

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
September 12, 2012, San Mateo, CA**

The meeting was called to order at 7:35 p.m.

Board Members Present: President Dave Mandelkern, Vice President Helen Hausman, Trustees Richard Holober, Patricia Miljanich, Karen Schwarz, and Student Trustee Bailey Girard

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Kathy Blackwood

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Trustee Schwarz and seconded by Vice President Hausman to approve the minutes of the August 15, 2012 meeting of the Board. The motion carried, all members voting "Aye."

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

NEW BUSINESS

APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (12-9-1A)

It was moved by Trustee Schwarz and seconded by Vice President Hausman to approve the actions in Board Report No. 12-9-1A. The motion carried, all members voting "Aye."

APPROVAL OF CONTRACT FOR PRINTING AND DELIVERY OF CLASS SCHEDULES AND CATALOGS THROUGH 2015 (12-9-100B)

It was moved by Vice President Hausman and seconded by Student Trustee Girard to approve the contract as detailed in the report. The motion carried, all members voting "Aye."

PUBLIC HEARING TO RECEIVE INPUT ON "AT LARGE" VERSUS "BY DISTRICT" COLLEGE BOARD ELECTIONS (12-9-101B)

It was moved by Vice President Hausman and seconded by Trustee Holober to conduct the public hearing. The motion carried, all members voting "Aye." President Mandelkern opened the public hearing at 7:40 p.m.

President Mandelkern introduced Michael Wagaman, a demographer hired by the Board, and William Tunick of Dannis Wolliver Kelley who is acting as counsel to the Board on this matter.

Mr. Wagaman's presentation included the following information:

1. Types of Elections

A. Methods

- At Large – all eligible voters may vote for any candidates and candidates may live anywhere in the County. This is the method currently in place for SMCCCD elections.
- From District – all eligible voters may vote for any candidates but candidates must live within a particular district. This is the method currently in place for the San Mateo County Board of Supervisors.

- By District – both voters and candidates must live in a particular district. This is the method used for electing members of the U.S. House of Representatives.

B. The California Voting Rights Act (CVRA)

The CVRA states that “an at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election. . .” The CVRA looks at the method of election vs. specific district boundaries. It does not require the ability to draw a majority-minority district nor does it require demonstrating intent to discriminate.

C. Changing Method of Election

Chapter 14027 of the California Education Code states that “notwithstanding any other law, the governing board of a community college district may change election system. . .upon the adoption by the board of trustees of a resolution in support of electing the trustees in accordance with this section and upon the approval of the Board of Governors of the California Community Colleges.” There may be five, seven or nine districts with equal population.

2. Redistricting Criteria

A. Equal Population

Equal population is required by both federal and state law. No more than 10% total deviation had been the rule; however, federal courts have required increasing levels of justification for deviations and most advise aiming for less deviation. The total population of San Mateo County is 718,451. With five districts, the ideal district would have a population of 143,690.

B. Federal Voting Rights Act

Section II applies to all jurisdictions and looks at district boundaries vs. method of election. Under the so-called “Gingles” test, a claim under Section II requires the following three preconditions all be met:

- the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district;
- the minority group must be able to show that it is politically cohesive;
- the minority must be able to demonstrate that a white majority votes sufficiently as a bloc to enable it to defeat the minority’s preferred candidate.

A board may choose to draw a majority-minority district even if it does not meet all three Gingles tests and is, therefore, not required to do so.

C. Contiguity

A district is contiguous if all parts are connected to each other and one may travel from any location to any other location without crossing another district.

D. Community of Interest

A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its representation. Examples of shared interests are those common to an urban area, a rural area, an industrial area or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities or have access to the same media of communication relevant to the election process.

E. Other Jurisdictions

The districts should minimize the division of other jurisdictions, i.e., Board of Supervisors, Board of Education, cities, school districts and official neighborhood boundaries, especially when those correspond to communities of interest. Other considerations are topography and geography, compactness, minimizing placing multiple campuses in the same district, and minimizing placing multiple incumbents in the same district.

3. Technical Details

A. Building Blocks – one county, 20 cities, 312 census tracts, 9,262 census blocks

B. Data:

- Census – population and voting age population (VAP) by race/ethnicity
- American Community Survey – citizen voting age population (CVAP) by race/ethnicity
- Electoral – Statement of registration and vote from 2002-2010

Mr. Wagaman demonstrated the software he uses to draw districts which allows him to look at many different factors.

President Mandelkern thanked Mr. Wagaman for his presentation and asked if there were comments or questions from the public.

Gregory Conlon, a candidate for the City Council of Atherton, said he supports by district elections. He said he previously was appointed to serve on the California Public Utilities Commission and the California Transportation Commission. He said he observed that when members of boards or commissions are not spread equally over a service area, the residents may not be represented fairly. He cited the example of the U.S. Congress, saying that if representatives were not elected through a by district method, they would have no single person to go to with concerns and would have to lobby everyone. Mr. Conlon said that financing can be a barrier to running for office and fewer or no people may run for Countywide office because of the cost.

David Cary said he is a board member of Californians for Electoral Reform which advocates for better representation for voters. He said this organization supports all members being elected proportionally, using ranked choice voting. He said this would expand choices for voters. He encouraged the Board to embrace two fundamental ideals: representation for all and universal voting rights that go beyond the CVRA.

Dave Pine, a member of the San Mateo County Board of Supervisors, said he has been advocating for by district elections for several years. He said this method promotes more democracy and more dialogue. He said the County has many voters to reach and dividing it into five districts would make it more manageable. Supervisor Pine said by district elections would increase the likelihood that boards would be more diverse and could make it possible for people to run who do not do so now because of cost. He said it would increase the connection between citizens and institutions. He said he feels strongly that by district elections are the way to go, even though drawing the lines would be a difficult task.

Virginia Chang Kiraly said she was speaking as a former Civil Grand Jury foreperson. She said the 2008-09 Civil Grand Jury made a report on election reform and issued a letter advocating by district elections for the Board of Supervisors, which she supports. She commended the Board for considering this issue. She said that if the Board moves forward, the redrawing of lines will be difficult and she asked that the Board carry their vision forward and consider fair representation for everyone when redrawing the lines.

President Mandelkern asked Mr. Tunick if districts are drawn on equal census population or equal voter population. Mr. Tunick said that when considering equal population, the data set that is looked at is voting age population.

President Mandelkern asked if ranked choice voting is an option. Mr. Tunick said a recently passed law regarding community colleges moving to trustee areas speaks specifically about single district trustee areas; he said ranked choice voting is probably out of the question. Other options might be larger boards or having a top two primary system.

Trustee Miljanich said her motivation in considering a change in the method of voting has nothing to do with potential lawsuits but is to improve representation for the population in San Mateo County. President Mandelkern agreed, noting that some press reports questioned the motives of the Board. He said the Board has an opportunity

and an obligation to periodically review the method by which Board members are elected, seeking to determine if there is adequate representation in the County in terms of geographic diversity, ethnic diversity and other factors.

Trustee Miljanich said there are many ways to view which criteria are important. She noted that the Board has had discussions in the past about the problems associated with campaign financing but she does not believe there will be change in this area in the foreseeable future. Trustee Miljanich said that in terms of culture and demography, the Board currently does not represent the County. She said the Board now has the opportunity to consider the possibility that changing the election method may increase the likelihood of increasing diversity. She said another important factor is the way in which elected leaders mentor and support prospective leaders in the County.

Vice President Hausman said she agrees with everything that has been said but questioned whether any California community colleges have conducted by district elections long enough to research how effective the method is and whether board members tend to care only about their own districts. President Mandelkern said community colleges have been conducting by district elections for quite some time and he asked Chancellor Galatolo if he had any data on this. Chancellor Galatolo said he did not but could research the question.

Trustee Holober said there are many colleges that have had by district elections for some time, with many variations. He said a better example is County Boards of Supervisors. San Mateo County is the only county that has at-large elections, with the added burden of having to live in one district but run Countywide and be the top vote-getter. In contrast, a candidate for the SMCCCD Board can come in third and still be successful. Trustee Holober said he has not heard an outcry from other counties that their supervisors care only about their own district; he does not believe there is evidence that the by district election system has created a narrow focus.

President Mandelkern said he believes it is easier for members of the public if they feel they have one representative to go to rather than having to lobby all representatives. He said this counterbalances to some degree the valid point regarding factionalism of a board when members are representing different districts.

Vice President Hausman said she observed factionalism when a school had to be closed while she was serving on the Sequoia Union High Board. She said she is not saying she is opposed to trustee districts but wants to make sure that all aspects are considered.

Trustee Schwarz said she previously served on the San Mateo County Board of Education and had to reside in a trustee area but be elected Countywide. She said she personally never had a problem representing the entire county, although she is aware that this has been an issue in some cities. Trustee Schwarz said campaign financing is a serious concern but one that which, unfortunately, the Board can do nothing about.

Student Trustee Girard said there are nine districts within the Los Angeles Unified District, each representing one school because the size of the district makes it difficult to commute from one school to another. He said the election method depends partially on the size of a district as well as its diversity and shared opinions.

Trustee Miljanich said the reality is that the County is a changing community and is now a “majority minority” county. She said that certain populations could easily feel that they are not represented. She said many people are very interested in their communities but having to run Countywide is a barrier. Trustee Miljanich said there is no guarantee that by district elections would yield more diversity in terms of who is elected but they would likely result in more candidates running for office.

President Mandelkern agreed that by district elections may not guarantee outcomes but said they would increase opportunity. He said the Board has the option to create more than five districts. He noted that the Coastsides does not fit the criteria to be a community of interest if there are five districts and questioned whether it would become a community of interest if there were nine districts. Mr. Wagaman said that with nine districts, the Coastsides would still not become a community of interest but would be close.

Trustee Holober said there are some unique sources of discontent for the unincorporated parts of the Coastsides in terms of services provided by the County that are specific to local government rather than to education. He said he has not heard discontent expressed regarding the colleges. Trustee Holober said that while the situation is not

black and white, he leans heavily toward believing that by district elections are, on balance, a better way to encourage participation.

Trustee Holober asked what options are available to the Board, e.g. variations of at-large or by district elections or other methods. Mr. Tunick said options are limited due to the recently passed law. He said two options which would be allowed are different numbers of districts (five, seven or nine) and a top two primary race, in which there would be a primary followed by a runoff.

Trustee Miljanich said she has believed for some time that by district elections are the way to go and she believes the time has come to switch to by district elections. She said she sees no particular value in having more than five districts to cover the three colleges.

President Mandelkern said he believes the Board has worked well in focusing on the needs of all three campuses and has spent time and concern on the Coastsides. He said he believes the advantages of by district elections outweigh the potential disadvantages. He said this issue is not about how the Board works today, but about how future boards will be constituted to best represent the residents of the County.

President Mandelkern said there will be another public hearing on this issue during the next Board meeting, to be held at Skyline College at 7:00 p.m. on September 19. He said the Board received some public input tonight and also got a better sense of how Board members feel about switching to by district elections.

Trustee Holober said that he appreciates the testimony from members of the public. He said that while the comments focused on the desirability of by district elections, he was hoping to hear more specific input on how any particular community of interest would like to see things changed. He said it might make sense to have a first draft so that people can respond to a real plan.

Trustee Schwarz said she would like to see examples that include incorporating expansion of the Board, particularly to seven members. Trustee Miljanich said she would like to see more than one option, such as seven districts and some variations of five districts. Mr. Wagaman said the Board should be aware that changing the number of districts may affect that way the CVRA applies. He noted that race cannot be a predominant factor in drawing lines. Mr. Wagaman said the Board should provide him information on items on which they wish to focus.

After discussion, the Board determined that they would like to see examples of redrawn districts with the following items being considered: geography, Latino and Asian/Pacific Islander density, incumbency, unincorporated areas, and keeping cities whole. Chancellor Galatolo suggested that in order to identify communities of interest, it would be desirable to look at nine districts as well as five and seven. The Board agreed to request two examples of five districts, one of seven districts and one of nine districts. Mr. Wagaman said he would be able to provide some maps for the next public hearing but probably not all because of the time constraint. Trustee Holober said Mr. Wagaman should proceed in consultation with the subcommittee.

Trustee Holober said the issue of campaign financing might be worth discussing at a future meeting; this will be added as a future topic for a study session.

Hearing no further questions or comments, President Mandelkern declared the public hearing closed at 9:35 p.m.

RECESS TO CLOSED SESSION

President Mandelkern said that during Closed Session, the Board will consider the personnel items listed as 1A, 1B and 1C on the printed agenda and will also hold a conference with legal counsel regarding one case of existing litigation as listed on the printed agenda.

The Board recessed to Closed Session at 9:40 p.m.

The Board reconvened to Open Session at 10:45 p.m.

CLOSED SESSION ACTIONS TAKEN

President Mandelkern announced that at the Closed Session just concluded, the Board voted 5-0 to approve the personnel items listed as 1A, 1B and 1C on the printed agenda.

ADJOURNMENT

It was moved by Trustee Miljanich and seconded by Trustee Schwarz to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 10:47 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the October 10, 2012 meeting.

Helen Hausman, Vice President-Clerk