



Fagen Friedman & Fulfroost LLP

Public Hearing Comments in Advance of Preparing Trustee Area Map Options



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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



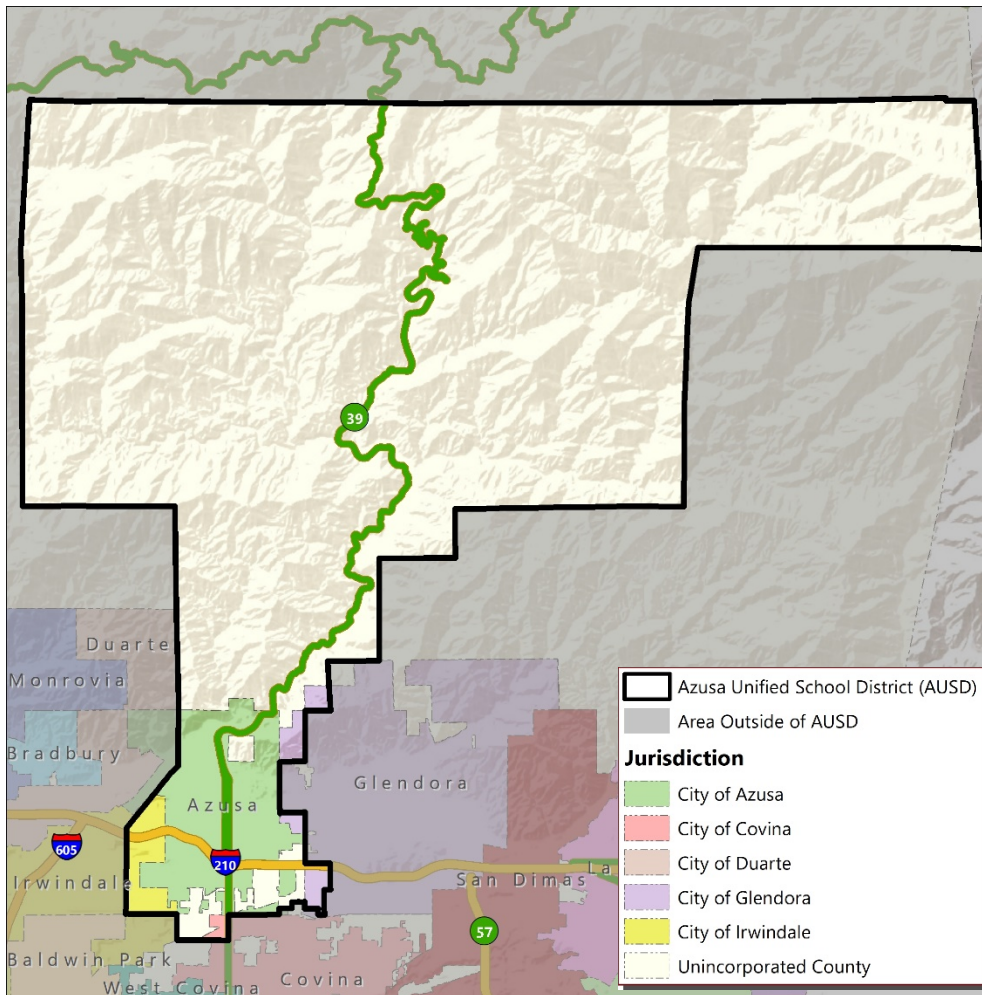
Current Step: Two Public Hearings

- 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

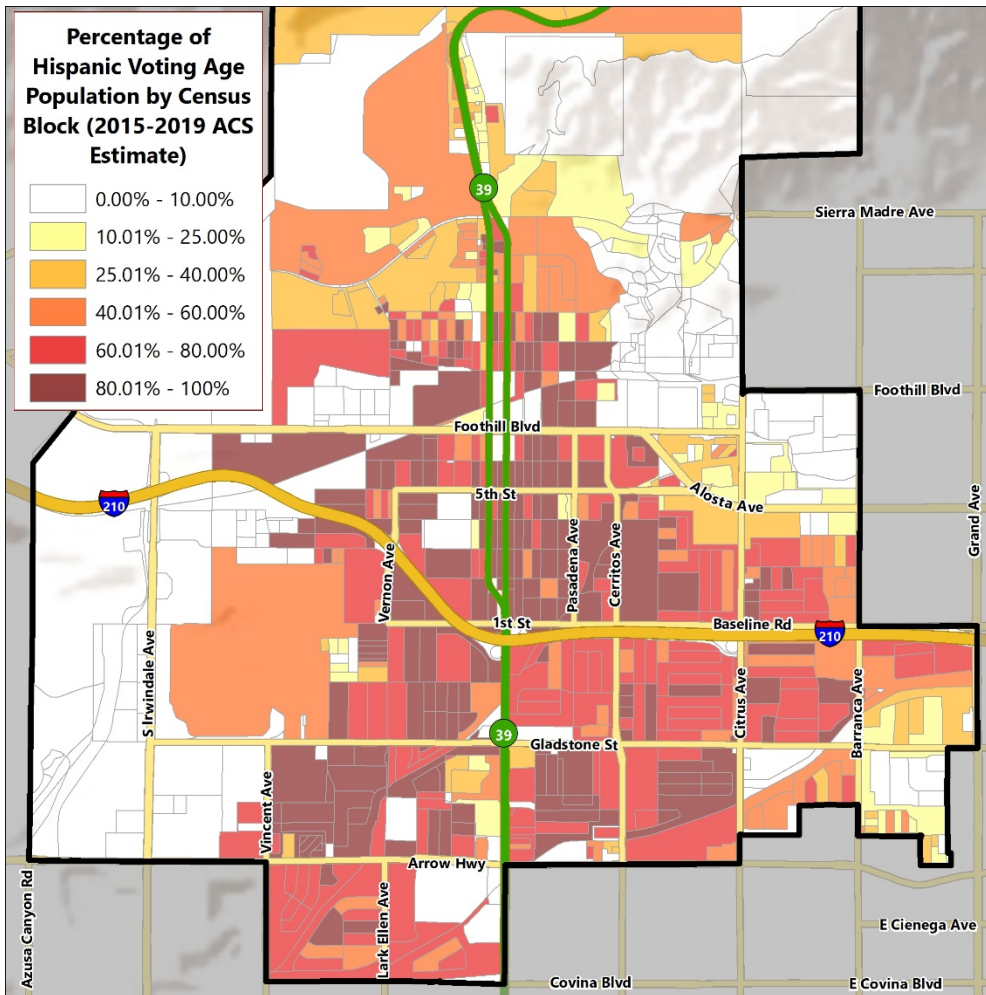
2010 Census Data (Total Population)



Population	Total Population		Age 18 and over	
	Total	%	Total	%
Hispanic/Latino	46,917	70.21%	31,573	64.90%
White	12,212	18.27%	10,832	22.26%
Black / African American	1,603	2.40%	1,257	2.58%
American Indian / Alaska Native	177	0.26%	141	0.29%
Asian	4,887	7.31%	4,127	8.48%
Native Hawaiian/ Pacific Islander	84	0.13%	71	0.15%
Other	861	1.29%	601	1.24%
Two or More Races	84	0.13%	50	0.10%
Total	66,825	100%	48,652	100%

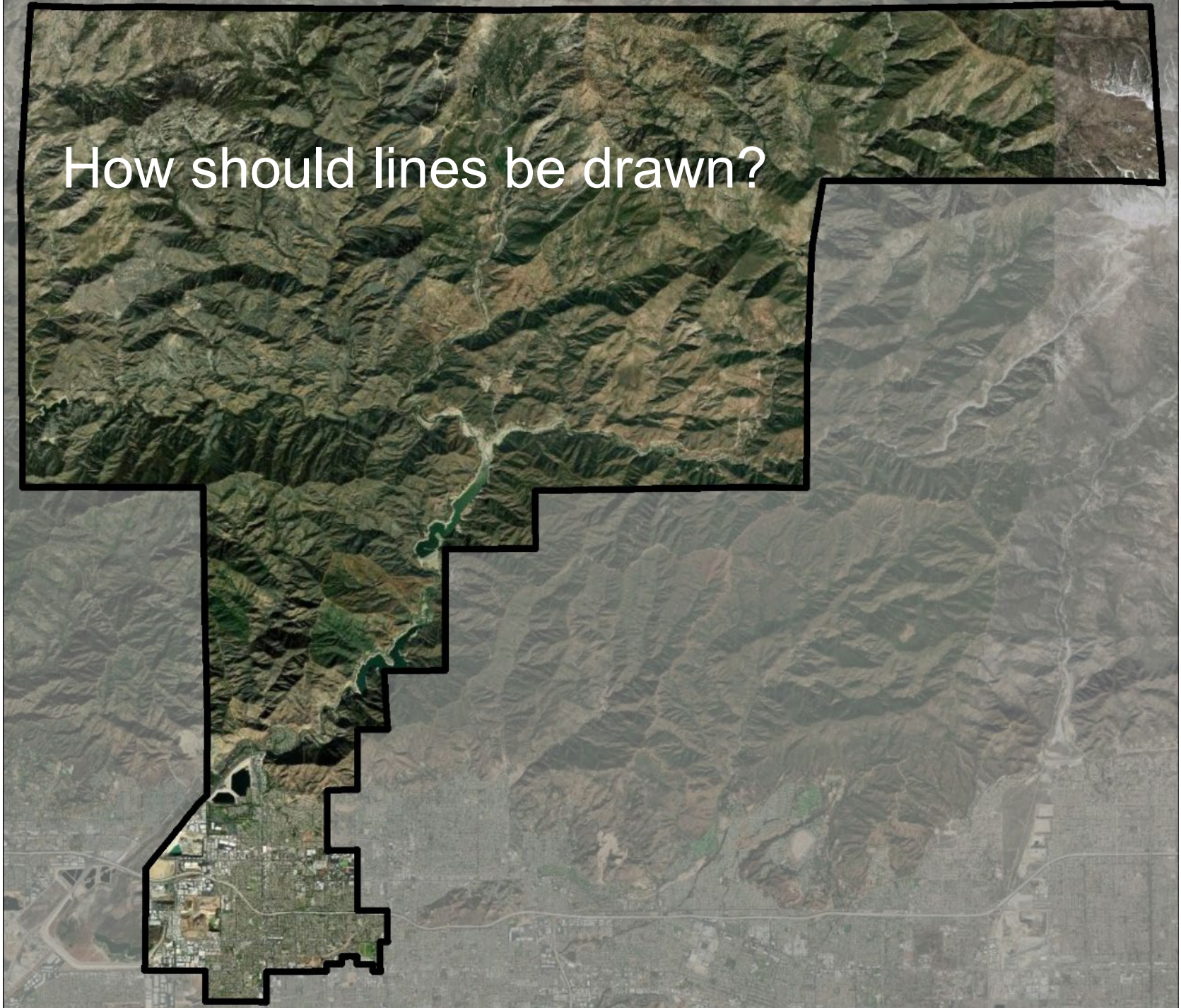
District's Demographics

Hispanic Citizen Voting Age Population Estimates

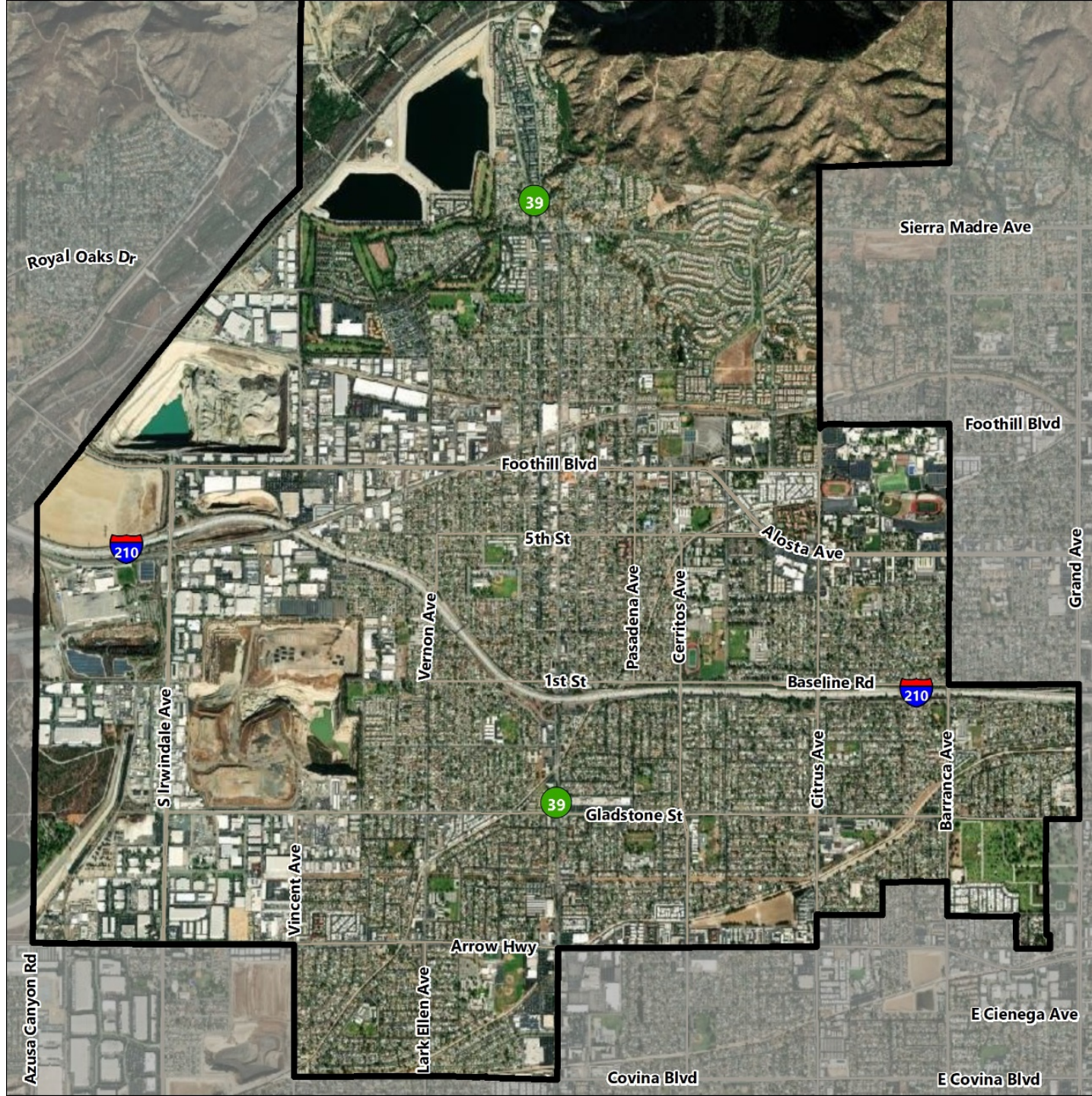


Population	2015-2019 CVAP	
	Total	%
Hispanic/Latino	26,280	58.55%
White	10,964	24.43%
Black / African American	1,580	3.52%
American Indian / Alaska Native	80	0.18%
Asian	5,185	11.55%
Native Hawaiian/ Pacific Islander	71	0.16%
Two or More Races	725	1.62%
Total	44,885	100%

How should lines be drawn?



How should lines be drawn?



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 210**
- Azusa Avenue**
- Gladstone Street**
- Foothill Boulevard**

***. . . 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 2020 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

August 17, 2021	Pre-Map Public Hearing #1
September 7, 2021	Pre-Map Public Hearing #2
<i>2020 Census Data released; Draft map options prepared for public review</i>	
November 2, 2021	Map Public Hearing #1
November 16, 2021	Map Public Hearing #2
December 14, 2021	Map Public Hearing #3



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INTRODUCTION

The Azusa Unified School District (AUSD) currently elects its Board of Education members through an at-large election system. Under this system, candidates for the Board of Education can reside anywhere in AUSD's area of service and are elected by the registered voters that reside within AUSD's area of service.

A By-Trustee Election System is one in which the district's area of service is divided into By-Trustee areas, and voters in each By-Trustee area choose their Board of Education representative, who must also live in that By-Trustee area.

On January 12, 2021, the AUSD Board of Education declared its intent to transition to a By-Trustee Area Election System.

Pursuant to [Election Code Section 10010](#), AUSD will conduct a series of public hearings to receive community input on the composition of proposed election geographic areas for Board of Education seats. It is of the utmost importance that residents participate and provide feedback during the upcoming public hearings. It is the District's desire to ensure that the proposed By-Trustee Areas reflect communities of interest and that the community is involved in this process.

FAQ

[Expand All](#)

- What is the (California Voting Rights Act) CVRA? >
- Does this change where students attend school? >
- How will this transition impact me? >
- How can I help shape the By-Trustee Areas? >
- What is the difference between "At Large" elections and "By-Trustee Area" Elections? >
- What if there is no candidate in one of the "by-trustee areas"? >
- How and when will the final map be chosen? >
- When will the maps be available to the public? >
- Who draws the draft map options? >

