

LAS VIRGENES UNIFIED SCHOOL DISTRICT
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BOARD OF EDUCATION

ANGELA CUTBILL
DALLAS LAWRENCE
LINDA MENGES
LESLI STEIN
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DANIEL STEPENOSKY, Ed.D.
SUPERINTENDENT

November 2, 2016

Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
Attn: Lori Glasgow
Executive Officer of the Board of Supervisors
500 W. Temple Street, Suite 383
Los Angeles, CA 90012

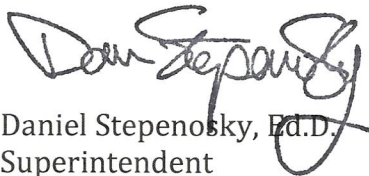
Dear Ms. Glasgow:

The Las Virgenes Unified School District hereby asks that the Los Angeles County Board of Supervisors consider approving the District's request to change the date of its Governing Board member elections to November of odd-numbered years, to November of even-numbered years, effective November 2018. The District has historically conducted its elections in November of odd-numbered years.

Attached is the Las Virgenes Unified School District Board of Education Resolution No. 5-16, "RESCHEDULE GOVERNING BOARD MEMBER ELECTIONS FROM ODD-NUMBERED YEARS TO EVEN-NUMBERED YEARS COMMENCING WITH THE 2018 GOVERNING BOARD MEMBER ELCTION", which was approved by the Board of Education at its regularly scheduled Board meeting on November 1, 2016. Also included are minute excerpts from the meeting.

Should you require any additional information, please feel free to contact me at 818-878-5225, or at dstepenosky@lvusd.org.

Sincerely,


Daniel Stepenosky, Ed.D.
Superintendent

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

63 December 20, 2016



LORI GLASGOW
EXECUTIVE OFFICER

**LAS VIRGENES UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 5-16**

**A Resolution of the Governing Board of the Las Virgenes Unified School District
Approving the Rescheduling of Governing Board Member Elections
from Odd-Numbered Years to Even-Numbered Years
Commencing with the 2018 Governing Board Member Election**

WHEREAS, the current date for election of Governing Board members of the Las Virgenes Unified School District is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (e.g., November 2017) (Education Code section 5000 and Elections Code section 1302(a)); and

WHEREAS, statewide general elections are held in California only in even-numbered years (e.g., November 2016) (Elections Code section 1001); and

WHEREAS, Senate Bill 415 (SB 415), the California Voter Participation Rights Act, was approved by the Governor in the fall of 2015 prohibiting local public entities/municipalities, such as school districts, from holding an election other than on a statewide general election date, if holding an election on a different date has previously resulted in depressed voter turnout. SB 415 specifically defined this standard as meaning turnout for a regularly scheduled election in that political subdivision is “at least 25% less than the average voter turnout within that political subdivision for the previous four statewide general elections.” In summary, an agency cannot hold an election on other, non-statewide election dates if voter turnout has previously been lower than the minimum standards established by SB 415; and

WHEREAS, Elections Code sections 14050-14057 will require local elections to be consolidated with statewide general elections no later than November 2022, if holding an election on a nonconcurrent date has previously resulted in voter turnout for a regularly scheduled election in that political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous four statewide general elections; and

WHEREAS, the average voter turnout within the Las Virgenes Unified School District for the previous local and municipal election (November 3, 2015) was 24.2%; and the average voter turnout within the Las Virgenes Unified School District for the previous four statewide general elections (November 2008, 2010, 2012, 2014) was 70.4%; and stipulations of Senate Bill 415 require that the average voter turnout within the Las Virgenes Unified School District for a local and municipal election be at least 52.8%; and

WHEREAS, the Board recognizes there will be a significant cost savings to the District resulting from aligning the District's elections with the statewide general elections; and

WHEREAS, over the past several months, three of the four cities in Las Virgenes Unified School District have migrated their election cycle to November of even-numbered years thereby leaving Las Virgenes Unified School District to shoulder the cost of reimbursing the Los Angeles County Clerk's office for its election costs in odd-numbered years thereby causing a significant increase in the amount Las Virgenes Unified School District will have to reimburse the County for its odd-numbered year elections; and

WHEREAS, the District desires to conserve its financial resources and to advance the financial and logistical interests of the District and the citizens therein, and

WHEREAS, as a result of these facts, the Board desires to consolidate future Board elections to align with California statewide general elections in even-numbered years, in order to use District resources efficiently; and

WHEREAS, the Board recognizes that the terms of its members would be extended as a result of aligning the District's elections with the statewide general elections; and

WHEREAS, Elections Code section 1302(b) establishes a procedure whereby the Board may change the election date for its Board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code section 10405.5); and

WHEREAS, if the change in election date is approved, the election date for Board members will be moved from November of odd-numbered years to November of even-numbered years commencing in 2018, with Board members whose terms would have expired in 2017 being extended to 2018, and Board members whose terms would have expired in 2019 being extended to 2020, as required by Elections Code section 10401.5(g); and

BE IT FURTHER RESOLVED that the Las Virgenes Unified School District Governing Board adopts this resolution to consolidate the election day for members of the Board with the California general election in November of even-numbered years (Elections Code 1001) pursuant to Elections Code section 1302(b); and

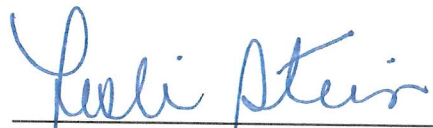
BE IT FURTHER RESOLVED that the Superintendent will forward this resolution to the Los Angeles County Board of Supervisors and Ventura County Board of Supervisors and request formal approval of the change by the Boards of Supervisors at a public meeting within 60 days after submission and after the resolution has been posted in accordance with law; and

BE IT FURTHER RESOLVED that if the consolidation of election is adopted and submitted to the Board of Supervisors at least 240 days prior to the next scheduled school Board election (Elections Code section 10404.5(a)), and if the Boards of Supervisors approve of the consolidation, the date of the District's next Board election will be moved to November 2018 and each subsequent Board member election will be held two years thereafter in November of even-numbered years; and

BE IT FURTHER RESOLVED that if the consolidation of election is approved, the term of office of current Board members expiring in November 2017 will be extended to November 2018, and the term of Board members expiring in November 2019 will be extended to November 2020; and

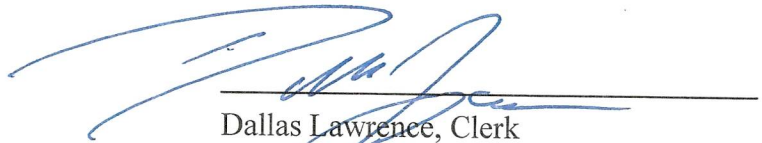
NOW, THEREFORE BE IT RESOLVED that the District's Superintendent is authorized to take such actions and execute such documentation necessary to affect the intent of this Resolution.

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0



Lesli Stein, President
Board of Education
Las Virgenes Unified School District

I, Dallas Lawrence, Clerk of the Board of Education of the Las Virgenes Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Governing Board at its regular meeting held on the 152 day of November, 2016.



Dallas Lawrence, Clerk
Board of Education
Las Virgenes Unified School District

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SUPERINTENDENT

The following is an excerpt from the minutes of a regular meeting of the Board of Education of the Las Virgenes Unified School District, held on November 1, 2016, in the District Office, with Members Lawrence, Menges, Stein and Wasserman present. Board member Angela Cutbill was absent.

Action Item 1 – Approval of Resolution No. 5-16 – Rescheduling Governing Board Member Elections From Odd-Numbered Years to Even-Numbered Years Commencing with the 2018 Governing Board Member Election:

.....

“On motion of Ms. Cutbill, seconded by Ms. Menges, the Board of Education adopted Resolution No. 5-16, as presented, to consolidate LVUSD elections with statewide general elections thereby moving the 2017 election to 2018, and the 2019 election to 2020, and extending existing terms by one year of each sitting Board member as follows:

- a. Board members with terms expiring in 2017 would then expire in 2018
- b. Board members with terms expiring in 2019 would then expire in 2020


Board Motion Carried 5:0 as follows:

AYES: Board members Cutbill, Lawrence, Menges, Stein and Wasserman

NAYES: None

.....”

I hereby certify the above to be a true and correct copy of the minutes as indicated.



Daniel Stepenosky, Ed.D.
Superintendent

TO: BOARD OF EDUCATION

FROM: SUPERINTENDENT

DATE: NOVEMBER 1, 2016

SUBJECT: APPROVAL OF RESOLUTION NO. 5-16 – RESCHEDULE GOVERNING BOARD MEMBER ELECTIONS FROM ODD-NUMBERED YEARS TO EVEN-NUMBERED YEARS COMMENCING WITH THE 2018 GOVERNING BOARD MEMBER ELECTION

ACTION

ISSUE: Shall the Board of Education adopt Resolution No. 5-16 to reschedule Governing Board member elections from November of odd-numbered years to coincide with statewide general elections in November of even-numbered years, commencing with the 2018 Governing Board member election?

BACKGROUND: At the September 27, 2016, Board meeting, staff presented information regarding recent changes in state election law enacted through Senate Bill 415 (SB 415), the California Voter Participation Rights Act, which was approved by the Governor in the fall of 2015. SB 415 creates and inserts sections 14050 to 14057 into the Elections Code with the aim of increasing voter participation across California, and will take effect on January 1, 2018. This new law prohibits public entities/municipalities, such as school districts, from holding an election other than on a statewide general election date, if holding an election on a different date has previously resulted in depressed voter turnout. SB 415 specifically defined this standard as meaning turnout for a regularly scheduled election in that political subdivision is “at least 25% less than the average voter turnout within that political subdivision for the previous four statewide general elections.” In summary, an agency cannot hold an election on other, non-statewide election dates if voter turnout has previously been lower than the minimum standards established by SB 415.

With the average voter turnout of the past four statewide general elections in November being 70.44%, the 25% threshold would require Las Virgenes Unified School District (LVUSD) voter turnout for the previous local and municipal election (November 3, 2015) to be more than 52.83%. The average voter turnout within LVUSD for this election was only 24.16%; therefore, LVUSD is required to consolidate their elections with statewide general elections held in even-numbered years. Furthermore, voter turnout in LVUSD for the past five local and municipal elections has consistently been low, averaging between 9.66% and 24.56%.

In order to comply with Senate Bill 415, LVUSD is required to consolidate their Governing Board member elections to coincide with statewide general elections held in even-numbered years. SB 415 also requires LVUSD to adopt a plan prior to January 1, 2018, and implement the plan prior to November 8, 2022, as it does not meet the threshold to maintain elections in odd-numbered years. The steps necessary to implement a plan to consolidate with statewide general elections in even-numbered years are as follows:

1. The District must adopt a resolution stating that Governing Board member elections shall regularly occur on the same day as statewide general elections in even-numbered years.
2. The District must submit the resolution to the Los Angeles County Board of Supervisors for approval no later than 240 days prior to its next scheduled election. This time frame is not waivable. (Elections Code section 10404.5.)

Generally, once the District submits its resolution to the Board of Supervisors, the Board of Supervisors will approve the District's resolution within 60 days unless it finds the County's ballot style, voting equipment, or computer capacity cannot support additional elections or material. Prior to making its decision, the Board of Supervisors may obtain a report on the cost effectiveness of the proposed action from election officials. If the Board of Supervisors approves a school district's consolidation to even-numbered year elections, Board member terms may be extended by up to one year to conform with the new election schedule. (Elections Code section 10404.5(g).)

The Los Angeles County Registrar-Recorder/County Clerk, Mr. Dean C. Logan, confirmed that if LVUSD remained the only public entity on the November 2017 ballot, the estimated cost to the District to run the election would be in excess of \$362,000. The estimated cost to the District to run the election in 2019 would be in excess of \$368,740.

If SB 415's provisions are violated, any voter may file suit to enforce and can recover attorney fees and litigation expenses, including, but not limited to, expert witness fees.

LVUSD VOTER HISTORY				
November 2009	LA County, LVUSD	WLV	Calabasas	Total
Ballots Cast	3,772	Included in county	Included	3,772
Registered Voters	39,030			39,030
Percentage	9.66%			9.66%
November 2011	LA County, LVUSD	WLV	Calabasas	Total
Ballots Cast	7,685	1,935	Included	9,620
Registered Voters	33,382	5,790		39,172
Percentage	23.02%	33.41%		24.56%
November 2013	LA County, LVUSD	WLV	Calabasas	Total
Ballots Cast	4,749	1,491	Included	6,240
Registered Voters	36,055	6,192		42,247
Percentage	13.17%	24.08%		14.78%
November 2015	LA County, LVUSD	WLV	Calabasas	Total
Ballots Cast	4,308	1,463	4,317	10,088
Registered Voters	20,816	6,043	14,888	41,747
Percentage	20.70%	24.21%	29.00%	24.16%
Four Election LVUSD Average - 18.30%				

UPDATE: STATUS OF LOCAL CITIES' ORDINANCES REGARDING SENATE BILL 415

City of Agoura Hills

- The City of Agoura Hills has submitted their Ordinance to the Board of Supervisors of the County of Los Angeles to consolidate their elections with statewide general elections in even-numbered years and is awaiting approval.

City of Calabasas

- The City of Calabasas has submitted their Ordinance to the Board of Supervisors of the County of Los Angeles to consolidate their elections with statewide general elections in even-numbered years and is awaiting approval.

City of Westlake Village

- The City of Westlake Village has submitted their Ordinance to the Board of Supervisors of the County of Los Angeles to consolidate their elections with statewide general elections in even-numbered years and is awaiting approval.

City of Hidden Hills

- The city is still reviewing options regarding SB 415.

- ALTERNATIVES:**
1. Adopt Resolution No. 5-16 as presented to consolidate LVUSD elections with statewide general elections thereby moving the 2017 election to 2018, and the 2019 election to 2020, and extending existing terms by one year of each sitting Board member as follows:
 - a. Board members with terms expiring in 2017 would then expire in 2018
 - b. Board members with terms expiring in 2019 would then expire in 2020
 2. Do not adopt Resolution No. 5-16 at this time.

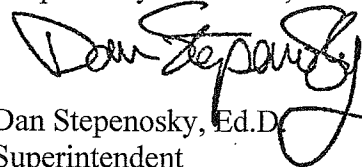
LA County quote on cost of 2017 election to LVUSD would be in excess of \$362,000 as LVUSD would be the only item on the ballot. Board member terms would be as follows:

 - a. Board members with terms expiring in 2017 keep status quo. New board members would be elected for 5 years (with a 2022 expiration).
 - b. Board members with terms expiring in 2019 keep status quo. New board members would be elected for 5 years (with a 2024 expiration).

RECOMMENDATION: Staff recommends Alternative #1

RATIONALE: The Las Virgenes Unified School District has experienced depressed voter turnout on non-concurrent election dates in odd-numbered years and is required by Senate Bill 415 to consolidate elections with statewide general elections held in even-numbered years no later than November 2022. Adoption of Resolution 5-16 at this time will bring the District into compliance with SB 415 by November 2018. If the District does not adopt Resolution No. 5-16 at this time, it would incur an estimated cost of at least \$362,000 for the 2017 election, \$368,740 for the 2019 election, and continue to experience depressed voter turnout. The District desires to conserve its financial resources and enhance voter participation in school board elections by adopting the resolution at this time.

Respectfully submitted,



Dan Stepenosky, Ed.D.
Superintendent