

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: August 15, 2011
POSITION: Neutral, note concerns
SPONSOR: Community College League of California

BILL NUMBER: AB 684
AUTHOR: M. Block

BILL SUMMARY: Community College Districts: Trustee Elections

This bill would authorize California community college districts (CCCDs) to change election systems upon the adoption of a resolution by the district governing board and upon the approval of the Board of Governors of the California Community Colleges (BOG). Specifically, the bill would authorize CCCDs to: (1) establish elections by trustee area, (2) establish a top-two primary election system, and (3) determine the number of trustees of the CCCD within specified limits.

Additionally, the bill would specify the number of trustee members, the election of trustee members, and the reapportionment of trustee areas of the Grossmont-Cuyamaca Community College District (GCCCD). Specifically, the bill would: (1) require that trustees of the GCCCD be elected by trustee area rather than by at-large elections as currently practiced, (2) establish a top-two primary election system, (3) specify the allowable number of trustees of the GCCCD, and (4) require that the boundaries for the trustee areas be in effect when this bill becomes operative. The bill also includes explicit language specifying that no reimbursable costs would be incurred because the legislative authority was requested by the local agency, i.e., the GCCCD.

FISCAL SUMMARY

The Community College League of California asserts that the bill may result in cost savings for CCCDs from reduced legal challenges, and by avoiding the cost of an election to change from at-large election systems to trustee-area elections. Previous lawsuits involving the California Voting Rights Act (CVRA) have incurred costs between \$1 million and \$5 million.

Because the GCCCD governing board formally requested the applicable legislation and acknowledged that the district would be responsible for any costs related to the implementation of the bill, the bill should not generate reimbursable state-mandated costs. Government Code section 17556 provides a specific exception to costs mandated by the state for situations where the potential claimants have requested the legislation. However, any potential claim would be subject to the Commission on State Mandate's interpretation of existing law, the requirements of this bill, and the GCCCD notification that it requested the applicable requirements of this bill.

The California Community College Chancellor's Office states that the costs of this bill would be minor and absorbable.

COMMENTS

The Department of Finance is neutral on this bill because it could provide the CCCDs with a process to comply with the CVRA and avoid costly elections, and aligns the law for changing election systems for CCCDs with the law for K-12 school districts. However, while we understand the fiscal motivation of the applicable portions of the bill that require the GCCCD to change its election system, it is unclear why the provisions would be prescriptive with the GCCCD rather than permissive as proposed for all other CCCDs. Permissive language for the GCCCD would avoid any risk of a reimbursable state-mandate.

Analyst/Principal Date Program Budget Manager Date
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Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

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Current law provides for the election of school district and community college district governing board members, the determination of the number of members, and for the establishment and adjustment of trustee areas. Current law also requires voter approval for school districts and CCCDs to change from an at-large election system to a trustee-area election system. However, current law also authorizes the State Board of Education to approve school district requests to waive the requirement that voter approval be secured prior to changing the election method from at-large to trustee-area based elections. This bill would grant the Board of Governors similar waiver authority for CCCDs seeking to change election systems.

Furthermore, the CVRA prohibited the use of the at-large method of election if it imposed or was applied in a manner that impaired the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election. The CVRA also established criteria through which the validity of the at-large election system could be challenged in court.

The author's office states that many CCCDs may be obligated to change their election system to trustee area elections under the CVRA, and that this bill would allow the CCCDs to avoid costly elections and potential litigation costs.

The GCCCD governing board approved a resolution expressing concerns with its current at-large election process and the potential litigation costs. It also contends it is appropriate to implement changes without submitting the matter to an election because an election to approve the change in voting methods would be costly and the outcome would be uncertain. This bill would allow the GCCCD to proceed more quickly with changing its election process instead of following the more generic option of receiving a waiver from the BOG as proposed by this bill. The author's office has received a letter from the president of the GCCCD governing board that formally requests the legislation and acknowledges that the district would be responsible for all implementation costs and will not seek any state reimbursement.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO RV	PROP 98	FC	2011-2012 FC	2012-2013 FC	2013-2014 FC			
6870/Comm College	SO	No			----- No/Minor Fiscal Impact -----			0001	
6870/Comm College	LA	No			----- No/Minor Fiscal Impact -----			0001	