

San Mateo County Committee on School District Organization (CCSDO)
Meeting of District Governing Board Representatives
Monday, November 2, 2020

APPROVED MINUTES

Date: November 2, 2020

Place: Held Remotely via Zoom

District Governing Board Representatives Present:

Seventeen district Governing Board Representatives were present: David Ackerman, Davina Drabkin, Greg Dannis, Marc Friedman, Clayton Koo, Sam Leinbach, Ted Lempert, Daina Lujan, Dave Mandelkern, Lillian Markind, Cecelia Marquez, Freya McCamant, Dana Nunn, Don Revelo, Kim Morris Rosen, Alan Sarver, Sharifa Wilson

County Committee on School District Organization Members Present:

Greg Dannis, Lynne Esselstein, Maria Hilton, Bill Lock, Dennis McBride, Hilary Paulson, Colleen You

County Committee on School District Organization Members Absent:

Virginia Bamford, Rosie Tejada, Melchoir Thompson

Staff Present

Anne Campbell, (Interim) Secretary, County Committee on School District Organization
Nancy Magee, County Superintendent
Timothy Fox, Deputy County Counsel

1. Call to Order & Welcome

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

2. Overview and Approval of Agenda

Chairperson Paulson asked for a motion to approve the agenda for the November 2, 2020, District Governing Board Representatives meeting. Committee Member McBride made a motion and Representative Mandelkern seconded. The motion was approved by a vote of twenty-three in favor (Ackerman, Dannis, Drabkin, Esselstein, Friedman, Hilton, Koo, Leinbach, Lempert, Lock, Lujan, Mandelkern, Markind, Marquez, McBride, McCamant, Nunn, Paulson, Revelo, Rosen, Sarver, Wilson, You), none opposed, and three absent (Bamford, Tejada, Thompson).

3. County Superintendent's Comments

Superintendent Magee welcomed all to the annual meeting of the Governing Board Representatives to the County Committee on School District Organization (CCSDO). She

thanked former Superintendent Anne Campbell for agreeing to serve as Interim Secretary while SMCOE works to complete a hiring process. Superintendent Magee noted she had the pleasure to serve as Secretary to the CCSDO for four years under the leadership of Anne Campbell.

Superintendent Magee noted the importance of the annual meeting because it keeps Governing Board Representatives apprised of the committee's roles and provides important updates on current CCSDO business. She thanked everyone for making it a priority to attend.

4. Staff Report

Interim Secretary Campbell began her report by describing the history of school district organization in California. She noted that in 1945 at the end of World War II, there were 2,500 school districts across the state at which point, the state determined that having so many districts was an inefficient way to organize schools. Districts were encouraged to unify and also to eliminate small school districts. Interim Secretary Campbell noted that by 2015-2016 the number of school districts had reduced to 945. Additionally, the State decided that it would be more efficient to manage school district boundaries at the county level. In California, school district organization is now overseen by either a County Board of Education in some counties, or a County Committee on School District Organization (CCSDO) as is the case in San Mateo County.

Interim Secretary Campbell next provided an overview of the role of the CCSDO, which includes overseeing the organization of school districts in the following ways:

- Territory Transfers
- Unification/Dissolution
- Trustee Areas

Interim Secretary Campbell outlined details on committee membership, including the following:

- Comprised of eleven members:
 - 2 members from each of 5 supervisor districts = 10 members
 - Member At-Large = 1 member
- Each member serves a four-year term
- Members may serve a dual role:
 - As active School Board members
 - As members of the CCSDO

Interim Secretary Campbell explained how CCSDO members are selected, highlighting the following:

- Qualifications:
 - Registered voter residing in the appropriate supervisorial district
- Annual Meeting of School District Trustee Representatives:
 - Called by County Superintendent every year between October 1 and December 1
 - Each District Governing Board must elect a voting representative to the annual meeting who then helps elect the CCSDO Members

Interim Secretary Campbell presented a table of current CCSDO members, supervisorial districts, and term expiration dates:

Supervisorial District	Name	Term Expires
1 (Pine)	Greg Dannis	11-30-22
1 (Pine)	Lynne Esselstein	11-30-22
2 (Groom)	Colleen You	11-30-21
2 (Groom)	Melchior Thompson	11-30-21
3 (Horsley)	Virginia Bamford	11-30-22
3 (Horsley)	Rosie Tejada	11-30-22
4 (Slocum)	Hilary Paulson	11-30-21
4 (Slocum)	Maria Hilton	11-30-22
5 (Canepa)	Bill Lock	11-30-22
5 (Canepa)	Vacant	11-30-21
At Large	Dennis McBride	11-30-21

Interim Secretary Campbell noted the vacant slot in Supervisorial District 5 is due to the recent resignation of George Robinson, who had served as a CCSDO member since 2006. She discussed how *Education Code* dictates that when a vacancy occurs during a member’s term of office, it becomes the responsibility of the CCSDO to appoint a replacement until the individual’s term expires. Interim Secretary Campbell said the committee is now seeking interested candidates from Supervisorial District 5 for Mr. Robinson’s remaining term. She explained if the vacancy is not filled within the 70 day timeline, the appointment becomes the duty of the County Superintendent.

Interim Secretary Campbell reported on the CCSDO and statutory responsibilities, explaining how most activities deal with reorganization of school district boundaries. The CCSDO has other responsibilities empowered by the *Education Code*:

- Creating or abolishing trustee areas
- Increasing or decreasing the number of governing board members
- Rearranging trustee areas
- Rearranging trustee areas based on federal decennial census

Interim Secretary Campbell summarized the actions of the CCSDO in the past year, from November 2019 – November 2020, focusing on:

- 12/2/2019: Approval of Cabrillo Unified School District’s proposal to establish trustee areas and transition to By-Trustee Area Elections
- 2/2/2020: Approval of South San Francisco Unified School District’s proposal to establish trustee areas and transition to By-Trustee Area Elections

Interim Secretary Campbell noted the CCSDO did not act on any petitions for transfer of territory in the past year, from November 2019 – November 2020, although the following petition was submitted:

- 11/28/2019: Club Drive Petition
- Petition submitted to transfer territory from the Belmont-Redwood Shores School District to the San Carlos School District
- Petition deemed insufficient by County Superintendent due to lack of detailed maps clarifying the boundaries of territory to be transferred
- Petition resubmitted January 2020 and May 2020, but again deemed insufficient

Interim Secretary Campbell reviewed the 9 criteria considered when approving a territory transfer, based on *Education Code 35753*:

- Adequate number of students
- Substantial community identity
- Equitable division of property and facilities
- No racial/ethnic discrimination/segregation
- Insignificant cost to State
- Promotion of sound educational practice
- Minimal increase in facilities cost
- Focus not on increasing property values
- Sound fiscal management – no significant negative fiscal impact

Interim Secretary Campbell next highlighted the following appeals heard by the State Board of Education (SBE) in 2018:

- La Honda Road
2013-2014
 - 10 properties requesting transfer from the La Honda-Pescadero Unified School District (LHPUSD) to the Portola Valley School District and the Sequoia Union High School District
 - Approved by the CCSDO
 - Appealed by the LHPUSD
 - Appealed by Petitioner – Area of Election
- 2018
 - Approval upheld by the SBE on both issues
 - Nine Yes Votes; Two No Votes
- O' Connor Street
2014-2015
 - 31 homes on the northern side of O' Connor Street requesting transfer from the Ravenswood City School District to the Menlo Park City School District
 - Denied by CCSDO June 2, 2015
 - Appealed by Petitioners
- 2018
 - Denial upheld by the SBE
 - Ten Yes votes; One Abstention

Secretary Campbell explained the law changed on July 1, 2020, when a new statute took effect that narrows the appeal process to the SBE only to petitions approved by the CCSDO. If the CCSDO denies a petition at the local level, it cannot be appealed.

Representative Morris Rosen asked about school districts having the option to appeal and asked if this generally occurs for the school districts who are losing parcels or for those gaining parcels. Deputy County Counsel Fox answered that more often than not, appeals come from districts funded through the Local Control Funding Formula (LCFF).

Chairperson Paulson commented there have been appeals based on the voting area which had been set by the CCSDO and not necessarily the transfer itself, so there can be appeals for different reasons.

Representative Drabkin referred to the criteria related to racial discrimination, and asked for additional information on that criteria – what is considered and how is it evaluated? Deputy County Counsel Fox replied that the state regulations ask the CCSDO to evaluate the effect of the territory transfer, from both a fiscal and operational perspective, and include a provision which asks for analysis of the effect on racial isolation if the territory were to be transferred. He stated the CCSDO is asked to analyze that factor and deny petitions which would worsen racial isolation of students in the involved school districts.

5. Report on Creating Trustee Areas and Transitioning to By-Trustee Area Elections

Deputy County Counsel Fox thanked all attendees for their commitment to their school districts and the CCSDO. He shared he has been advising the CCSDO for 15 years – the entirety of his career in the County Counsel’s Office. Deputy County Counsel Fox commented on Superintendent Magee’s four years serving as Secretary to the CCSDO, and how if it had been the law during that time that denials of petitions could not be appealed to the State Board of Education, her workload would have been much more manageable. He stated the team was eager to see how things proceed under the new rule.

Deputy County Counsel Fox provided information about creating trustee areas and transitioning to by-trustee area elections. He began his presentation by outlining the following information on the California Voting Rights Act (CVRA):

- Modeled after the Federal Voting Rights Act (passed in 1965)
 - Intended to ensure that local jurisdictions do not utilize voting systems that deprive minority voters of their political power
- California enacted its version (the CVRA) much later — 2001
- CVRA makes it significantly easier for plaintiffs to force jurisdictions into using “by-district” or “trustee-area” election systems by eliminating two of the elements of the four-part test under the federal Voting Rights Act (VRA)

He further highlighted differences between Federal and California voting rights:

- Federal
 - Can the protected class constitute the majority of a district?
 - Does the protected class vote as a bloc?
 - Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
 - Do the “totality of the circumstances” indicate race is a factor in elections?

- California
 - ~~Can the protected class constitute the majority of a district?~~
 - Does the protected class vote as a bloc?
 - Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
 - ~~Do the “totality of the circumstances” indicate race is a factor in elections?~~

Deputy County Counsel Fox described the impact of the CVRA since 2001, including the following factors:

- As of May 2020, 400 jurisdictions have now switched from at-large to by-district:
 - 126 Cities
 - 212 School Districts
 - 34 Community College Districts
 - 27 Special Districts (Health Care, Airport, Water, Sanitation, etc...)
 - 1 County (now all 58 California counties are by-district)
- 17 other jurisdictions that adopted “Resolutions of Intent” pledging to make the change to by-district elections once the 2020 Census data is released
- Key issue: Award of attorneys’ fees to prevailing plaintiff
- Key settlements:
 - Palmdale: \$4.7 million
 - Modesto: \$3 million
 - Highland: \$1.3 million
 - Anaheim: \$1.1 million
 - Whittier: \$1 million
 - Santa Barbara: \$600,000
 - Tulare Hospital: \$500,000
 - Madera Unified: ≈ \$170,000
 - Hanford Joint Union: \$118,000
 - Merced City: \$42,000

Deputy County Counsel Fox provided detail on the following cases so far:

- Palmdale, Santa Clara and Santa Monica went to trial on the merits
 - All three lost at trial
 - Santa Monica won in the Court of Appeal in July in a decision that raised the bar for plaintiffs to prove a case
 - In October, the California Supreme Court granted plaintiffs’ petition for review, limited to the following discrete issue: “What must a plaintiff prove in order to establish vote dilution under the California Voting Rights Act?”
- Modesto and Palmdale each spent about \$1.8 million on defense costs
 - Attorneys’ fees to prevailing plaintiff were even higher
- Santa Monica has spent an estimated \$5 million so far

He next highlighted the impact of CVRA:

- 29 California cities were by-district prior to passage of the Act
- Now: 155 (in less than 20 years)
 - Out of 482

Deputy County Counsel Fox described the net effect:

- The California legislature, rather than mandating directly that all political jurisdictions (of a particular size or characteristic) should convert to trustee-area elections by a particular date, has simply put all jurisdictions at risk of a lawsuit, with a very short fuse
- The only safe harbor from an allegation that a District's elections do not violate the CVRA is the adoption of trustee area elections

Deputy County Counsel Fox explained in detail the Resolution of Intent:

- Effective January 1, 2017, Elections Code Section 10010 requires a prospective plaintiff to send a written notice to the agency asserting that its method of conducting elections may violate the CVRA
- Section 10010 puts a 45-day stay on a prospective plaintiff's ability to bring an action, allowing the District to adopt a resolution outlining its intention to transition from at-large to district-based elections
- If the District begins the process of switching to trustee area elections before receiving a notice letter or within 45 days of receipt of a notice and adopts a resolution to that effect, under Section 10010, a potential plaintiff cannot commence an action within 90 days of the resolution's passage

He discussed AB 2123 (2018), highlighting the following:

- A political subdivision and the prospective plaintiff who first sends a notice pursuant to paragraph (1) may enter into a written agreement to extend the time period described in subparagraph (B) for up to an additional 90 days in order to provide additional time to conduct public outreach, encourage public participation, and receive public input. The written agreement shall include a requirement that the district boundaries be established no later than six months before the political subdivision's next regular election to select governing board members.
- No later than 10 days after a political subdivision enters into a written agreement pursuant to clause (i), the political subdivision shall prepare and make available on its Internet Web site a tentative schedule of the public outreach events and the public hearings held pursuant to this section. If a political subdivision does not maintain an Internet Web site, the political subdivision shall make the tentative schedule available to the public upon request.

Deputy County Counsel Fox referred back to the Resolution of Intent, discussing how:

- Basically, adopting a Resolution of Intent provides a "safe harbor" for the District to proceed along the process of drawing maps

Deputy County Counsel Fox noted the following recent changes:

- Executive Order N-48-20, issued April 9, clarifies an earlier Order that suspended the legal deadlines to conduct required hearings when an agency switches from an at-large to a district-based method of election under the California Voting Rights Act until both state and local public health officials lift social-distancing measures

He indicated there are two safe harbors:

- 90 day stay of litigation if a Resolution of Intent is adopted
- Permanent safe harbor from CVRA lawsuits if your elections are conducted by trustee areas

Deputy County Counsel Fox explained the districting process:

Step	Description
Resolution of Intent	Starts a 90-day window of time from Resolution's passage in which a plaintiff is barred from bringing an action for violation of CVRA.
Initial Public Hearings	Initial two public hearings prior to drafting maps within 30 days of each other. Education and input solicitation from District's communities. Note: Not necessarily Board meetings.
Draft maps	Release draft maps.
Hearings on draft maps	At least two meetings within 45 days of each other to discuss and revise maps and discuss the election sequence.
Map adoption	Final maps must be posted for 7 days prior to any hearing adopting one.
County Committee	County Committee considers and approves Board-selected map.
	Ballot measure presented to electors of school district, or waiver by SBE.
	First by-district elections held in trustee areas.
	First by-district elections held in remaining trustee areas.

Deputy County Counsel Fox explained the process for how districts are drawn:

- Federal laws:
 - Equal population
 - Federal Voting Rights Act
 - No racial gerrymandering
- Traditional principles:
 - Communities of interest
 - Compact
 - Contiguous
 - Visible boundaries (natural and man-made)
 - Respecting voters' past choices (continuity in office)
 - Planned future growth/growth since 2010

He posed the question “What is a Community of Interest?” and indicated two questions are involved:

- What is your neighborhood or “community of interest”?
 - School attendance areas

- Natural neighborhood dividing lines
- Areas around parks or other landmarks
- Common issues, activities, or concerns
- Shared demographic characteristics (socio-economic status, education level, linguistic isolation)
- Does the community of interest want to be united into a single district, or does it want to be divided so it has a voice in multiple elections and/or election cycles?

Deputy County Counsel Fox presented and described maps (the City of Compton and Glendale Unified School District) characterized by highly compact areas, where nooks and jogs are driven only by equal population requirements, and areas driven by policy concerns (the city of Pasadena, the city of South Pasadena, and the Central Unified School District in the Central Valley) where the desire was to have all members touch certain areas for policy reasons.

In conclusion, Deputy County Counsel Fox specified questions designed to spark next discussions:

- What are the District's neighborhoods? Are they the same as its communities of interest? Are there other communities of interest to take into account?
- Do communities of interest prefer to be kept together in one district, or have multiple representatives on the Board?
- What other considerations should be considered in drafting maps?
- Should the District have this discussion now, or wait to see if anyone demands it?

Representative Nunn asked if the Malibu law firm would hit local districts or if there are certain districts too low on their priority list. Deputy County Counsel Fox stated the status of a priority list is currently unknown, and a pattern has not emerged to show there is a checklist or to-do list, and certainly not in San Mateo County. Representative Nunn clarified that this was not even by size. Deputy County Counsel Fox responded size does seem to be a limiting factor, although Cabrillo Unified School District received a demand while other larger local districts did not. Representative McCamant interjected her understanding was that their district received a demand letter as a result of a demand presented to the City of Half Moon Bay. Deputy County Counsel Fox added that the city of South San Francisco had also received a demand letter, although the South San Francisco Unified School District did not. That district voluntarily proceeded to convert to by-trustee area elections at roughly the same time.

Representative Morris Rosen asked if these demands affected very small districts and cities, or tended to be aimed at bigger districts and cities. Deputy County Counsel Fox responded that there is not enough information to see a pattern in San Mateo County. He shared he wished the legislature had included a provision stating there is a point where trying to draw trustee areas in extremely small jurisdictions may be counterproductive to representation.

6. 2020 U.S. Census

Interim Secretary Campbell discussed how the Cabrillo Unified School District, the South San Francisco Unified School District, the Redwood City School District, and the Sequoia Union High School District have transitioned to board elections by trustee-area. She added when the 2020 Census results are released in the summer of 2021, school boards will need to start the process of examining their trustee areas and comparing them with the most recent Census data to

ensure trustee areas remain representative of community identity, demographics, etc. She explained the CCSDO and County Superintendent would be reaching out to these districts to remind them of this process. Interim Secretary Campbell noted districts have until March 2022 to complete this review, and if they choose not to do so, it will fall to the CCSDO to complete the review by the end of April 2022, a quick timeline. She suggested it is preferred that this process is done at the district level, but noted the CCSDO provides a safety net to ensure the process is completed. Interim Secretary Campbell noted for those districts not currently considering moving to elections by trustee-areas, it is a topic for discussion with the board, superintendent, and legal counsel because there are many dimensions and implications to be considered.

7. Committee Member Resignation

Chairperson Paulson shared that Committee Member George Robinson was a fantastic, long-term CCSDO member who will be greatly missed. She said he provided a calm voice of reason, and deliberated thoughtfully. In filling the vacancy created by Committee Member Robinson's resignation, Chairperson Paulson reported one individual had expressed interest in the position, Lillian Markind. Representative McBride noted Committee Member Robinson also served 22 years on the Jefferson Union High School District Board prior to serving on the CCSDO. Chairperson Paulson added that Committee Member Robinson's understanding of the north county was of additional value and was much appreciated by fellow committee members.

8. Public Comment

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

9. Governing Board Representative Comments

There were no comments from the Governing Board Representatives.

10. Member Comments

Chairperson Paulson shared that CCSDO meetings all vary greatly between calm and quiet to quite busy, contentious, and active.

11. Adjournment

Chairperson Paulson adjourned the meeting at 8:01 p.m.

San Mateo County Committee on School District Organization
Regular Meeting
Monday, November 2, 2020

APPROVED MINUTES

Date: November 2, 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, Colleen You

County Committee on School District Organization Members Absent:

Virginia Bamford, Rosie Tejada, Melchoir Thompson

Staff Present

Anne Campbell, (Interim) Secretary, County Committee on School District Organization
Timothy Fox, Deputy County Counsel

1. Call to Order & Welcome

Chairperson Paulson called the meeting to order at 8:01 p.m. and welcomed those present.

2. Overview and Approval of Agenda

Chairperson Paulson asked for a motion to approve the Agenda for the November 2, 2020, meeting. Committee Member Esselstein made a motion and Committee Member Lock seconded. The motion was approved, by roll call vote, by a vote of seven in favor (Dannis, Esselstein, Hilton, Lock, McBride, Paulson, You), none opposed, and three absent (Bamford, Tejada, Thompson).

3. Approval of Minutes

Chairperson Paulson asked for approval of the Minutes of the October 5, 2020, meeting, as presented. The Minutes were approved, by roll call vote, by a vote of seven in favor (Dannis, Esselstein, Hilton, Lock, McBride, Paulson, You), none opposed, and three absent (Bamford, Tejada, Thompson).

4. General Staff Report

Interim Secretary Campbell shared most updates had been covered in the preceding meeting of District Governing Board Representatives. She reported no new petitions have been submitted

for transfer of territory. She explained that staff had reviewed a potential Brisbane/Bayshore petition for unification, but indicated official documents had not been submitted.

Superintendent Magee will be reaching out to the Club Drive petitioners about the status of their petition. Committee Member McBride asked who was generating the Bayshore/Brisbane unification. Interim Secretary Campbell replied she believed it was generated by a group of individuals from both school districts.

5. Public Comment

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

6. Resignation and Replacement of Committee Member Representing District #5

Chairperson Paulson discussed the idea of creating a card or token of gratitude to George Robinson, and/or possibly inviting him to the next meeting. Secretary Campbell requested that members email their comments about Committee Member Robinson's service to the CCSDO to her, which she would then compile to share with him. She stated she has received some feedback, but most members have yet to submit information. She asked those who have not yet submitted comments to do so in the next two weeks. Chairperson Paulson asked Secretary Campbell to reach out to Committee Members Bamford and Tejada. Chairperson Paulson asked about distributing the slides from the Meeting of District Governing Board Representatives. Secretary Campbell assured both the slides from her presentation, and those presented by Deputy County Counsel Fox would be emailed to all CCSDO members by Karen Williams, Executive Assistant to the Superintendent. Deputy County Counsel Fox said he would email his slides to Secretary Campbell.

7. Member Comments

Chairperson Paulson stated she was excited there is interest to fill Committee Member Robinson's seat. Secretary Campbell clarified the CCSDO has until December 10 to take action to replace Committee Member Robinson, so it would be important to hold the December 7 meeting. She pointed out that while there is one interested individual so far, there may be additional interested candidates. Secretary Campbell explained that Ms. Williams is compiling an electronic application form along with a cover letter to assist the process. She suggested if anyone is aware of individuals interested in serving on the CCSDO, to send their information along.

8. Adjournment

Chairperson Paulson adjourned the meeting at 8:08 p.m.