

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN SENATE JUNE 13, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 684

Introduced by Assembly Member Block

February 17, 2011

An act to add Sections 72036 and 72036.5 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Block. Community college districts: trustee elections.

(1) Existing law establishes the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges. The board of governors provides general supervision over each community college district and performs specified functions. Each community college district is under the control of a board of trustees.

Existing law provides various procedures for the nomination and election of the governing boards of community college districts. Existing law specifies the number of members on the board, residency requirements, length of terms, and the drawing of trustee boundaries.

This bill would authorize the governing board of a community college district to change election systems, as specified, in accordance with the provisions of this bill and the California Voting Rights Act of 2001,

subject to approval by the Board of Governors of the California Community Colleges. The bill would authorize the governing board of a community college district to establish elections by trustee areas. In establishing trustee areas, the territory of a district would be divided into trustee areas, and one member of the governing board would be elected from each trustee area. A candidate for election as a member of the governing board would be required to reside in, and be registered to vote in, the trustee area he or she seeks to represent. The governing board would be authorized to set the initial boundaries of each trustee area to reflect the population enumerated in the most recent decennial federal census. Thereafter, the boundaries of trustee areas would be adjusted, abolished, or rearranged as specified. This bill would authorize the governing board of a community college district to determine the number of trustees, and would require the governing board to be composed of 5 to 9 members. The board would be authorized to establish, abolish, or adjust trustee areas and terms of office, as specified. The bill would specify that the act would not apply to any community college district that is authorized by statute to provide for its own trustee elections.

(2) This bill would establish a procedure for *the number of members*, the election of members, and the reapportionment of trustee areas of the governing board of the Grossmont-Cuyamaca Community College District *in accordance with the provisions of this bill and the California Voting Rights Act of 2011*. The bill would provide that candidates for election to the board be nominated by trustee area, as defined, at a primary election held on the date of the statewide direct primary election. The 2 candidates receiving the highest number of votes would be the nominees for the general election for that trustee area. The candidate receiving a majority of the votes cast in the general election would be elected to represent that district, and would hold office for a 4-year term, as specified. Members of the board holding office on the effective date of this act would continue to hold office, as specified. The bill would require the governing board to be composed of 5 to 9 members, as determined by the board, and to establish, abolish, or adjust trustee areas and terms of office, as specified. This bill would require the boundaries for trustee areas established by resolution of the governing board of the district, or adopted by the county committee on school district organization prior to January 1, 2012, to reflect population changes enumerated in the 2010 decennial federal census, to be in effect when ~~then~~ the act becomes operative. The bill would require the

boundaries to be set so that the population of each area is in proportion to the other districts. The bill would thereafter require the boundaries to be adjusted, abolished, or rearranged, as specified.

(3) By imposing the above requirements on the Grossmont-Cuyamaca Community College District, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 72036 is added to the Education Code,
2 to read:

3 72036. Notwithstanding any other law, the governing board
4 of a community college district may change election systems, in
5 accordance with the provisions of this section and the California
6 Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section
7 14025) of Division 14 of the Elections Code), upon the adoption
8 by the board of trustees of a resolution in support of electing the
9 trustees in accordance with this section and upon the approval of
10 the Board of Governors of the California Community Colleges,
11 as follows:

12 (a) The governing board of a community college district may
13 establish elections by trustee areas. In establishing trustee areas,
14 the territory of a district shall be divided into trustee areas, and
15 one member of the governing board shall be elected from each
16 trustee area. A candidate for election as a member of the governing
17 board shall reside in, and be registered to vote in, the trustee area
18 he or she seeks to represent. The governing board shall set the
19 initial boundaries of each trustee area to reflect substantially equal
20 population in each district as enumerated in the most recent
21 decennial federal census. Thereafter, the boundaries of trustee

1 areas shall be adjusted pursuant to Section 5019.5, and may be
2 abolished or adjusted as otherwise provided in this code.

3 (b) The governing board of a community college district may
4 establish a top-two primary election system, as follows. Candidates
5 for election as a member of a governing board of a district shall
6 be nominated by trustee area at a district primary election held on
7 the date of the statewide direct primary election. At the district
8 primary election, the two candidates receiving the highest number
9 of votes within the trustee area shall be nominees for the district
10 general election for that trustee area, and the nominee who receives
11 a majority of the votes cast by the voters of the trustee area in the
12 district general election shall be elected to represent that trustee
13 area. The district general election shall be held on the same date
14 as the statewide general election.

15 (c) The governing board of a community college district may
16 determine the number of trustees pursuant to this subdivision. The
17 governing board of a community college district shall be composed
18 of not less than five members and not more than nine, as
19 determined by the governing board. Sections 5019 to 5030,
20 inclusive, do not apply to the governing board's determination of
21 the number of members pursuant to this subdivision. If the number
22 of members of a governing board is increased or decreased, a
23 governing board shall establish new trustee areas, abolish trustee
24 areas, or adjust the boundaries of trustee areas so that the number
25 of trustee areas is equal to the number of governing board members.
26 If the number of members of a governing board is increased, the
27 additional members of the governing board shall be elected at the
28 next regular ~~general district~~ *district general* election of board
29 members occurring at least 123 days after the governing board
30 approved the increased number of board members. Prior to the
31 next district general election, the governing board shall divide by
32 lot the additional trustee area positions that are created so that the
33 term of one-half of the board members elected to those positions
34 shall expire on the first Friday in December following the next
35 district general election. The term of the other board members
36 elected to fill the remainder of the additional positions shall expire
37 on the first Friday in December following the second district
38 general election succeeding their election.

1 (d) This section shall not apply to any community college district
2 that has been authorized by statute to provide for its own trustee
3 elections.

4 SEC. 2. Section 72036.5 is added to the Education Code, to
5 read:

6 72036.5. (a) Notwithstanding any other law, the number of
7 members, the election of members, and the reapportionment of
8 trustee areas of the Governing Board of the Grossmont-Cuyamaca
9 Community College District shall be provided for pursuant to this
10 section *and in accordance with the California Voting Rights Act*
11 *of 2001 (Chapter 1.5 (commencing with Section 14025) of Division*
12 *14 of the Elections Code).*

13 (b) For purposes of this section, “district” means the
14 Grossmont-Cuyamaca Community College District.

15 (c) Candidates for election as a member of the governing board
16 of the district shall be nominated by trustee area at a district
17 primary election held on the date of the statewide direct primary
18 election. At the district primary election, the two candidates
19 receiving the highest number of votes within the trustee area shall
20 be nominees for the district general election for that trustee area,
21 and the nominee who receives a majority of the votes cast by the
22 voters of the trustee area in the district general election shall be
23 elected to represent that trustee area. The district general election
24 shall be held on the same date as the statewide general election.

25 (d) Candidates for election as members of the governing board
26 of the district shall file a declaration of candidacy as provided in
27 this code. Each member of the governing board elected at the
28 district general election shall hold office for a term of four years
29 commencing on the first Friday in December following his or her
30 election.

31 (e) The members of the governing board of the district that are
32 in office on the effective date of the act that enacted this section
33 at the 2011–12 Regular Session of the Legislature shall hold office
34 until the first Friday in December of the year in which their
35 respective term of office would otherwise have terminated, or until
36 a successor qualifies therefor.

37 (f) The territory of the district shall be divided into trustee areas
38 and one member of the governing board shall be elected from each
39 trustee area. A candidate for election as a member of the governing

1 board of the district shall reside in, and be registered to vote in,
2 the trustee area he or she seeks to represent.

3 (g) The governing board of the district shall be composed of
4 not less than five members and not more than nine, as determined
5 by the governing board. Sections 5019 to 5030, inclusive, do not
6 apply to the governing board's determination of the number of
7 members pursuant to this subdivision. If the number of members
8 of the governing board is increased or decreased, the governing
9 board shall establish new trustee areas, abolish trustee areas, or
10 adjust the boundaries of trustee areas so that the number of trustee
11 areas is equal to the number of governing board members. If the
12 number of members of the governing board is increased, the
13 additional members of the governing board shall be elected at the
14 next regular ~~general district~~ *district general* election of board
15 members occurring at least 123 days after the governing board
16 approved the increased number of board members. Prior to the
17 next district general election, the governing board shall divide by
18 lot the additional trustee area positions that are created so that the
19 term of one-half of the board members elected to those positions
20 shall expire on the first Friday in December following the next
21 district general election. The term of the other board members
22 elected to fill the remainder of the additional positions shall expire
23 on the first Friday in December following the second district
24 general election succeeding their election.

25 (h) Boundaries for trustee areas established by a resolution of
26 the governing board of the district or adopted by the county
27 committee on school district organization prior to January 1, 2012,
28 to reflect population changes enumerated in the 2010 decennial
29 federal census shall be in effect when this act becomes operative.
30 The boundaries of each trustee area shall be set so that the
31 population of each area is, as nearly as may be, the same proportion
32 of the total population of the district as each of the other areas.
33 Thereafter, the boundaries of trustee areas shall be adjusted
34 pursuant to Section 5019.5 and may be abolished or rearranged as
35 otherwise provided in this code.

36 SEC. 3. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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