

San Mateo County Committee on School District Organization
Regular Meeting
Monday, June 3, 2019

APPROVED MINUTES

Date: June 3, 2019

Place: Cabrillo Unified School District
Board Room
498 Kelly Avenue
Half Moon Bay, CA 94019

County Committee on School District Organization Members Present:

Virginia Bamford, Lynne Esselstein, Maria Hilton, Bill Lock, Dennis McBride, Hilary Paulson, Rosie Tejada, Melchior Thompson, Colleen You

Committee Members Absent:

Greg Dannis, George Robinson

Staff Present:

Tim Fox, Deputy County Counsel
Mefula Fairley, Secretary to the County Committee

Members of the Public Present:

Freya McCamant, Board Member, Cabrillo Unified School District
Jane Yuster, Superintendent, Cabrillo Unified School District
Claire Cunningham, Chief Deputy County Counsel

Call to Order

Chairperson Paulson called the meeting to order at 7:01 p.m. and welcomed all present.

Approval of Agenda

Chairperson Paulson called for a motion to approve June 3, 2019, meeting agenda and noted Member Dannis would not be attending the meeting because he has a conflict of interest. Member Lock made a motion and Member You seconded. The motion was approved by a vote of nine in favor (Bamford, Esselstein, Hilton, Lock, McBride, Paulson, Tejada, Thompson, You), none opposed and two absent (Dannis, Robinson).

Approval of the Minutes

Chairperson Paulson announced there were two sets of minutes to approve. She first asked if there were any changes or notes related to the minutes for the December 3, 2018 meeting. Hearing none, Chairperson Paulson asked for a motion to approve the minutes of the December 3, 2019. Member Tejada made a motion and Member You seconded. After several members announced their intention to abstain from voting to approve the December 3, 2018 minutes, Deputy Counsel Fox declared it is not a legal requirement to abstain from voting on minutes of a

meeting not attended. He explained the approval of the minutes is an agreement that the committee as it exists at the time of the vote deems that the minutes accurately reflect the actions taken at that meeting. He further explained if everyone abstains from voting on minutes because they did not attend the meeting, the committee may not have a quorum sufficient to vote on an item. Upon Deputy Counsel Fox reiterating it is not a legal requirement for committee members to abstain from voting on minutes of a meeting they did not attend, Chairperson Paulson called for a vote on the December 3, 2018 minutes. The motion was approved by a vote of nine in favor (Bamford, Esselstein, Hilton, Lock, McBride, Paulson, Tejada, Thompson, You), none opposed, and two absent (Dannis, Robinson).

Chairperson Paulson then asked for changes to the January 14, 2019 minutes, and pointed out that Member McBride asked to have the time of his arrival added to record. Member You moved to approve the January 14, 2019 minutes as amended and Member Lock seconded. The motion was approved by a vote of nine in favor (Bamford, Esselstein, Hilton, Lock, McBride, Paulson, Tejada, Thompson, You), none opposed, and two absent (Dannis, Robinson).

General Staff Report

Committee Secretary, Mefula Fairley, reported the special, mail ballot election for the La Honda Road transfer of territory was held on May 7, 2019. She stated she had not received official notice of the results from the County Elections Office, but read an article in the Half Moon Bay Review indicating official results show 100% of 16 voters passed the ballot measure to transfer the 10 home and 23 undeveloped parcels from La Honda-Pescadero Unified School District to Portola Valley School District and Sequoia Union High School District beginning July 1, 2020. Secretary Fairley stated the final step to complete the La Honda Road territory transfer is to submit a Statement of Boundary Change and a packet of paperwork to the State Board of Equalization before December 1, 2019.

Secretary Fairley asked the committee to provide any updates to the committee roster so that she could update the roster and email it the following day.

Finally, Secretary Fairley advised the committee of a potential petition for transfer of territory from Jefferson Elementary School District (JESD) to Pacifica School District (PSD). She stated she has received calls from two residents in the same Daly City community inquiring about a territory transfer from JESD to PSD. Secretary Fairley said one caller requested and was denied an interdistrict attendance agreement for their kindergarten student to attend school in PSD. In addition to pursuing an appeal of PSD's decision to the County Board of Education the caller is asking about the transfer of territory process. She said a second person has emailed and called several times with questions regarding the process for a transfer of territory for JESD to PSD. Secretary Fairley added that a third JESD resident has filed and been denied an interdistrict attendance agreement for their kindergarten student. She said they, too, are appealing that decision to the County Board of Education. Secretary Fairley surmised that each of these inquiries may lead to a petition for a transfer of territory from JESD to PSD.

Description and Overview of the Proposal Process

Secretary Fairley stated she would share the following information with the committee: 1) the process the Board and the staff of the Cabrillo Unified School District (CUSD) followed in

requesting approval for a proposal to establishing trustee areas and transitioning to by-trustee area elections; 2) an overview of the public hearing and proposal approval process; and 3) the required next step for the District and the County Committee.

Secretary Fairley then recounted that on April 30, 2019, district CUSD staff emailed to her a copy of the CUSD adopted resolution No. 02-19: Establishing and Implementing Trustee Area District Election for Board Members Pursuant to Elections Code Section 10010 and Exhibit A (a copy of the adopted Orange Map and related demographic information). Secretary Fairley stated she in turn forwarded the information via email to the County Committee on May 9, 2019 along with the April 8, 2019, CUSD Board Agenda; a Board memo regarding CUSD agenda item 12.b: Third Public Hearing to Solicit Public Input on Draft Maps of Trustee Areas; and a Board memo regarding CUSD agenda item 15.a: Resolution No. 02-19.

Secretary Fairley explained the County Committee serves as the central initiator, coordinator, facilitator and arbitrator for the reorganization of school districts in San Mateo County. She said the County Committee, however, has the additional responsibilities relating to trustee areas, membership, and methods of electing governing boards. Secretary Fairley said the County Committee is empowered to approve requests to create or abolish trustee areas. She explained that in this case, the CUSD Board of Trustees has submitted a proposal to establish trustee areas and to transition to a by-trustee area election system starting with the 2020 Board election.

Secretary Fairley stated that as a result of the request from the CUSD Board of Trustees, the County Committee has two legal duties. She shared the County Committee is first required to conduct at least one public hearing within the district boundaries on this matter. She noted the required hearing would be held that night. Secretary Fairley added that the second requirement is to approve or disapprove the proposal. She noted the County Committee is not required to act on the proposal at this meeting and clarified that if the County Committee is unprepared to make a decision tonight, it may continue the matter to a future hearing that would also take place within the CUSD boundaries. Secretary Fairley added that the County Committee could also proceed with any of the following options: discuss the proposal amongst themselves, deliberate in a separate hearing, ask for additional information, act at a future meeting, or entertain a motion tonight.

Finally, Secretary Fairley stated the County Committee's approval of the proposal constitutes an order of election. She said the CUSD Board of Trustees intends to seek a waiver of the election requirement from the California State Board of Education and noted if the waiver is granted, the election requirement will be eliminated and the proposal will become effective as of the County Committee's approval and no further action will be required by the County Committee.

Chairperson Paulson asked if there were any questions. Hearing none she moved to the next item on the agenda.

Presentation by the School District

Chief Deputy County Counsel Claire Cunningham presented on behalf of CUSD. After greeting the County Committee, Chief Deputy County Counsel Cunningham introduced CUSD

Superintendent, Jane Yuster, and CUSD Board Member, Freya McCamant. She stated the stated CUSD began its process to establish trustee areas and to transition to by-trustee area elections upon receiving a letter dated September 17, 2018, from the law firm of Shanklin and Hughes alleging a violation of the California Voting Rights Act and demanding the district transition from an at-large election system to a by-trustee area election system. Chief Deputy County Counsel Cunningham stated at its meeting on October 11, 2018, the CUSD Board adopted a resolution initiating the process of transitioning to by-trustee area elections and allowing the district to benefit from safe harbor as provided for in the California Voting Rights Act.

Chief Deputy County Counsel Cunningham stated the District then held two public hearings, on November 4, 2018 and November 14, 2018, to solicit input and information from the community before National Demographers, the demography firm hired by the district, began drafting maps for consideration. The information solicited was about communities of interest and where member of the community thought boundary lines for trustee areas should be drawn.

Chief Deputy County Counsel Cunningham stated the District held three public hearings on February 13, March 15, and April 8 to consider the draft maps prepared by National Demographers. She said the Board adopted resolution No. 19-21 on April 8 to establish and implement a by-trustee area election process and selected the “orange” map. She stated the District and its Board would like approval from the County Committee on the proposed trustee area map.

Chief Deputy County Counsel Cunningham then gave some context on the unique aspects of geography and demographics of CUSD. She stated even though the district consists of a relatively large amount of land the population is concentrated in certain areas and is not evenly dispersed across the district. Chief Deputy County Counsel Cunningham displayed a map showing the locations of the district’s elementary schools and the boundary lines for each school’s attendance area. She noted the middle school and high school are not depicted on the map because they cover everyone in the district.

Chief Deputy County Counsel Cunningham then displayed the various map showing proposed trustee areas drawn by National Demographers. She began with the “purple” map and explained the boundaries were not neat and tidy because of the limitations of where boundaries could be drawn. She reported that boundary lines could only be located at the lines demarcating a census track in order comply with the California Voting Right Act of allowing access to census information about who lives within the boundary lines. Chief Deputy County Counsel Cunningham displayed several maps before showing the “orange” map which was ultimately adopted by the CUSD Board of Trustees. She said there was discussion about the merits or drawing the boundary lines in various places such as the location of communities and communities of interest as well as where people tend to feel they are a neighborhood, and where there are natural boundaries such as freeways and mountains.

Member Hilton asked how often maps selected by the Board of Trustee are contested. Chief Deputy County Counsel Cunningham responded the firm of Shanklin and Hughes was not involved in the process beyond sending the initial letter and collecting fees from the district. She said boundary lines are sometime hotly contested in other jurisdictions where some communities

feel they are not being adequately represented by the adopted maps. She said this matter typically comes up during the public hearings when the entity is debating the pros and cons of the different proposed maps. Deputy County Counsel Fox added the people who send the demand letter do not get a seat at the table when the election area maps are being drawn. He said what they are doing is asserting that using an at-large voting system is violating the California Voting Rights Act. He then explained the California Voting Rights Act does not give guidance about how to draw boundaries, but the Federal law requires the demographers to carefully keep track of the demographic profile of each proposed area so that minority communities are accurately represented and an area can elect historically underrepresented populations. Deputy County Counsel Fox said the District and its Board undertake the political process of determining which groups are over or under represented and whether the map is sensible. He said his interpretation of the law is that it is the duty of the County Committee to approve or disapprove the resolution adopted by the District Board of Trustee and if the County Committee wants to initiate another process it would have to convene additional public hearings.

Member McBride asked if any of the other maps increased the percentage of Hispanic representation above what is shown in the “orange” map. Chairperson Paulson shared some background information for the benefit new members of the County Committee. She said the County Committee has approved two prior by-trustee area elections system plans that have come to the committee. She explained that the two districts were both able to create majority minority trustee areas. Chief Deputy County Counsel Cunningham followed up by pointing out that the CUSD demographers created a statistic sheet for each map showing a standard deviation of two percentage points for the demographic groups in each trustee area.

Member McBride asked about the configuration of Trustee Area C on the adopted “orange” map and whether was designed to balance the demographic of each area. CUSD Trustee McCamant explained that the Board wanted to make Trustee Area C more contiguous but found it difficult due the requirement to utilize the boundaries of census tracks.

Member Thompson asked whether the map adopted was based on Census blocks or tracks. Chief Deputy County Counsel Cunningham responded that the demographer used the track level and Deputy County Counsel Fox said he thought the law required the use of Census tracks. He said the software used by the demographers is designed to draw boundaries at the legal compliant level of detail.

Chairperson Paulson asked whether the demographer found it impossible to create a trustee area that would be majority Latino. Chief Deputy County Counsel Cunningham said she did not ask that specific question and does not know how he would have responded. She also said the demographer understood the legal underpinnings of the process. CUSD Trustee McCamant said the Latino population is spread out across the district and to create a majority Latino trustee area would have been very difficult. Superintendent Yuster said that the district is spread over 135 square miles and it is very diverse in the areas where people are concentrated and as a result it would be almost impossible to draw a majority Latino trustee area.

Member Esselstein ask what the community response was to the Board’s announcement about going through this process. Trustee McCamant responded that there was very little community

involvement. Chief Deputy County Counsel Cunningham shared that the District solicited information from the community through its website and sent out several survey to determine how people identified their neighborhoods.

Member Tejada asked what percentage of people of color responded to the survey. Superintendent Yuster said the survey was anonymous and did not asked about race or ethnicity.

****Close Regular Meeting of County Committee - Begin Public Hearing****

Chairperson Paulson opened the public hearing on the Cabrillo Unified School District Board proposal to create trustee areas within the Cabrillo Unified School District and to transition to by-trustee area elections at 7:30 pm. There were no comments from the public, and the public hearing was closed at 7:31 pm.

****Close Public Hearing - Open Regular Meeting of County Committee****

Discuss/Act -Resolution No. 02-19: Establishing and Implementing Trustee Area District Elections for Board Members Pursuant to Election Code Section 10010

Chairperson inquired of the committee whether each member felt comfortable moving forward with a decision tonight. When members indicated they were okay moving forward, Chairperson Paulson offered one more opportunity for members of the public to address the County Committee.

Deputy County Counsel Fox read San Mateo County Committee on School District Organization Resolution No. 2019-01 prepared by staff for the County Committee's approval of the Cabrillo Unified School District to Establish and Implement Trustee Area District Elections for Board Members Commencing with the 2020 Board of Education Election, as describe in Resolution No. 02-19 of the Cabrillo Unified School District Board of Trustees.

Chairperson Paulson called for a motion to approve the Resolution No. 2019-01. Member McBride made a motion and Member Thompson seconded. The motion was approved by a vote of nine in favor (Bamford, Esselstein, Hilton, Lock, McBride, Paulson, Tejada, Thompson, You), none opposed and two absent (Dannis, Robinson).

Committee Study Session on School District Unification

Deputy County Counsel Fox provided a presentation on the work of the County Committee. He said there has been an increase in potential reorganization of elementary school districts in the southern part of the county. He first discussed the typical work of the County Committee, territory transfers brought to the committee by members of the public. He explained that territory transfers, or petitions to move residences to a different school district, are the bulk of the committee's work. He said this is about 95% of the committee's work.

Deputy County Counsel Fox shared that the County Committee is also responsible for converting district from at-large election systems to by-trustee elections systems. He said this comprises about 5% of the committee's work.

Deputy County Counsel Fox stated that every ten years the County Committee is responsible for approving the rebalancing the population of school jurisdictions that have trustee areas. He said this work was done in 2010 after the decennial Census and will begin to be more of the work of the committee as more district move to by-trustee areas.

Deputy County Counsel Fox explained that County Committees are also responsible for the formation of new districts. He said this rarely occurs. He also explained that annexation is when two districts combine to make one new district. Deputy County Counsel Fox shared that lapsation, or disestablishment of school district, is also a responsibility of the County Committee. He said this typically occurs when a school district has no population. He explained that formation, annexation and lapsation involve the same type of work. Unification, he said, is combining high school districts with their partner, or feeder, K-8 school districts to create a unified (K-12) school district.

Deputy County Counsel Fox also discussed the history of unification, the era of consolation, and the various bills enacted to unify school districts across the state and in San Mateo County.

Public Comment

There were no person wishing to address the Committee.

Member Comments

Adjournment

Chairperson Paulson asked for a motion to adjourn the June 3, 2019 meeting at 8:15