

San Mateo County Committee on School District Organization  
Regular Meeting  
Monday, October 5, 2020

**APPROVED MINUTES**

Date: October 5, 2020

Place: Held Remotely via Zoom

**County Committee on School District Organization Members Present:** Greg Dannis; Lynne Esselstein; Maria Hilton; Bill Lock; Dennis McBride; Hilary Paulson; Rosie Tejada; Colleen You

**Committee Members Absent:**  
Virginia Bamford; George Robinson; Melchior Thompson

**Staff Present:**  
Tim Fox, San Mateo Deputy County Counsel; Anne Campbell, Temporary Secretary to the San Mateo County Committee on School District Organization

**Members of the Public Present:** None

**Call to Order**  
Chairperson Paulson called the meeting to order at 7:04 p.m. and welcomed all present.

**Approval of Agenda**  
Chairperson Paulson asked for a motion to approve the agenda for the October 5, 2020 meeting. Member Lock made a motion and Member McBride seconded. The motion was approved by a vote of eight in favor (Dannis, Esselstein, Hilton, Lock, McBride, Paulson, Tejada, You), none opposed and three absent (Bamford, Robinson, Thompson).

**Approval of the Minutes**  
Temporary Secretary Campbell noted the need to correct the Minutes as presented because of a lack of clarity on page 3. She asked that the last sentence be revised as follows: “She said the SSFUSD 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 date of** the County Committee’s approval...” Ms. Campbell requested the Committee approve the Minutes as amended. Chairperson Paulson asked for a motion to approve the minutes of the February 3, 2020, meeting, as amended. Member You made a motion and Member Tejada seconded. The committee voted eight in favor (Dannis, Esselstein, Hilton, Lock, McBride, Paulson, Tejada, You), none opposed, and three absent (Bamford, Robinson, Thompson).

### **General Staff Report**

Temporary Committee Secretary, Anne Campbell, thanked the Committee for the opportunity to serve in the capacity of Temporary Secretary and noted how much she appreciated the Committee's warm welcome.

Ms. Campbell reported the Committee does not have any submitted petitions for consideration. She indicated two potential petitions may eventually be submitted. One would request a transfer of territory in the Club Drive Area of the Belmont-Redwood Shores School District to the San Carlos School District. The other would request consolidation of the Bayshore and Brisbane Elementary School Districts. County Superintendent Nancy Magee is in touch with the individuals preparing the proposed consolidation petition so they understand what must be included for the petition to be considered by the County Committee. Ms. Campbell said she would keep the Committee posted should either petition be received by the San Mateo County Office of Education.

Ms. Campbell informed the Committee she had attended the County Committee on School District Organization Annual Summit held on October 2nd. She said the Summit was highly informative with a focus on trustee area elections and a suggestion that County Committees and County Offices of Education work together to make sure local districts understand the rationale for moving to trustee area elections and the potential vulnerability to litigation under the California Voters Right Act if districts choose to remain with at-large elections. Ms. Campbell indicated that 240 school districts in California have moved to trustee area elections and 235 have had election waivers approved by the State Board of Education (SBE). In San Mateo County, the Sequoia Union High School District, Redwood City Elementary District, Cabrillo Unified School District, and South San Francisco Unified School District have all had waivers approved.

Ms. Campbell said another topic at the Summit was California Education Code section 5019.5 which requires school districts with trustee area elections to review the 2020 census results to ensure trustee areas continue to reflect current demographics. The census results will be released in Summer 2021; districts will have until March 1, 2022, to review trustee areas to see if any changes are needed. If a district does not review the census results by March 1st, then the County Committee must do so by April 30, 2022. Ms. Campbell noted this would be a tight timeline for County Committee review so it will be important that those districts affected be fully aware of this section of the Education Code.

Ms. Campbell also announced that there is a change to California Education Code section 35710.5 which revises the Appeal Process to the SBE for Territory Transfer decisions by a County Committee. Previously, appeals could be submitted if a County Committee had approved or disapproved a petition. Effective July 1, 2020, an appeal can only be based on an action of a County Committee to approve a petition.

Ms. Campbell indicated that County Superintendent Magee had been in contact with Committee Member George Robinson who has decided he can no longer serve on the County Committee. Superintendent Magee expressed her sincere appreciation to Mr. Robinson for his extended and involved service to the County Committee. She also informed him that he would need to submit

a written resignation to her; as of the Committee's meeting on October 5, Superintendent Magee had not received Mr. Robinson's resignation in writing. Ms. Campbell noted that Mr. Robinson's term expires in the Fall of 2021 so the Committee will need to appoint a replacement for the remainder of his term.

Ms. Campbell said she would send out to the Committee, at Member McBride's request, a committee roster that includes the term for each member. Ms. Campbell will also said she would provide each member with a copy of her notes from the Annual Summit.

Ms. Campbell asked if the Committee had any questions regarding her report.

Chairperson Paulson indicated that when there has been a committee vacancy in the past, the San Mateo County School Boards Association has notified all its members of the vacancy so it's an option for recruitment.

Committee Member Dannis asked about the new language in Education Code section 35710.5. Ms. Campbell had stated that if the Committee "did not approve or take action on a petition," then an appeal to SBE was not possible. Mr. Dannis noted that he could not recall a time when the Committee had not taken action and asked Ms. Campbell if that was indeed an option because he did not recall that being a possibility. Ms. Campbell noted it was her understanding that the Committee had the discretion not to act, but deferred to San Mateo Deputy County Counsel Tim Fox for a more definitive legal opinion.

Mr. Fox stated there are a set of obligations required if a petition is deemed sufficient. These include a requirement to hold a hearing and bringing to fruition an environmental document if one is required for approval. He further indicated there isn't anything that compels an outcome if there isn't an adequate vote either to approve or deny a petition. It's largely done by motion, but there isn't an automatic consequence if the County Committee fails to garner a majority vote on a motion, either to approve or deny. Mr. Fox observed that the County Committee has never faced a situation where it's been unable to reach a majority opinion, and would prefer to wait to consider how to proceed in such a situation until an inability by the Committee to reach a majority actually occurs. Mr. Dannis thanked Mr. Fox for his explanation and noted that was why he hadn't recalled the Committee not taking action.

### **Public Comment**

There were no members of the public wishing to address the Committee.

### **Pre-Planning for Annual Membership Meeting**

Ms. Campbell explained that traditionally the annual membership meeting provides a great opportunity to share the work of the County Committee with all the school boards because they each send a representative to the meeting. She also observed that this year's meeting would give the Committee the chance to make board members aware of the pros and cons of moving to trustee area elections. She stated that one of the reasons frequently given for not moving to trustee area elections is the size of a district and board members feeling their district is too small to have trustee areas as well as a desire to represent the entire district, not just one segment.

This has not been a reason that has been supported through litigation. Ms. Campbell indicated that all of the speakers at the Annual Summit had strongly recommended that districts move to trustee area elections to avoid costly litigation.

Ms. Campbell asked if the Committee had other items they would like included on the agenda.

Chairperson Paulson noted that the annual meeting provides an excellent opportunity to help board members gain a better understanding of the work of the Committee. A power point presentation has been used in the past to help explain the role of the County Committee and that has been a successful way to provide an overview of the Committee's work. She also stated that it would be important to highlight the need for trustee area election districts to review their trustee areas once the 2020 Census is released. The meeting also would give the Committee the opportunity to let the boards know there will be an opening on the Committee for Supervisorial District 5.

Chairperson Paulson asked if Committee Members had any other items they would like considered at the annual membership meeting.

Committee Member Esselstein asked whether there had been any recent lawsuits filed in San Mateo County that districts should be aware of regarding trustee area elections.

Deputy County Counsel Fox responded there had not been any litigation, but several school districts in San Mateo County have received demand letters from a law firm operating out of Malibu. This lack of litigation is largely due to the Legislature stepping in and creating "safe harbors" where school districts in receipt of such letters can take specified steps and follow established timelines to consider moving to trustee area elections and therefore not be subject to litigation. Mr. Fox observed that the original California Voter Rights Acts had an unreasonable timeline for school districts considering trustee area elections. The Legislature subsequently established a more reasonable timeline. Mr. Fox said that the Sequoia Union High School District and the Cabrillo Unified School Districts had both received demand letters; the South San Francisco Unified School District did not receive a demand letter, but the City of South San Francisco did, so the school district initiated the process on its own. Ms. Paulson noted that the Redwood City School District had received a letter, but it came after the District had already initiated the process.

Ms. Campbell shared current litigation between the Pico Neighborhood Association (PNA) v. the City of Santa Monica. The PNA brought suit against the City of Santa Monica, claiming that at-large elections for City Council discriminate against Latinos. The Superior Court ruled in favor of PNA and ordered the City to move to district-based voting. The City appealed and the Court of Appeal reversed the lower court's decision, saying the City violated neither the CVRA nor the Constitution. The Court of Appeal stated that plaintiffs had not provided proof of dilution demonstrating at-large voting impaired Latinos' ability to elect candidates of their choice or to influence the outcome of the election. The PNA has appealed to the California Supreme Court which has until the end of October (or by extension the end of November) to decide whether to review the case. If the Supreme Court declines to review the decision, the Court of Appeal opinion will become law.

Mr. Fox explained that while no school districts in San Mateo County have been subject to litigation over trustee area elections, many districts throughout California have. He also indicated that the San Mateo County Board of Supervisors had been involved in such litigation, reached a settlement, and now were elected by district.

Ms. Paulson asked if trustee area election districts will need to redraw their trustee area boundaries once the census results are released. Mr. Fox replied that the hard work of determining trustee areas has already been done in those districts and by the County Board of Education, but they will need to review the data to make sure no changes are needed because of an overburden of population in one area. For example, a district might have experienced rapid growth or change in a particular area compared to the other areas, resulting in a need to rebalance the trustee areas. The CVRA has a rule of 5% disparity between the smallest and the greatest that would trigger a realignment. In a region as developed as San Mateo County, it's unlikely such population shift would occur. However, the districts and the County Committee do need to keep a close eye on the census results to be sure they're in compliance with CVRA requirements.

Mr. Dannis asked Mr. Fox if the same 5% rule would obtain if there was a massive exodus from a trustee area rather than an influx because that's what some school districts are experiencing. Mr. Fox indicated it would indeed pertain.

Ms. Paulson asked Mr. Dannis if he was asking about a loss of total population in an area or of a loss of enrollment in a school district. Mr. Dannis replied that he was talking about loss of enrollment and he had talked with an elementary district in our county who had already lost 5 percent of their ADA this year.

Ms. Paulson asked whether it was general population or school enrollment that should be considered and Mr. Fox replied that it was just changes in the general population indicated by the Census, not school enrollment.

### **Member Comments**

Committee Member Tejada indicated she is the Communications Chair of the San Mateo County School Boards Association so when Mr. Robinson's written resignation is received, she can notify all the districts of the committee opening.

Ms. Paulson thanked Ms. Tejada for her offer. Ms. Paulson also stated that she would like the Committee to send Mr. Robinson some type of thank you for his years of service to the Committee. Ms. Campbell suggested inviting Mr. Robinson to the next meeting so the Committee could honor him for his service. Ms. Paulson said that would be a good plan.

### **Adjournment**

Ms. Paulson asked if there was a motion to adjourn. Mr. Fox indicated that it was his opinion that a meeting subject to the Brown Act ended when the agenda had been accomplished so a motion was not required. Ms. Paulson then adjourned the meeting at 7:31 p.m.