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July 24, 2018

County Committee on
School District Organization
c/o Dr. Fatima Alleyne, President
77 Santa Barbara Road,
Pleasant Hill, California 94523
via electronic mail

Dear Committee Members:

I attach three documents that may assist the Committee this evening.

(1) The first is the Board minutes of a meeting on April 18, 2018. “Ms. Tilton [district demographer] said the first priority would be to try to get a majority Latino and a majority African American trustee area.” The demographer was able to do so, which is why maps that do not include two majority minority areas violate the CVRA and federal law.¹

(2) The second is the demand letter, received on January 22, 2018, 175 days before the filing deadline. AB 350 envisions a commitment within a 45 day safe harbor to achieve expedited compliance within an additional 90 days, leaving 40 days to spare. After the safe harbor lapsed, and only after plaintiffs filed the lawsuit, WCCUSD committed to comply in 2018 “if possible.” Implementation this year was still possible until the Board became the first to opt for approval from the voters, rather than SBE. Plaintiffs immediately offered a settlement that delayed implementation until 2020, provided the 2018 at-large trustees served two-year terms. Simultaneous elections in all the new trustee areas placed incumbents on a level playing field.

Since AB 350 is a “no fault” process, the letters typically provide no evidence of racially polarized voting, but plaintiffs did so, using the method preferred by Dr. Johnson, the district’s own demographer. More extensive evidence will be produced at trial.

(3) The third conveys plaintiffs’ June 4 map (illustrating majority minority trustee areas) to President Alleyne and the WCCUSD Board. If implementation occurs in 2020, this map should be refined, as following precinct lines will no longer be necessary. If the black community seeks a trustee area that does not have an actual majority, the parties can submit a settlement for court approval, but that cannot be negotiated tonight.

¹ The discussion of 67 or 68% of voters being black of Latino reflects an error stating that 47% of voters are black. The actual number is 14%.

To permit effective public comment, the Committee should clarify exactly what it has authority to decide within its jurisdiction and agenda notice. Plaintiffs reluctantly believe that the only effect of approving Resolution 1-17/18A is automatically to set a divisive and ultimately meaningless ballot question. The 7th whereas refers to the shortening of terms, but this likely involves a court order. Clause (6) refers to a possible waiver, but the SBE does not meet until September, after the ballot has been printed. SBE requires school districts to allow this Committee to alter their maps as a condition of such a waiver, but WCCUSD is the first district (of 164) not to apply for one.

CONCLUSION

This Committee should disapprove WCCUSD's proposals. The proposed abbreviation of terms sweetens an otherwise irredeemable package, but it is a bait and switch that cannot be achieved without judicial approval. Without a court order approving majority minority districts, WCCUSD will be subject to litigation, possibly repeated after redistricting. The Committee should strongly recommend that the WCCUSD board negotiate, which will lead to a more favorable, less costly outcome. Disapproval will also make clear to Antioch USD and other districts implementing trustee areas that is highly desirable to obtain the SBE waiver – and not to seek voter approval.

Sincerely,



Scott J. Rafferty

cc: Mary Ann Mason, Esq.
Mr. Bill Clark
Superintendent Karen Sakata