminate not required.



LS 11

11

CVRA Litigation

High cost of litigation to public agencies (attorneys' fees for both sides).
Estimated fees and costs paid to *plaintiff's counsel*:

- City of Santa Monica (\$22 million – court ordered)
- City of Santa Clara (Approximately \$3 million – court ordered)
- West Contra Costa Unified School District (\$310,000 settlement)
- City of Modesto (\$3 million settlement)
- Tulare Regional Medical Center (\$500,000 settlement)
- Madera Unified School District (\$162,500 - court ordered)
- ABC Unified School District (\$140,000 settlement)

LS 12

12

CVRA Litigation (Cont.): City of Santa Monica Case

- Trial Court ruled that City's elections violated the CVRA, awarding \$22 million in attorney's fees.
- The 2nd District Court of Appeal reversed, concluding that Latinos would constitute 30 percent of any particular trustee area, and "30 percent is not enough to win a majority and to elect someone to the City Council, even in a district system."
- California Supreme Court granted review, de-published the appellate court case, and the case is now pending.



13

13

Transitioning to By-Trustee Area Elections

14

Step 1: Adopt Intent Resolution

- District board adopts intent resolution, specifying desire to adopt by-trustee area elections. (Elec. Code, § 10010(e)(3)(A).)



15

15

Step 2: Hearing Procedures and Map Development



- **“Pre-Map” Hearings:** Two public hearings prior to preparing proposed by-trustee area maps. (Elec. Code, § 10010(a)(1).)
- **“Map Consideration” Hearings:** Two public hearings to consider proposed by-trustee area maps. (Elec. Code, § 10010(a)(2).)
- **Map Adoption Hearing:** Public hearing before adopting final by-trustee area map.



16

16

Step 3: County Committee Review

- The County Committee on School District Organization has the authority to change the method of election in a school district under its jurisdiction. (Ed. Code, §§ 5019 and 5030.)
- County Committee must hold at least one hearing in the District to consider the proposal. (Ed. Code, § 5019.)
- The County Committee shall vote to approve or deny the District’s proposal to establish trustee-areas and adopt trustee-area elections. (Ed. Code, § 5019.)



17

17

Step 4: Election or Waiver from State Board of Education

- If County Committee approves the proposal, an election is called seeking voter approval. (Ed. Code, § 5020 subd. (a).)
- This voter approval requirement can be waived by the State Board of Education, upon an application from the District. (Ed. Code, §§ 33050-33053.)
 - These waivers are typically sought and routinely granted.



18


18

Timing of Transition Process

19

Delay in Release of 2020 Census Data


- Per Resolution No. 16-18-19, the Board intended to wait until the release of the 2020 Census data, scheduled for March 2021, and then immediately begin the transition process.
- However, due to COVID-19 pandemic-related delays, the 2020 Census data is not expected to be made available to state and local agencies until at least September 30, 2021.

 20

20

Potential Impacts of Delay in Release of Census Data

- Tighter timelines to complete the process in time for 2022 Board elections;
- Less opportunity for robust public input process;
- Decreased Demographer capacity and availability; and
- Extended timeframe of potential District liability under the CVRA.

 21

21

Potential Options Moving Forward

Option 1: Complete the process now using 2010 Census data.

- Begin and complete the transition process now, using the 2010 Census data.
- Once the 2020 Census data is released, review the data using the District's newly adopted trustee area maps, and determine whether adjustments are necessary.

Option 2: Await 2020 Census data.

- Hold pre-map hearings prior to the release of the 2020 Census data.
- Await the release of the 2020 Census data.
- Once the 2020 Census data is released, move forward quickly to complete the transition.



22

Proposed Actions

▪ If Option 1 (start process now using 2010 Census data):

- Action required? Yes. Board should adopt the Resolution before the Board, and hold the first pre-map hearing tonight.

▪ If Option 2 (await release of 2020 Census data):

- Action required? No. Board does not need to take any action tonight.



23

Redistricting Considerations

- If Option 1 is selected, the District will become a by-trustee area voting district.
- By-trustee area districts must analyze the 2020 Census data to determine whether each trustee area has appropriate population balance.
- If appropriate balance is maintained, then no further action required.
- If appropriate balance is not maintained, then the District must adjust its trustee areas. (County Committee approval not required)
- Complete process before March 1, 2022.



24

Thank you. Questions?



25

25



Thank you from
Lozano Smith.

Together with you, we're impacting
communities and lives through:

- Professional development
- Volunteer projects
- Sponsorships and award programs
- Scholarships

#BlueHatProject
#LozanoSmithFoundation



26

26

*For more information, questions and
comments about the presentation,
please feel free to contact*

Chelsea Olson Murphy
Partner


Tel: 805.471.7080

colsonmurphy@lozanosmith.com

*Or any of the attorneys
in one of our 8 offices*



27



@LozanoSmith

© 2014 Lozano Smith LLP. All rights reserved. This document is the property of Lozano Smith LLP. It is not to be distributed, copied, or used in any way without the prior written consent of Lozano Smith LLP. If you are not an intended recipient, you should not disseminate, distribute or take any action in reliance on the contents of this information. If you have received this document by mistake, please notify us immediately by e-mail at ls@lozanosmith.com or by telephone at (415) 774-2000. We will delete this document from our systems and will endeavor to notify any other persons who may have received this document by mistake. Thank you for your cooperation.

LS

28

28

SAN LUIS OBISPO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
August 25, 2021

**6.1 Adopt the San Luis Obispo County Committee on School District Organization Resolution
Regarding Establishment of Trustee Area Elections in the San Luis Coastal Unified School District**

PROPOSED RESOLUTION COMMITTEE AGENDA

**SAN LUIS OBISPO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
RESOLUTION REGARDING
ESTABLISHMENT OF TRUSTEE AREA ELECTIONS IN THE SAN LUIS COASTAL
UNIFIED SCHOOL DISTRICT**

Education Code Section 5019 provides that a county committee on school district organization may establish, rearrange, and/or abolish trustee areas and provides that a proposal to establish trustee areas may be initiated by a resolution of the board of trustees of a school district by application to the county committee.

On June 15, 2021, after five public hearings, the Board of Trustees of the San Luis Coastal Unified School District selected a preferred trustee area boundary map and staggering sequence of elections, and adopted Resolution Number 29-20-21, which was submitted to the San Luis Obispo County Committee for consideration via public hearing and potential approval, which submittal included San Luis Coastal Unified School District Resolution No. 29-20-21, which is attached hereto as Exhibit A.

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, subject to the right of the District to seek a waiver of such election through the State Board of Education as authorized by Education Code Sections 33050-33053.

Further, the Board of Trustees of the San Luis Coastal Unified School District passed a resolution on May 4, 2021 (Resolution Number 23-20-21, attached as Exhibit B) authorizing the Superintendent to request from the State Board of Education a full waiver of the requirements of Education Code section 5020 and partial waivers of Education Code Sections 5019, 5021 and 5030 to effect such District's decision to move to a by-trustee area election system and proposed map to effect such District's decision to move to a by-trustee area election system and proposed map.

In accordance with Education Code Section 5019, the San Luis Obispo County Committee on School District Organization called and conducted at least one public hearing on August 25, 2021, within the jurisdiction of the San Luis Coastal Unified School District (subject to Governor Newsom's Executive Order N-08-21 regarding public participation).

On August 25, 2021, following the public hearing, the San Luis Obispo County Committee on School District Organization approved the establishment of trustee areas within the San Luis Coastal Unified School District as set forth in the map attached to San Luis Coastal Unified School District Resolution Number 29-20-21 attached with Exhibit A by the following vote:

AYES1:

NOES:

ABSENT:

ABSTAIN:

1 Complete based on those present and vote: Jim Brescia, Stuart Selkirk, Chris Bausch, Andrew Hays, Nelson Yamagata Kathryn Madonna, Jim Quesenberry, Sarah Araya, Jim DeCecco, Ron Walton, Ray Buban, Kim Holmes

PROPOSED RESOLUTION COMMITTEE AGENDA

I hereby certify that the foregoing resolution was duly and regularly introduced, passed and adopted by members of the San Luis Obispo County Committee on School District Organization at a public meeting thereof held on August 25, 2021. Execution below granted by authority of the Committee:

Ray Buban, Chair
San Luis Obispo County
Committee on School District Organization

Attest:

Jim J. Brescia, Committee Secretary
San Luis Obispo County
Committee on School District Organization

PROPOSED RESOLUTION COMMITTEE AGENDA

Exhibit A

San Luis Coastal Unified School District

Resolution Number 29-20-21

[Attached]



SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

Resolution No. 29-20-21

RESOLUTION INITIATING A PROPOSAL TO THE SAN LUIS OBISPO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION FOR THE ADOPTION OF BY-TRUSTEE AREA ELECTIONS

WHEREAS, the Board of Education (“Board”) of the San Luis Coastal Unified School (“District”) is elected “at-large,” meaning that each Board member is elected by voters of the entire District;

WHEREAS, on April 20, 2021, the Board adopted Resolution Number 20-20-21 (attached hereto as Exhibit A), declaring its intent to transition from at-large elections to by-trustee area elections, where each trustee must reside within a designated trustee area boundary, and is elected only by the voters in that trustee area;

WHEREAS, National Demographics Corporation (“Demographer”) was retained to prepare several by-trustee area election system map options for the Board and public’s consideration;

WHEREAS, pursuant to Elections Code, section 10010, subdivision (a)(1), the Board held public hearings on April 20, 2021, and May 4, 2021, to consider community input and comment regarding potential trustee area boundaries;

WHEREAS, on May 4, 2021, the Board adopted Resolution Number 22-20-21 (attached hereto as Exhibit B), declaring the criteria that the Demographer would consider in developing trustee area boundaries;

WHEREAS, pursuant to Elections Code, section 10010, subdivision (a)(2), the Board published three trustee area maps, along with potential sequencing of elections, on May 11, 2021, and held public hearings on May 18, 2021, and June 1, 2021, to gather public input on the proposed trustee area maps and sequence of elections;

WHEREAS, on June 8, 2021, the Board published three additional draft trustee area maps with potential sequencing of elections for consideration;

WHEREAS, Education Code sections 5019 and 5030 authorize the San Luis Obispo County Committee on School District Organization (“County Committee”), upon application from a school district’s governing board, to change the method of election in a school district under its jurisdiction;

WHEREAS, Education Code section 5020 requires the County Committee's resolution of approval to be submitted to the electorate for its approval;

WHEREAS, Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could reduce the costs associated with the proposed change to trustee area elections; and

WHEREAS, on May 4, 2021, the Board adopted Resolution Number 23-20-21 (attached hereto as Exhibit C), authorizing the Superintendent to seek a waiver of the Education Code section 5020's election requirement from the State Board of Education.

NOW THEREFORE BE IT RESOLVED, the Board of Education of the San Luis Coastal Unified School District hereby resolves as follows:

1. The above recitals are correct and true.
2. The Board hereby approves and recommends the adoption of by-trustee area elections, and the adoption of the trustee area map set forth in Exhibit D.
3. The Board hereby proposes that trustee areas 1, 2, 4, and 5 be scheduled for election in 2022, and trustee areas 3, 6, and 7 be scheduled for election in 2024.
4. The District Superintendent or designee is hereby authorized and directed to send a copy of this Resolution to the County Committee, and to work with the County Committee and the County Election's Office to conduct acts necessary so that trustee area elections can be implemented in the election cycles scheduled in 2022 and 2024.

PASSED AND ADOPTED by the Board of Education of the San Luis Coastal Unified School District, at a regular meeting of the Board of Education held on June 15, 2021, by the following vote:

AYES: Mark Buchman, Eve Dobler-Drew, Kathryn Eisendrath-Rogers, Evelyn Frame, Marilyn Rodger, Ellen Sheffer, Chris Ungar

NOES: None

ABSENT OR NOT VOTING: None

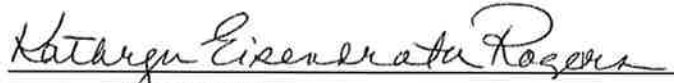
HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed, and adopted by members of the Board of Education of the San Luis Coastal Unified School District, at a public meeting of said Board held on June 15, 2021.

SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT



President or Clerk of the Governing Board of the
San Luis Coastal Unified School District

ATTESTED TO:



Clerk or Secretary of the Governing Board of
the San Luis Coastal Unified School District

PROPOSED RESOLUTION COMMITTEE AGENDA

Exhibit B

San Luis Coastal Unified School District
Resolution Number 23-20-21,
[Attached]



SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 23-20-21

AUTHORIZING THE DISTRICT TO SEEK A WAIVER FROM THE STATE BOARD OF EDUCATION REGARDING ELECTORATE APPROVAL OF THE PROPOSED CHANGE FROM AT-LARGE TO BY-TRUSTEE BOARD ELECTIONS

WHEREAS, the Board of Education (“Board”) of the San Luis Coastal Unified School (“District”) is elected “at-large,” meaning that each Board member is elected by voters of the entire District; and

WHEREAS, on April 20, 2021 the Board adopted Resolution Number 20-20-21, declaring its intent to transition from at-large elections to by-trustee area elections, where each trustee must reside within a designated trustee area boundary, and is elected only by the voters in that trustee-area; and

WHEREAS, pursuant to Elections Code section 10010, subdivision (a)(1), the Board held two public hearings (April 20, 2021 and May 4, 2021) to gather public input regarding potential trustee area boundaries; and

WHEREAS, the District, with assistance from a demographer, will hold a minimum of two additional public hearings to seek public input on the proposed trustee area maps developed and on the proposed sequence of elections; and

WHEREAS, the District will hold an additional public hearing before adopting a trustee-area map and submitting it to the San Luis Obispo County Committee on School District Organization (“County Committee”) for consideration; and

WHEREAS, Education Code sections 5019 and 5030 authorize the County Committee, upon application of the District Board, to change the method of election of the Board from at-large to by-trustee area; and

WHEREAS, if the County Committee approves this request to change the method of electing Board members, Education Code section 5020 requires the County Committee’s resolution of approval to be submitted to the electorate for its approval; and

WHEREAS, the San Luis Obispo Registrar’s Office estimated that an election to approve the change in voting methods would cost the District anywhere from \$60,000 to \$362,000; and

WHEREAS, Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could reduce the cost and expedite the timeline for implementation of the by-trustee area elections; and

WHEREAS, in light of the above, the Board wishes to request that the State Board of Education waive the election requirement set forth in the Education Code; and

WHEREAS, on May 4, 2021, the Board held a public hearing on the proposed waiver application to solicit input from the public and the District's stakeholders; and

WHEREAS, the District properly posted a timely notice of the public hearing in a newspaper of general circulation, and at various sites within the District; and

WHEREAS, the District complied with the notice and consulting requirements set forth in Education Code sections 33050, *et seq.*

NOW THEREFORE, the Board hereby resolves, orders and determines as follows:

1. The Board hereby authorizes the Superintendent/designee to seek a full waiver of Education Code section 5020, and partial waivers of Education Code sections 5019, 5021, and 5030 to effectuate the District's goal of moving to a by-trustee area elections system without electorate approval.
2. The District Superintendent/designee is hereby authorized and directed to take any other actions necessary to effectuate the purposes of this resolution.


PASSED AND ADOPTED this 4th day of May 2021, by the Board of Education of the San Luis Coastal Unified School District by the following roll call vote:

AYES: Mark Buchman, Eve Dobler-Drew, Kathryn Eisendrath-Rogers, Evelyn Frame, Marilyn Rodger, Ellen Sheffer, Chris Ungar

NOES: None

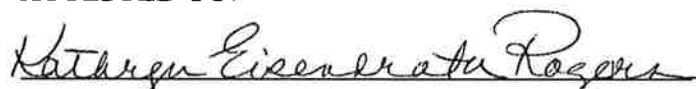
ABSENT OR NOT VOTING: None

SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT



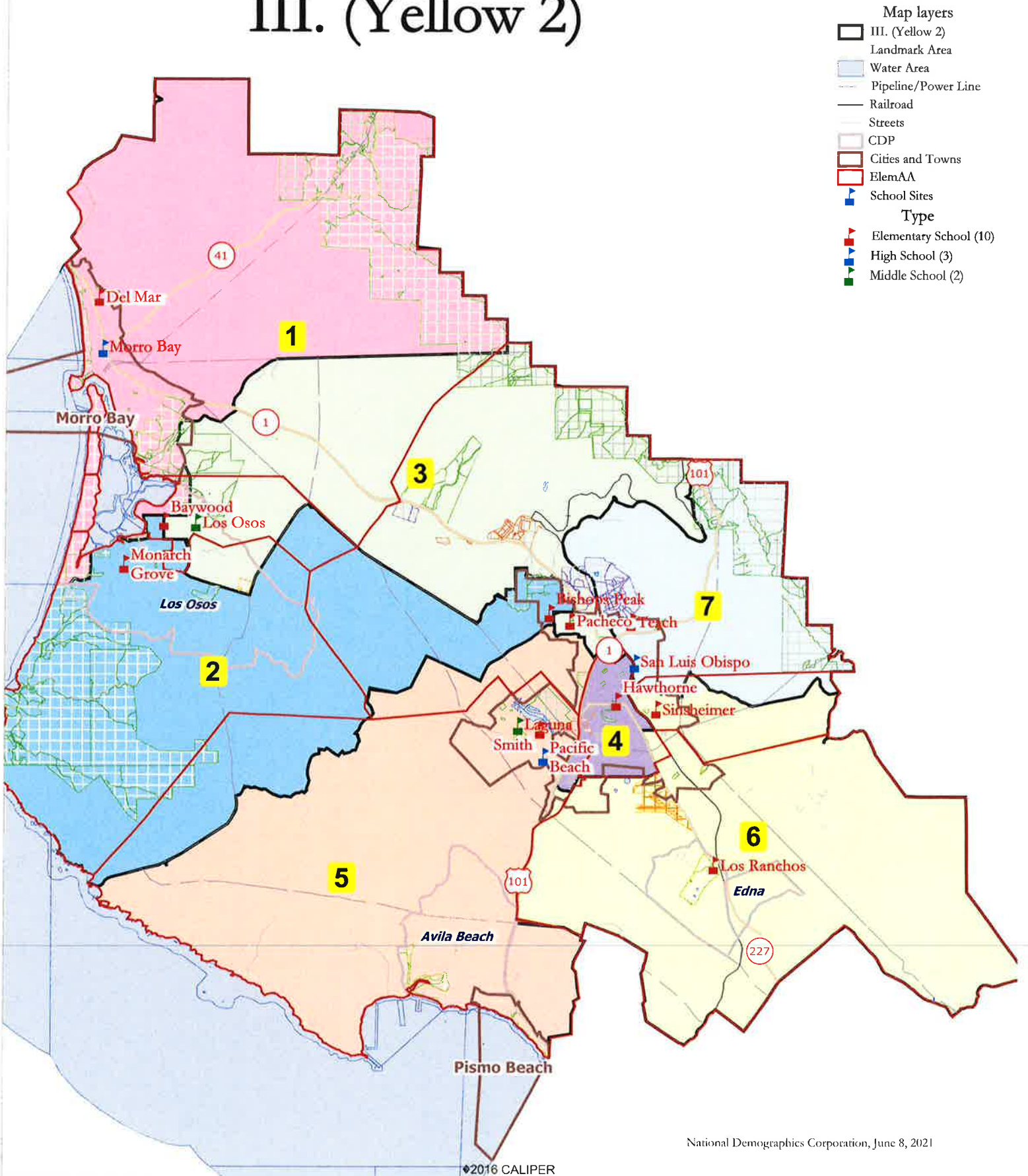
President or Clerk of the Governing Board of the
San Luis Coastal Unified School District

ATTESTED TO:


Clerk or Secretary of the Governing Board of
the San Luis Coastal Unified School District

San Luis Coastal Unified School District

III. (Yellow 2)



San Luis Coastal Unified - Yellow 2 Map

District		1	2	3	4	5	6	7	Total	
	Ideal	Total Pop	12,526	11,932	11,727	11,848	11,719	12,461	12,271	84,484
12,069	Deviation from ideal	457	-137	-342	-221	-350	392	202	807	
	% Deviation	3.79%	-1.14%	-2.83%	-1.83%	-2.90%	3.25%	1.67%	6.69%	
Total Pop	% Hisp	15%	13%	17%	14%	14%	12%	11%	14%	
	% NH White	78%	77%	76%	79%	78%	76%	75%	77%	
	% NH Black	1%	1%	2%	1%	1%	1%	1%	1%	
	% Asian-American	4%	6%	8%	5%	4%	5%	12%	6%	
Citizen Voting Age Pop	Total	10,578	10,378	11,028	11,883	8,817	8,913	14,484	76,082	
	% Hisp	8%	11%	14%	12%	13%	12%	14%	12%	
	% NH White	85%	82%	75%	76%	80%	80%	68%	77%	
	% NH Black	1%	1%	2%	3%	1%	2%	2%	2%	
	% Asian/Pac.Isl.	2%	1%	1%	1%	2%	0%	0%	1%	
Voter Registration (Nov 2020)	Total	9,915	9,096	7,426	8,196	9,329	9,408	4,151	57,521	
	% Latino est.	9%	9%	11%	11%	9%	9%	10%	10%	
	% Spanish-Surnamed	8%	8%	10%	10%	8%	8%	9%	9%	
	% Asian-Surnamed	2%	1%	4%	3%	3%	3%	5%	3%	
	% Filipino-Surnamed	1%	2%	1%	1%	1%	1%	1%	1%	
	% NH White est.	84%	84%	80%	81%	84%	85%	81%	83%	
% NH Black	1%	1%	2%	3%	4%	3%	3%	2%		
Voter Turnout (Nov 2020)	Total	8,832	8,161	6,428	6,995	8,311	8,457	3,262	50,445	
	% Latino est.	9%	9%	10%	11%	9%	8%	10%	9%	
	% Spanish-Surnamed	8%	8%	9%	10%	8%	8%	9%	8%	
	% Asian-Surnamed	1%	1%	4%	3%	3%	3%	4%	2%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	1%	1%	
	% NH White est.	85%	85%	81%	81%	85%	86%	82%	84%	
% NH Black	1%	1%	2%	3%	4%	3%	3%	2%		
Voter Turnout (Nov 2018)	Total	6,791	6,407	4,805	4,971	6,325	6,491	2,676	38,465	
	% Latino est.	7%	7%	8%	9%	7%	7%	10%	8%	
	% Spanish-Surnamed	6%	7%	7%	8%	7%	7%	9%	7%	
	% Asian-Surnamed	1%	1%	3%	2%	2%	2%	5%	2%	
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%	1%	1%	
	% NH White est.	89%	88%	86%	86%	89%	87%	82%	87%	
% NH Black est.	1%	1%	2%	2%	1%	3%	3%	1%		
ACS Pop. Est.	Total	12,853	13,367	12,874	12,900	11,515	12,032	15,468	91,009	
Age	age0-19	18%	20%	19%	14%	18%	22%	49%	24%	
	age20-60	45%	44%	61%	70%	49%	54%	47%	53%	
	age60plus	37%	36%	20%	15%	34%	24%	4%	24%	
Immigration	immigrants	6%	10%	9%	8%	12%	8%	6%	8%	
	naturalized	47%	62%	54%	51%	49%	51%	51%	53%	
Language spoken at home	english	88%	86%	83%	84%	81%	85%	81%	84%	
	spanish	8%	9%	10%	9%	13%	11%	8%	10%	
	asian-lang	1%	3%	3%	3%	3%	2%	6%	3%	
	other lang	2%	2%	3%	4%	3%	2%	5%	3%	
Language Fluency	Speaks Eng. "Less than Very Well"	4%	7%	7%	3%	5%	5%	2%	5%	
Education (among those age 25+)	hs-grad	53%	47%	44%	45%	46%	41%	44%	46%	
	bachelor	23%	28%	28%	28%	29%	29%	29%	27%	
	graduatedegree	17%	17%	20%	20%	19%	23%	25%	19%	
Child in Household	child-under18	10%	17%	14%	8%	12%	20%	5%	12%	
Pct of Pop. Age 16+	employed	50%	54%	56%	61%	58%	61%	38%	53%	
Household Income	income 0-25k	17%	14%	21%	33%	12%	17%	57%	22%	
	income 25-50k	20%	17%	17%	19%	21%	14%	14%	18%	
	income 50-75k	17%	16%	18%	15%	15%	14%	8%	15%	
	income 75-200k	41%	43%	34%	27%	36%	41%	15%	35%	
	income 200k-plus	5%	9%	10%	7%	16%	14%	6%	10%	
Housing Stats	single family	82%	89%	69%	53%	81%	72%	35%	71%	
	multi-family	18%	11%	31%	47%	19%	28%	65%	29%	
	rented	40%	28%	53%	75%	36%	45%	84%	49%	
	owned	60%	72%	47%	25%	64%	55%	16%	51%	

Total population data from the 2010 Decennial Census. Surname-based Voter Registration and Turnout data from the California Statewide Database. Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.



SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

Resolution No. 22-20-21

ADOPTING CRITERIA FOR DEVELOPING TRUSTEE AREA BOUNDARIES

WHEREAS, the Board of Education (“Board”) of the San Luis Coastal Unified School District (“District”) is elected “at-large,” meaning that each Board member is elected by voters of the entire District; and

WHEREAS, on April 20, 2021 the Board adopted Resolution Number 20-20-21, declaring its intent to transition from at-large elections to by-trustee area elections, where each trustee must reside within a designated trustee area boundary, and is elected only by the voters in that trustee area; and

WHEREAS, pursuant to Elections Code section 10010(a)(1), the Board held public hearings on April 20, 2021, and May 4, 2021, to gather public input regarding potential trustee area boundaries; and

WHEREAS, the Federal Voting Rights Act (42 U.S.C. Section 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

WHEREAS, federal law and the Equal Protection Clause require that each trustee-area be equal in population; however, deviations (less than five percent [5%] greater than or less than the ideal, for a total of ten percent [10%] deviation) are presumptively constitutional under the Equal Protection Clause where required to meet an official criteria; and

WHEREAS, the Board has instructed its demographer and District staff to develop draft maps to identify trustee areas that fully comply with legal requirements; and

WHEREAS, the Board wishes to provide official criteria for any needed deviations from the general rule of equal population; and

WHEREAS, the Board has instructed its demographer to utilize these criteria insofar as practicable, recognizing that not all criteria will carry the same weight in every draft map; and

WHEREAS, the draft maps will be used by the Board to study the possible change to trustee area elections, and to inform and solicit further input from the public.

NOW, THEREFORE, the Board hereby resolves, orders and determines as follows:

1. The above recitals are true and correct; and
2. The Board hereby adopts the following criteria, identified in the attached Exhibit A, to guide the demographer and District staff in the development of draft maps and in relation to any necessary deviations as described above.

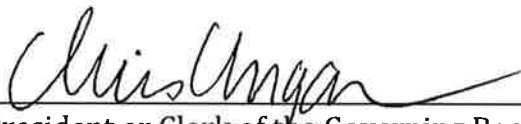
PASSED AND ADOPTED this 4th day of May 2021, by the Board of Education of the San Luis Coastal Unified School District by the following roll call vote:

AYES: Mark Buchman, Eve Dobler-Drew, Kathryn Eisendrath-Rogers, Evelyn Frame, Marilyn Rodger, Ellen Sheffer, Chris Ungar

NOES: None

ABSENT OR NOT VOTING: None

SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT



President or Clerk of the Governing Board of the
San Luis Coastal Unified School District

ATTESTED TO:

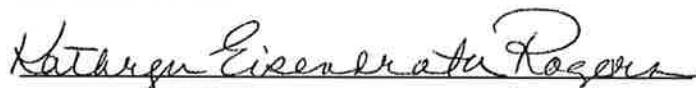

Clerk or Secretary of the Governing Board of
the San Luis Coastal Unified School District

Exhibit A

Criteria to Guide the Establishment of Trustee Areas

All items designated below by a shaded-in box shall be included. Criteria numbers 1-3 are legally mandated, and therefore have been automatically shaded-in.

- 1. The boundaries of the trustee areas shall be established so that the trustee-areas are at least as nearly equal in population as required 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 other applicable law.
- 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 be compact, insofar as practicable.
- 5. The boundaries of the trustee areas shall be created to contain contiguous territory, insofar as practicable.
- 6. The boundaries of the trustee areas shall observe communities of interest, ~~such as the District's underlying high school attendance areas, rural or urban populations, municipalities, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.~~
- 7. The boundaries of the trustee areas may take into account visible features, such as topography and geography, including mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc., insofar as practicable.
- 8. The boundaries of the trustee areas may consider avoiding pairing two or more incumbents in a single trustee-area, to the extent legally allowable.
- 9. The boundaries of the trustee areas may be adjusted to offset expected future population growth, to the extent legally allowable.
- 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.
- 11. _____
- 12. _____



SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

Resolution No. 20-20-21

RESOLUTION TO RE-INITIATE A TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM COMMENCING WITH THE 2022 GOVERNING BOARD ELECTION

WHEREAS, California Education Code sections 5019 and 5030 authorize the San Luis Obispo County Committee on School District Organization (“County Committee”), upon application of a school district’s Governing Board, to change the method of election of governing board members in a school district under its jurisdiction; and

WHEREAS, the California Voting Rights Act (“CVRA”) disfavors the use of an “at-large” election system for governing board members of a school district if the “at-large” election system may impair the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election; and

WHEREAS, board members of the San Luis Coastal Unified School District (“District”) are currently elected using an “at-large” election system (i.e., election system in which registered voters of the entire jurisdiction elect candidates to the Governing Board); and

WHEREAS, it is the considered view of the Board that the public interest will be better served by election of its board members using a “by-trustee area” election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area); and

WHEREAS, the boundaries for trustee areas in a by-trustee area election system are established based on population counts and demographics from the most recent United States’ census; and

WHEREAS, on April 16, 2019, the Board adopted Resolution No. 16-18-19, a Resolution to Initiate a Transition to a By-Trustee Area Election System Commencing with the 2022 Governing Board Election; and

WHEREAS, the United States’ census count occurs every ten (10) years with the last census count occurring in 2020 (“2020 Census”); and

WHEREAS, as provided in Resolution No. 16-18-19, the Board intended to wait until the release of the 2020 Census data, scheduled for March 2021, and then immediately begin the transition process; and

WHEREAS, due to COVID-19 pandemic-related delays, the 2020 Census data is not expected to be made available to state and local agencies until September 30, 2021 or later, which is a substantial delay from the original due date of March 31, 2021; and

WHEREAS, due to this significant delay, the potential for further delay, and the tight timelines to complete the process in time for the 2022 elections, the Board has concerns about continuing to delay the process until the 2020 Census data is released; and

WHEREAS, the Board aspires to promote a robust public input process, and believes that it is now in the best interest of the District not to wait until the release of the 2020 Census data, but to move forward immediately to transition to by-trustee area elections using the 2010 Census data pursuant to the process provided in the Elections Code and Education Code; and

WHEREAS, the Board will hold a minimum of two public hearings prior to developing proposed trustee-area boundary maps; and

WHEREAS, the District will hold a minimum of two additional public hearings to seek public input on the proposed trustee area maps developed with assistance from a demographer; and

WHEREAS, the District will hold an additional public hearing before adopting a trustee-area map and submitting it to the County Committee for consideration; and

WHEREAS, Education Code sections 5019 and 5030 authorize the County Committee, upon application of the District Board, to change the method of election of the Board from at-large to by-trustee area; and

WHEREAS, if the County Committee approves this request to change the method of electing trustees, Education Code section 5020 requires the County Committee's resolution of approval to be submitted to the electorate for its approval; and

WHEREAS, in the alternative, the District may seek a waiver of this voter approval requirement from the State Board of Education; and

WHEREAS, once the transition process is complete, and the 2020 Census data is released, the District will then review the new Census data as required by Education Code section 5019.5, and make any necessary adjustments to ensure appropriate population balance; and

WHEREAS, the adoption of "by-trustee area" elections will not affect the terms of any board members serving or elected during this transition, each of whom will serve out his or her full term.

NOW, THEREFORE, the Board hereby resolves, orders and determines as follows:

1. The above recitals are true and correct; and
2. The District shall immediately commence the process of transitioning to by-trustee area elections, in full compliance with all appropriate procedures and policies provided in law, including but not limited to Education Code sections 5019, 5030, and 33050, et seq., and Elections Code sections 10010 and 14025, et seq.; and
3. Once the transition process is completed, and the 2020 Census data is made available to the District, the Board directs staff to review the new Census data pursuant to Education Code section 5019.5, to determine whether adjustments to the adopted trustee area map are required; and
4. The Superintendent, or designee, is hereby directed to prepare additional Board resolutions and documents, as needed, to meet all applicable legal requirements in a timely manner; and
5. The Superintendent, or designee, shall consult with legal counsel to take all steps necessary to implement and give effect to this resolution; and
6. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 20th day of April 2021, on the following roll call vote:

AYES: Mark Buchman, Eve Dobler-Drew, Kathryn Eisendrath-Rogers, Evelyn Frame, Marilyn Rodger, Ellen Sheffer, and Chris Ungar

NOES: None

ABSENT OR NOT VOTING: None

SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

By: 
Board President or Clerk

ATTEST:

By: 
Board Clerk or Secretary