

GLENDALE COMMUNITY COLLEGE DISTRICT

December 15, 2015

RESOLUTION NO. 18-2015-2016

TO: Board of Trustees

SUBMITTED BY: David Viar, Superintendent/President

REVIEWED BY: Ron Nakasone  
Executive Vice President, Administrative Services

SUBJECT: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
GLENDALE COMMUNITY COLLEGE DISTRICT TO  
ESTABLISH THE ELECTION ROTATION OF TRUSTEE  
AREAS PURSUANT TO EDUCATION CODE § 5021(a)  
AND AMENDING BOARD POLICY 2010 AND BOARD  
POLICY 2100

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DESCRIPTION OF HISTORY/BACKGROUND

On June 16, 2015, following an extensive public process, the Board of Trustees adopted Resolution No. 24-2014-2015, selecting trustee area Map 5-E (attachment 1) and submitting it to the Board of Governors of the California Community Colleges for approval pursuant to Cal. Educ. Code § 72036(a).

On November 16, 2015, the Board of Governors approved the District's proposal to adopt trustee areas and to use Map 5-E beginning with the District's 2017 elections.

Education Code § 72036(a) was enacted in 2011 as a streamlined alternative to the prior rules governing the adoption of trustee areas by community college districts, found in Education Code §§ 5019, 5020-5021, and 5030. Education Code § 72036, however, does not address all of the topics contained in Education Code §§ 5019, 5020-5021, and 5030, and with respect to those topics left unaddressed, the pre-existing rules govern.

Of particular relevance here, Education Code § 72036 does not prescribe the process by which new trustee areas are implemented for election purposes. Education Code § 5021(a) provides, however, that "If a proposal for the establishment of trustee areas ... is approved ... any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or

community college district, the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.”

Three current incumbents’ terms will end in 2017, while the remaining two incumbents’ terms will end in 2019. In Map 5-E three of the newly-created trustee areas (Areas 1, 2 and 3), are “represented in the membership of the governing board of the ... community college district”; two of those three trustee areas (Areas 2 and 3) are represented by trustees whose terms will end in 2017, and which will therefore be scheduled for election in 2017.

Two of the newly-created trustee areas (Areas 4 and 5) are not “represented in the membership of the governing board of the ... community college district,” and because only three incumbents’ terms will end in 2017, and Areas 2 and 3 will be scheduled for election, only one of the vacant trustee areas will be scheduled for election in 2017.

Thus, it is necessary to determine by lot whether Area 4 or Area 5 will be up for election in 2017, with the other trustee area to be up for election in 2019, along with Area 1. Because Education Code § 72036 has removed the county committee on school district organization from the process of establishing trustee areas in a community college district, the District Board should select by lot which of the two vacant trustee will be scheduled for election in 2017. California law does not define the means by which such a selection may be made “by lot.”

Also, as an administrative matter, now that by-trustee area elections have been approved, it is necessary for Board Policy 2010: Board Membership and Board Policy 2100: Board of Trustees (Board) Elections to be amended to be consistent with the Board of Governors’ approval under Education Code § 72036.

#### COMMITTEE HISTORY

Campus Executive Committee

December 8, 2015

#### FISCAL IMPACT

None

#### RECOMMENDATION

The Superintendent/President recommends that the Board of Trustees authorize the selection by lot as to which of the two vacant trustee areas (Area 4 or Area 5) will be scheduled for election in 2017. The Superintendent/President recommends that to avoid any perception of self-interest, a member of the public attending the meeting be asked to make the selection by drawing from a designated box holding note cards numbered four (4) and five (5).

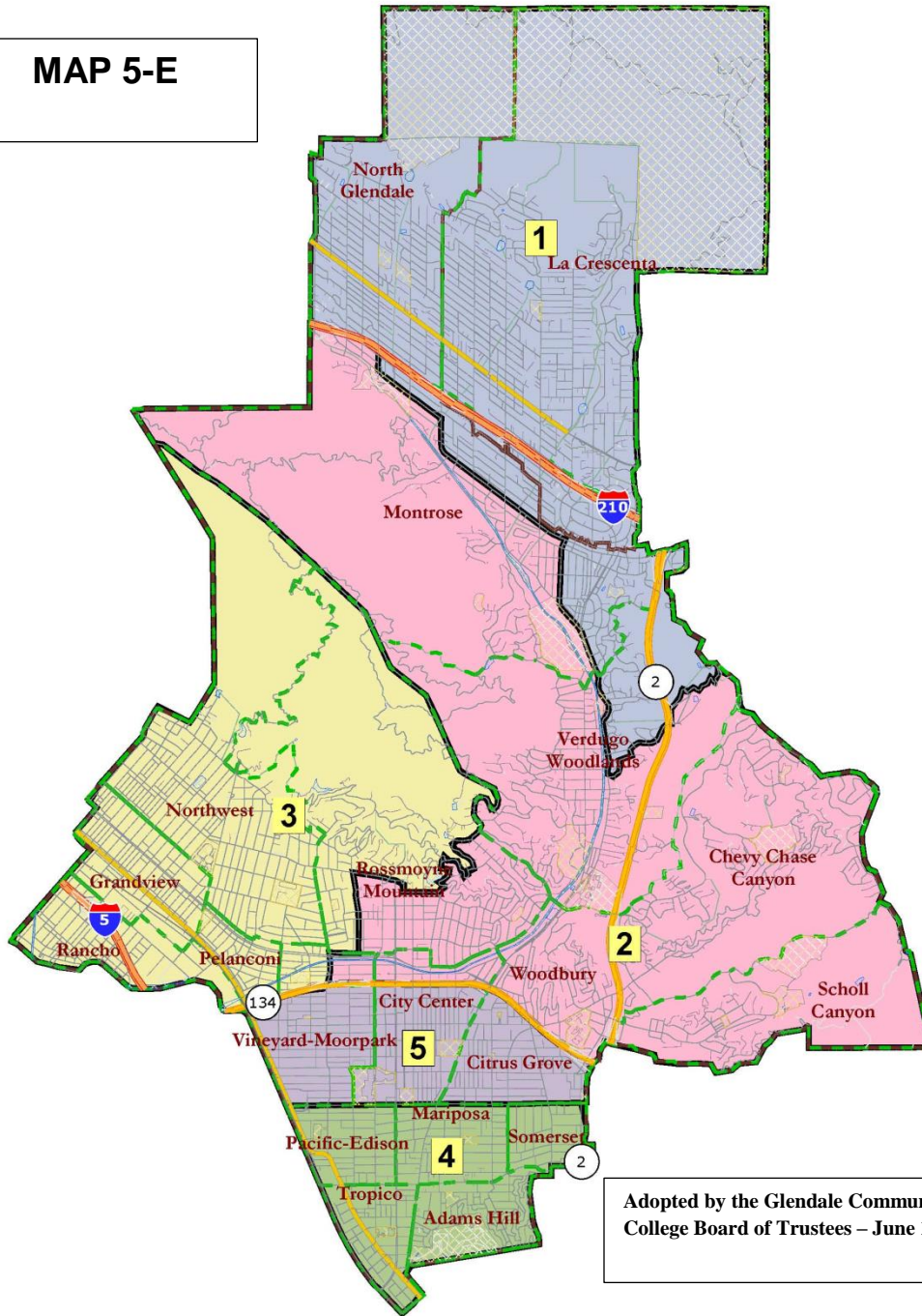
Once the selection by lot is made and announced, the Superintendent/President recommends that the Board of Trustees adopt the attached Resolution No. 18-2015-2016, memorializing the selection and also making conforming changes to Board Policy 2010: Board Membership and Board Policy 2100: Board of Trustees (Board) Elections.

**ATTACHMENT 1**

**MAP 5-E**

**Glendale Community College District  
Board approved June 16, 2015**

**MAP 5-E**



Adopted by the Glendale Community  
College Board of Trustees – June 16, 2015

**RESOLUTION NO. 18-2015-2016**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
GLENDALE COMMUNITY COLLEGE DISTRICT TO  
ESTABLISH THE ELECTION ROTATION OF TRUSTEE  
AREAS PURSUANT TO EDUCATION CODE § 5021(a)  
AND AMENDING BOARD POLICY 2010.**

**WHEREAS**, the Glendale Community College District (“District”) has historically elected each member of its governing board “at-large”, *i.e.*, “by the registered voters of the entire district” (Educ. Code. § 5030(a)); and

**WHEREAS**, California Education Code § 72036, authorizes the Board of Trustees of the District (“Board”) to change the District’s method of electing its governing board members, subject to approval by the Board of Governors of the California Community Colleges; and

**WHEREAS**, on October 21, 2014, the Board adopted Resolution No. 15-2014-2015, initiating the process of changing the District’s method of election to “by-trustee area” elections, *i.e.*, elections in which “one member of the governing board shall be elected from each trustee area[,]” and in which “[a] candidate for election as a member of the governing board shall reside in, and be registered to vote in, the trustee area he or she seeks to represent[,]” Cal. Educ. Code § 72036(a), to be used for the first time at the 2017 elections for the District Board; and

**WHEREAS**, to that end the Board conducted an extensive public process, including multiple public hearings as required by law, to obtain public input regarding the specific trustee area lines to be adopted; and

**WHEREAS**, at the end of that public process, taking all of the public testimony into account, on June 16, 2015, the Board adopted proposed Map 5-E as its preferred trustee area plan; and

**WHEREAS**, on November 16, 2015, the Board of Governors of the California Community Colleges approved the District’s proposal to change to by-trustee area elections under Education Code § 72036 and the District’s proposed trustee area plan, Map 5-E; and

**WHEREAS**, Education Code § 5021(a) governs the process by which new trustee areas are implemented for use in elections, providing, “If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be

nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.”; and

**WHEREAS**, three current incumbents’ terms will end in 2017, while the remaining two incumbents’ terms will end in 2019; and

**WHEREAS**, in Map 5-E three of the newly-created trustee areas (Areas 1, 2 and 3), are “represented in the membership of the governing board of the ... community college district”; and

**WHEREAS**, two of those three trustee areas (Areas 2 and 3) are represented by trustees whose terms will end in 2017, and which will therefore be scheduled for election in 2017; and

**WHEREAS**, two of the newly-created trustee areas (Areas 4 and 5) are not “represented in the membership of the governing board of the ... community college district”; and

**WHEREAS**, because three incumbents’ terms will end in 2017, and because Areas 2 and 3 will be scheduled for election, only one of the vacant trustee areas will be scheduled for election in 2017; and

**WHEREAS**, by law the vacant trustee area to be scheduled for election in 2017 is to be chosen by lot; and

**WHEREAS**, on December 15, 2015, Trustee Area No. 4 was selected for election in 2017 in an impartial drawing of lots; and

**WHEREAS**, since by-trustee area elections have been approved, it is necessary for Glendale Community College District Board Policy 2010: Board Membership and Glendale Community College District Board Policy 2100: Board of Trustees (Board) Elections to be amended to be consistent with the Board of Governors’ approval under Education Code § 72036,

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE GLENDALE COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** Because Education Code § 72036 has removed the county committee on school district organization from the process of establishing trustee areas in a community college district, the District Board selected by lot which of the two vacant trustee will be scheduled for election in 2017.


**SECTION 3.** As a result of the selection by lot, Trustee Area 4 will be scheduled for election in 2017, along with Trustee Areas 2 and 3.

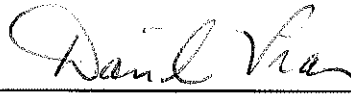
**SECTION 4.** Trustee Areas 1 and 5 will be scheduled for election in 2019, upon the expiration of the two remaining incumbents' terms.

**SECTION 5.** Board Policy 2010 and Board Policy 2100 are hereby amended to read as shown in Exhibit A and Exhibit B hereto, incorporated herein by this reference, to be consistent with the Board of Governors' approval under Education Code § 72036.

**SECTION 6.** The Superintendent/President shall consult with legal counsel to resolve any legal issues necessary to give effect to this Resolution.

PASSED AND APPROVED this 15th day of December 2015.

  
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Member, Board of Trustees

  
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Superintendent/President

**EXHIBIT "A"**

**BOARD POLICY 2010: BOARD MEMBERSHIP  
GLENDALE COMMUNITY COLLEGE DISTRICT  
AS AMENDED DECEMBER 15, 2015**

Glendale Community College District

**2010**

Board Policy

**BOARD MEMBERSHIP**

The Board of Trustees (Board) shall consist of five (5) members elected by the qualified voters living within the designated trustee area boundaries of the District. Members shall be elected by "trustee area" in accordance with Education Code sections 5030(b) and 72036.

Any person who meets the criteria contained in law and is a resident of the trustee area in which he or she seeks to represent is eligible to be elected or appointed a member of the Board.

An employee of the district may not be sworn into office as an elected or appointed member of the Board unless he or she resigns as an employee.

No member of the Board shall, during the term for which he or she is elected, hold an incompatible office.

Reference:

- Education Code Section 5030(b), 72023, 72036, 72103, 72104
- Glendale Community College District Board of Trustees Resolution Nos. 15-2014-2015; 24-2014-2015; 18-2015-2016

Administrative Regulation:

None

Adopted 10/15/07  
Reviewed 12/02/14  
Revised 12/15/15

**EXHIBIT "B"**

**BOARD POLICY 2100: BOARD OF TRUSTEES (BOARD) ELECTIONS  
GLENDALE COMMUNITY COLLEGE DISTRICT  
AS AMENDED DECEMBER 15, 2015**

**2100**

Board Policy

**BOARD OF TRUSTEES (BOARD) ELECTIONS**

Elections shall be held every two years, in odd numbered years and held in consolidation with the City of Glendale Municipal Election, subject to City of Glendale approval. Terms of Board Members are four (4) years and staggered so that, as nearly as practical, one half of the Board Members shall be elected at each Board Member election.

1. Election of members of the Board shall be conducted in accordance with provisions of the Charter and Municipal Code of the City of Glendale and the California Education Code. Members are elected to the Board at the municipal election held on the first Tuesday in April in odd numbered years.
2. Election of members of Areas two, three, and four shall be held in 2017 and every four years thereafter. Election for members of Areas one and five shall be held in 2019 and every four years thereafter.
3. Following each decennial federal census, the Board of Trustees shall adjust the boundaries of any or all of the trustee areas of Glendale Community College District in accordance with California Education Code.
4. It is the determination of the Board that if a tie vote makes it impossible to determine either of which of two or more candidates has been elected to the Board, or the terms of office of the Board Member, the winner or winners will be determined by lot.
5. Candidates for the Board shall pay the filing fee for candidacy as provided in the Glendale City Charter and Municipal Code.  
  
The actual prorated costs of printing, handling and translating the candidate's statement, if any, incurred by the City of Glendale as a result of providing this service, shall be included as part of the total prorated election costs to be paid by the District. The individual candidate shall be billed for these costs.
6. Board Members shall hold office for terms of four years, commencing from 8:00 p.m. of the second Monday of April following the day of the Glendale Municipal Election, and until their successors are elected and qualified.

**Reference:**

- SB 1277 (Senator Russell) enacted and signed into law June 25, 1980
- Education Code Sections 5000 et seq.
- Glendale Municipal Code, Chapter 1.08
- Charter, City of Glendale, Article 5

- Glendale Community College District Board of Trustees Resolution No. 18-2015-2016

Administrative Regulation:

None

Adopted 7/10/73

Revised 3/31/83; 12/21/98; 10/15/07; 2/17/15; 12/15/15