



Fagen Friedman & Fulfroft LLP

Public Hearing Comments in Advance of Preparing Trustee Area Map Options



COTATI-ROHNERT PARK
UNIFIED SCHOOL DISTRICT

What is the California Voting Rights Act (“CVRA”)?

- Took effect January 1, 2003
- Prohibits the use of “at-large” elections when such an election system:

“impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election....”

(Elections Code § 14027.)



Does not require intent

- The CVRA is far broader than its federal counterpart
- Much easier for a plaintiff to bring a claim against a government entity
- Proof of intent on the part of voters or elected officials to discriminate against a protected class is not required
(Elections Code § 14028(d).)



Right to Attorneys' and Expert Fees

CVRA grants a prevailing plaintiff the right to recover reasonable attorneys' fees **AND** expert witness fees.

If district wins, it is **not** granted the same right.

(Elections Code § 14030.).



What is a “By-Trustee Area” Election System?

- *Only safe harbor from a CVRA claim*
- School district is divided into trustee areas
- A governing board member is elected from each trustee area
- Board members are elected **by only the registered voters in the particular trustee area** where the governing board member resides



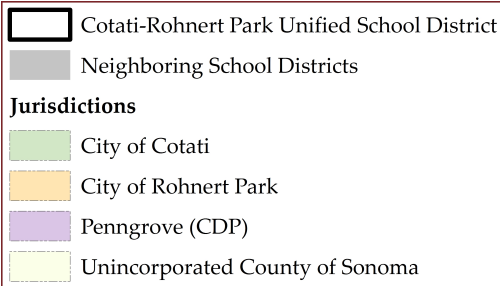
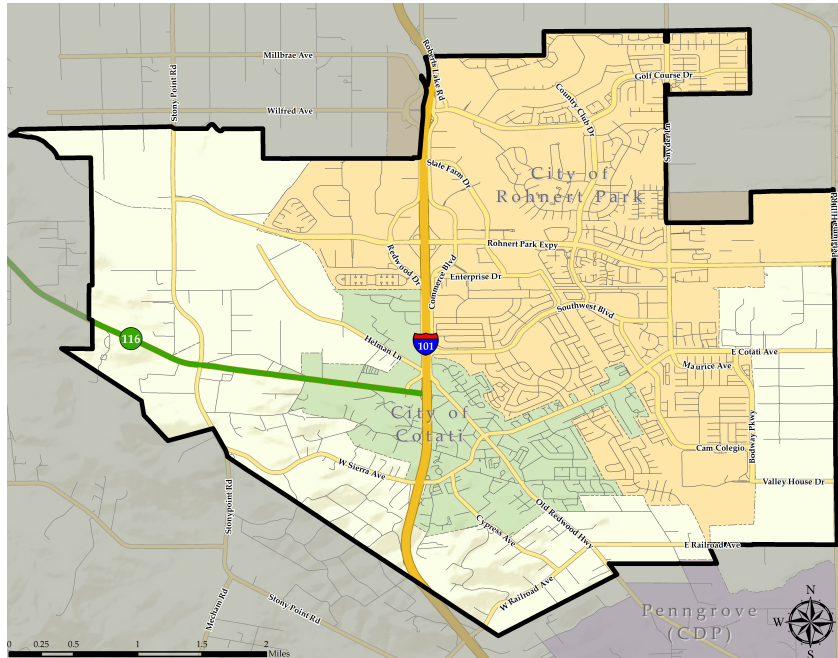
Current Step: Two Public Hearings

- Prior to the preparation of draft trustee voting area plans by the District's demographer
- Receive community comments and public testimony concerning:
 - The composition of potential trustee voting areas associated with the District's transition to a by-trustee area election system



District's Demographics

Census Data (Total Population)

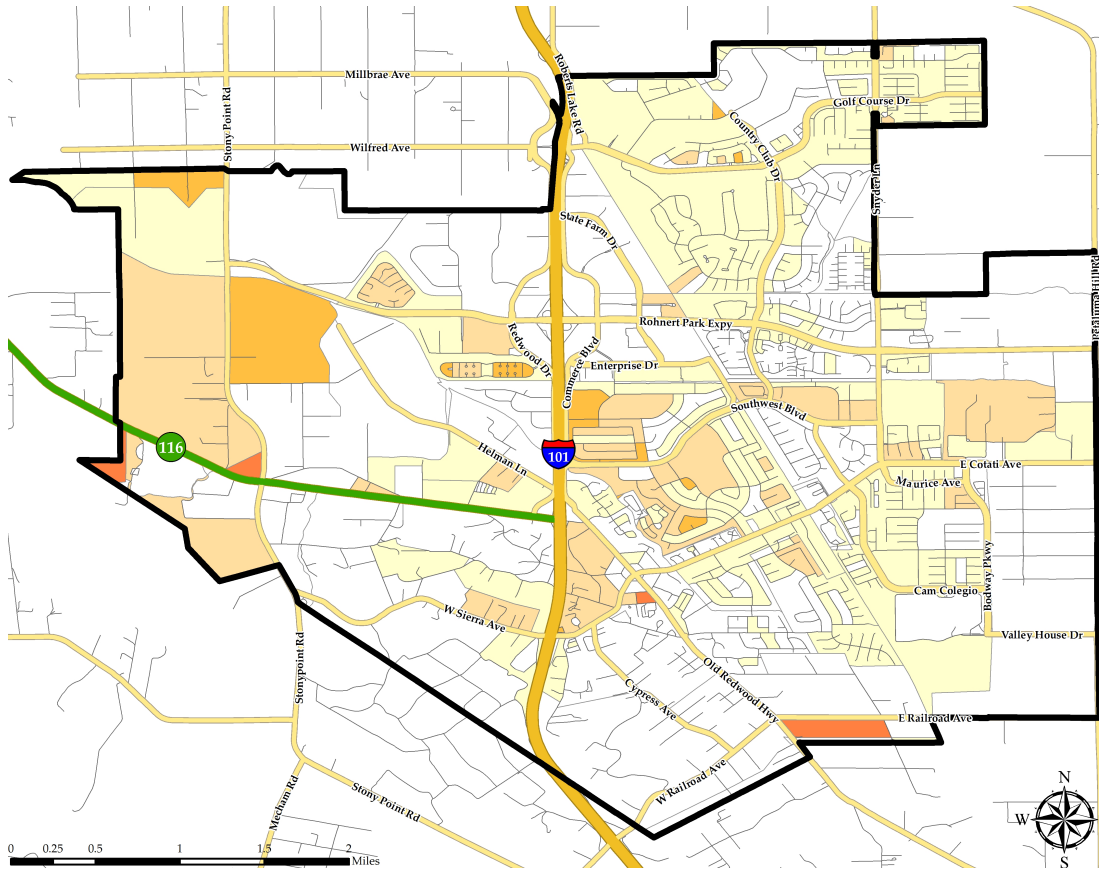


Population	Total Population		Age 18 and over	
	Total	%	Total	%
Hispanic/Latino	10,968	20.79%	7,369	17.50%
White	35,808	67.89%	30,209	71.74%
Black / African American	902	1.71%	737	1.75%
American Indian/ Alaska Native	282	0.53%	217	0.52%
Asian	2,544	4.82%	2,127	5.05%
Native Hawaiian/ Pacific Islander	199	0.38%	161	0.38%
Other	89	0.17%	66	0.16%
Two or More Races	1,954	3.70%	1,225	2.91%
Total Population	52,746	100%	42,111	100%

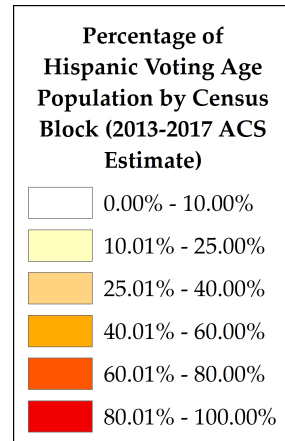


District's Demographics

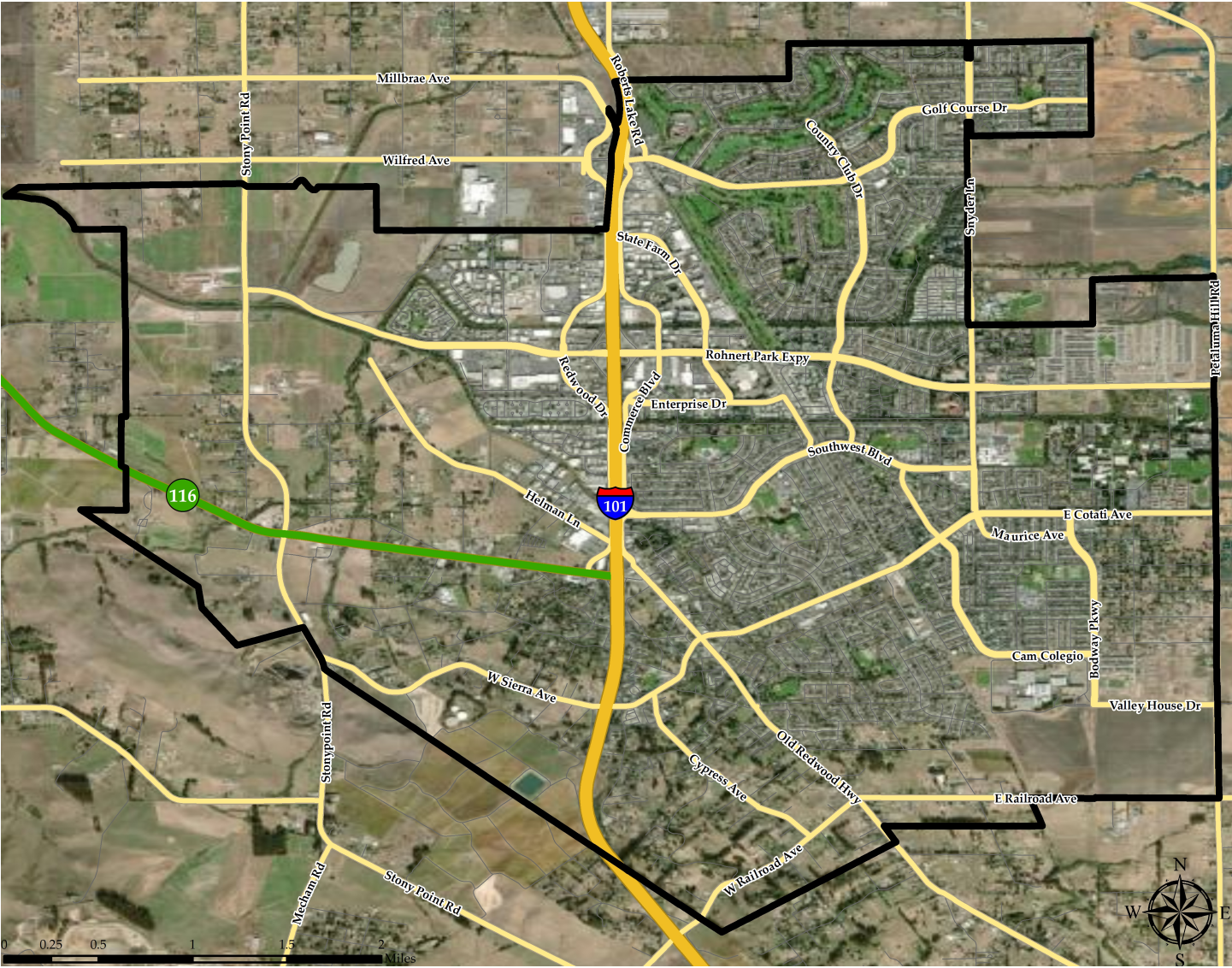
Hispanic Citizen Voting Age Population Estimates



Population	Citizen Voting Age Population	
	Total	%
Hispanic/Latino	6,374	16.17%
White	29,364	74.48%
Black / African American	605	1.53%
American Indian/ Alaska Native	34	0.09%
Asian	1,658	4.21%
Native Hawaiian/ Pacific Islander	45	0.11%
Two or More Races	1345	3.41%
Total Population	39,425	100%



How might the District be divided into Trustee Areas?



Type of Feedback & Commentary Being Solicited

***“I would like to keep Neighborhood X
and Neighborhood Y in the same trustee
area...”***



Type of Feedback & Commentary Being Solicited

“I think . . .

- The 101
- Rohnert Park Expressway
- Sonoma-Marín SMART Area Rail Transit Tracks

***. . . may make sense as a trustee area
boundary because . . .***

- It seems like a natural boundary
- It makes sense geographically



After Pre-Map Public Hearings

- Draw Draft Trustee Area Plans
 - Demographer to use 2010 Census Data and additionally permitted updated data.
 - Population must be as equal “as is practicable” – people, not citizens.
 - Ed Code section 1002: “...trustee areas shall be as nearly equal in population...”
 - A certain amount of deviation may be permitted.



More Criteria for Consideration

Article 21 of the California Constitution:

- Comply with the U.S. Constitution.
- Achieve population equality as nearly as is practicable.
- Comply with the Federal Voting Rights Act.
- Voting districts shall be geographically contiguous.
- Local *communities of interests*.
- Geographical compactness.
- Cannot favor or discriminate against an incumbent, political candidate or political party.



Final Thoughts

- Does not change overall District boundaries
- Does not change school attendance boundaries
- **Does not** change how the District is governed:
 - Each Board member, regardless of the trustee area in which he/she resides, still owes fiduciary duty to entire District
 - Still one District with common goals and challenges!!!



Schedule

January 14, 2020	Pre-Map Public Hearing #1
January 21, 2020	Pre-Map Public Hearing #2
<i>Draft map options prepared for public review</i>	
February 18, 2020	Map Public Hearing #1
February 27, 2020	Map Public Hearing #2
March 10, 2020	Map Public Hearing #3



