

To: The Contra Costa County Board of Education
Fatima Alleyne, President
Jeff Belle, Vice President
Mike Maxwell
Christine Deane
Vikki Chavez
Karen Sakata, County Superintendent

July 19, 2018
Linda Ruiz Lozito
Lozito@sbcglobal.net

RE: WCCUSD Trustee Area Map Selection, Resolutions and Trustee Area Ballot Question

The text of my letter is in this green color, the rest is reference material & attachments.

Trustee Area Election Ballot Question

A ballot question will just confuse voters, cost the District general funds for the election, hinder progress with implementing Trustee Area, and create further litigation. All 163 California school districts that went to Trustee areas applied and received a waiver for the election. Holding an at-large election to decide on complying with the law is extraordinary. WCCUSD's legal council warned about ballot question and the school board has passed resolutions showing their intent to move to Trustee Area elections. (*see below*) District's council has indicated they will apply for a waiver, however this has NOT happened and there is no settlement. Perhaps the County can help the District commit to filing for a waiver of the election or file for a waiver.

WCCUSD Attorney from Lozano Smith discussing Trustee ballot question to EdSource.org 3/28/2018:

... The district's attorney, Harold Freiman of the Lozano Smith firm, warned that if voters reject electing board members who represent smaller areas of the district, a court could overturn their decision, **saying the vote further confirms that majority white voters don't want to give minority Latino and black voters** — who are concentrated in Richmond, San Pablo and other areas of the district — a chance to elect someone who represents them. That is what happened when voters in the city of Highland, near San Bernardino, voted against creating smaller voting districts within the city, he said.

“If you go to the election and the electorate approves, that's a fine and good thing,” he told the board. **“But if it votes it down, there may be ensuing litigation that the vote is evidence of racially polarized voting.”** ...

edsourcesite.org/2018/west-contra-costa-wants-voters-to-decide-whether-to-change-elections-so-school-board-members-represent-specific-areas

School board resolutions:

June 27, 2018 School board voted on Resolution No. 105-1718

4. The Board hereby recommends that, to the extent allowed by law, all trustees elected in 2018 serve a two year term, and that all five trustee-areas be up for election in 2020, with a staggering schedule applied commencing in 2020 as determined by the County Committee.

March 21, 2018 School board voted for Resolution No. 64-1718

INTENT TO TRANSITION FROM AT-LARGE TO TRUSTEE-AREA BOARD ELECTIONS

... WHEREAS, Education Code sections 5019 and 5030 authorize the County Committee, upon application of the District Board, to change the method of election of the Board from at-large to trustee-area;

westcontracosta.agendaonline.net/public/Meeting/Attachments/DisplayAttachment.aspx?AttachmentID=269502&IsArchive=1

WCCUSD Trustee Area Map Selection

I have serious concerns about the selection of a trustee map that favors one trustee and hurts minorities. Also I am concerned about the accuracy of the voter data on all the maps. If the County Board finds there are legitimate concerns with the map selection I hope that they can authorize an independent demographer, or a statistician, to double check the voting data and suggest boundary changes to achieve true Majority Minority areas. There should be plenty of time since the WCCUSD does not plan to implement trustee area elections till 2020.

Is “Cities and Schools B” map is gerrymandered for one trustee?

School Board members discussing map selection at June 27, 2018 map hearing: (see attachment B)

Tom Panas: ... I said I was really opposed to having where trustees live be even be part of the conservation - and for that reason I'm having trouble getting interested in any of the maps that were created after “Cities and Schools A” because there were changes made there to move a person from one district to another and that's kind of been perpetuated in the later maps ...

Val Cuevas: ... is one that doesn't consider any trustees interest and we said we weren't going to do that ... but I'm much more drawn to the notion of doing this without having individuals have consideration into how these maps get drawn and we talked about that as a board as a driving force. ...

There have been attempts to influence opposing council to negotiate terms to benefit one school board member.

1. Excerpt from a WCCUSD lawyer making a settlement request for Mr. Phillips to Mr. Rafferty (opposing council) it seems this was without informing the rest of the school board. CVRA does not allow for a mix of district and at-large members. *(see attachment C)*
... Trustee Phillips is interested in knowing whether you would be open to a settlement where the District moved to six trustee areas plus one at large seat, acknowledging that this would still constitute an “at large” election system under the CVRA. Can you let me know if that is something you would entertain, and that possibly could be included in any consent decree?
2. After the second map hearing on April 18, 2018 it seems Mr. Phillips discussed with Mr. Rafferty that he might be able to accept district elections if his requests for map areas were followed.
3. On July 8, 2018 Mr. Phillips called Mr. Rafferty late at night demanding that he “kill” the “June 4” map before he could have confidential discussions.

“June 4” map benefits:

- Has higher percentage for Citizens of Voting Age Population and Registered Voters for both the Black and Latino/Hispanic minority trustee areas, therefore is closer to the intent of the Voting Rights Act.
- More people spoke in public comment favoring the June 4 map, both at the map hearings and during the four informational meetings.
- Follows El Cerrito school attendance areas. *(see attachment A)*
- The June 4 map follows precinct boundaries as requested by the county registrar.

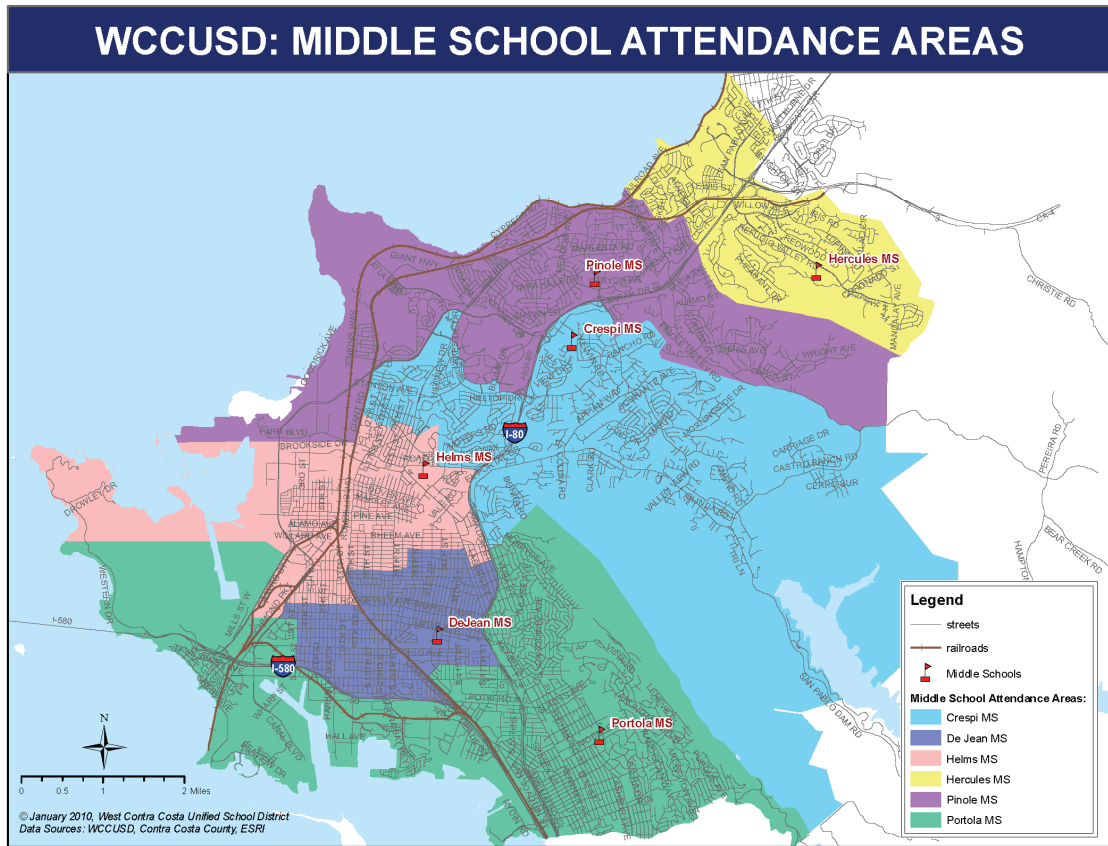
This map is only for 2020 election where all 5 seats are to be up. Staggering elections should be based on minority and underrepresented areas so they coincide with presidential election cycles. After the 2020 census the map will be modified before the 2022 election.

Sincerely,

Linda Ruiz-Lozito

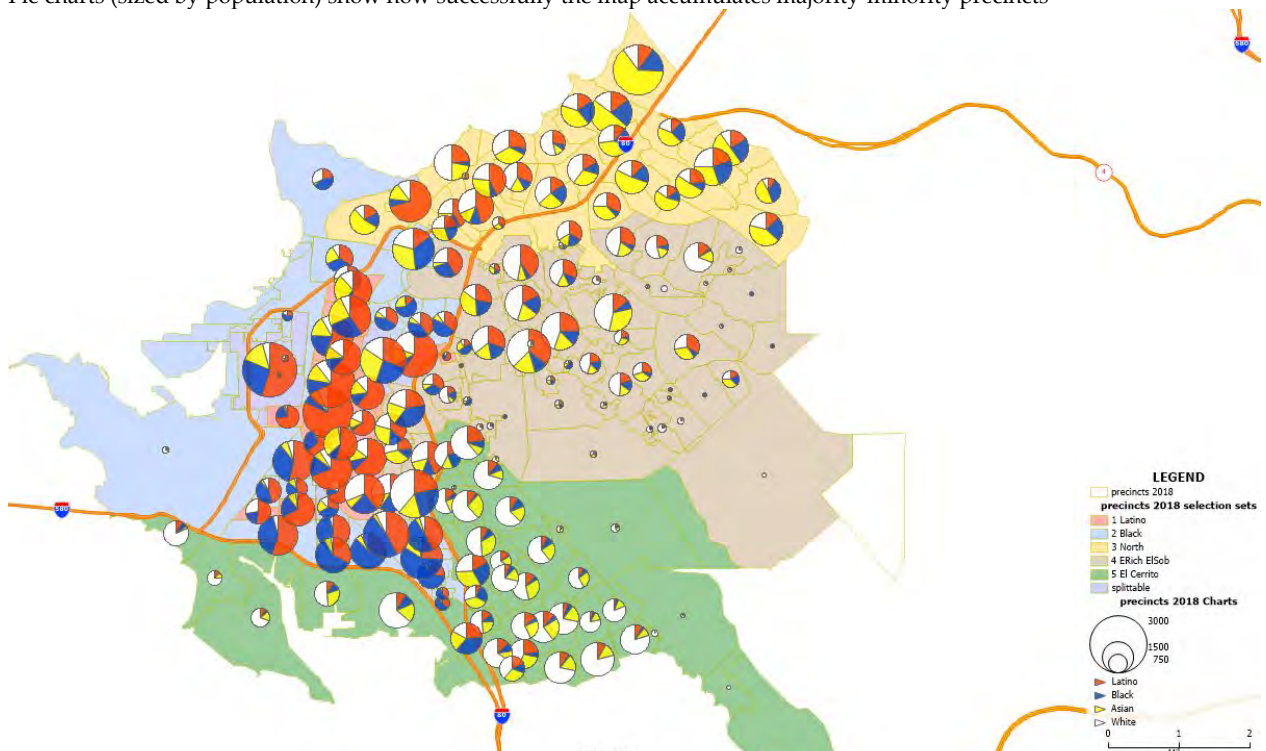
Attachment A

El Cerrito Middle School attendance areas are similar to “June 4” map
 Portola Middle School’s name was changed to Korematsu in 2014. www.wccusd.net



This shows that the Point Richmond and Marina Bay areas are predominately white and they are more affluent. The “Cities and Schools Map B” includes these areas diluting the vote of minorities. Pie chart by Mr. Rafferty

Pie charts (sized by population) show how successfully the map accumulates majority-minority precincts



Attachment B

Video of June 27, 2018 school board meeting link:

http://richmond.granicus.com/MediaPlayer.php?view_id=15&clip_id=4347

June 27, 2018, 7:23pm, 43:30 timer -- Public Comment

... Schools B seems like it was especially drafted to protect a specific trustee. ...

School Board members discussing map selection:

June 27, 2018, 7:43 pm, 1:02 on timer -- Tom Panas, WCCUSD School Board member

Thank you President Cuevas. You know I'm glad we're finally addressing this issue. It first came up in 2008 and we chose not to deal with it then, but we're dealing with it now. So, I'm really happy it's here now. Still I have a concern - **in my mind the purpose of this is to make sure that our under-represented communities have voice and I have a concern that's still not everybody's number one consideration when they're looking at maps**, but trustees are welcome to tell me otherwise - um - and in fact it makes me feel kind of queasy to be saying that the individuals who will be elected into specific districts will decide on the boundaries of those districts, that wouldn't be my first choice on how to do it, but we're supposed to do it. When we had the meeting in San Pablo I said I was really opposed to having where trustees live be even be part of the conservation - um - and for that reason I'm having trouble getting interested in any of the maps that were created after "Cities and Schools A" because there were changes made there to move a person from one district to another and that's kind of been perpetuated in the later maps although not precisely, but that has had the same effect but I have to pick one, -um - so despite my reservations there I'm willing to vote for the "June 4" map I gotta say there's a couple reasons that I'm willing to vote for it even though I'm not quite enamored by it, the first one it appears to be the only one that's based or roughly based on precincts and the county elections office has clearly said multiple times that that's what they want and I just think that's what we should do rather than putting an extra burden, or an additional burden, that there will still be a burden on the county elections office, so that's one thing and also **it seems to be the one that gets us closest to our goal of majority minority districts** and so I really don't know if I could support another map, but "June 4" is one I could vote for.

June 27th 8:14 PM 1:03 on timer -- Val Cuevas, WCCUSD School Board President

Okay so I'm gonna give some perspective on what my thoughts are. So, I agree with Mr. Panas (refers to Mr. Panas reading voter data from maps). That the intent of the Voting Rights Act is primarily maintained by the "June 4" just by the numbers you talked about. I also know that that's a valid concern. I think it's a valid point if that you're making Madam Kronenberg, about the Cities so and by the way. But **I'm more drawn toward Schools A than B, because what I think it does is actually -um- is one that doesn't consider any trustees interest and we said we weren't going to do that** and even though I know it's an altruistic argument that gets made, while "if I run in that district I'm going to stop at Latino from getting elected" I still think that's a consequence we face, **but I'm much more drawn to the notion of doing this without having individuals have consideration into how these maps get drawn and we talked about that as a board as a driving force.** Now does that mean I might that might lock a Latino out well for one round because it's not the perfect map and it's gonna change again, well, I'll live with that well. But I'm kind of torn between "Cities Schools map A" and cities and "June 4" because **I feel "June 4" actually captures the intent of why we want to give concentrated power to historically underrepresented communities that haven't had a chance to elect a board member** and when we talk about why does it matter, it matters for exactly what we were talking about in the terms of trustee areas and how we draw even our families, and our schools and our attendance areas. I'm pretty sure that was that was a decision made by people at school board and if it wasn't it direct decision on the actual attendance area than it was a direct decision on who they got as superintendent, they got to bring because we get to vote. So it matters just to be on the board because it affects so many other things around race and class and gender and equity and how we're dividing and actually maximizing our potential to come together in this district so **I get torn because in "June 4" it's my immediate shot to give folks a chance to have representation on this board** I know it's not perfect and I know it has those concerns that you said. But I also know it's gonna change after one round. So it doesn't have to stay like that, but it's **I guess it's just me placing higher value on the intent of the California Voting Rights Act and that intent is because so many other things of consequence matter I want to give folks a chance** and even though it might feel like "oh were walling off issues of poverty blah, blah blah" - I say that can be case can be made throughout the process really and the issue is going to be then how the board works together. Because then we can put our liberal comments about how we're so progressive actually in to practice because it matters and it shows when we actually work together and how we do that. Because I know also as a board I was reminded that we should have faith in each other so that's partly why I get more drawn to the "June 4" it because it's closer to the intent and if I have to pick an alternative then I'm drawn to this to (cities and schools) A

Attachment C

On 12 April 2018 at 08:08, Harold M. Freiman <HFreiman@lozanosmith.com> wrote:

Mr. Rafferty:

As I discussed with you last night, the Board is interested in exploring the 'flash-cut' settlement concept that you have proposed. As I also mentioned to you, the District will be bringing in insurance counsel on the litigation matter. We will be coordinating in the coming days with that new counsel to transition to litigation matter, and to address the settlement options.

In the meantime, as I believe you heard last night, **Trustee Phillips is interested in knowing whether you would be open to a settlement where the District moved to six trustee areas plus one at large seat, acknowledging that this would still constitute an "at large" election system under the CVRA. Can you let me know if that is something you would entertain, and that possibly could be included in any consent decree?** I am tied up in meetings this morning, but if it would be easier to discuss this in person, I should be available later this afternoon.

Thank you.

Sent from my iPad

1550-26