

December 6, 2021

David Gordon
County Superintendent of Schools
Sacramento County Committee on School District Organization
P.O. Box 269003
Sacramento, CA 95826

RE Proposal to County Committee on School District Organization

Dear Superintendent Gordon:

I am writing today on behalf of Natomas Unified School District (“District”), to respectfully submit the District Board of Education’s proposal to adopt by-trustee area elections for approval by the Sacramento County Committee on School District Organization (“County Committee”).

The Board of Education (“Board”) is currently elected under an “at-large” election system, where trustees are elected by voters of the entire District. Upon consideration of the California Voting Rights Act (“CVRA”), on January 20, 2021, the Board unanimously adopted Resolution No. 21-03 declaring its intent to transition from at-large to by-trustee area elections, where each Board member must reside within the designated trustee area boundary and is elected only by voters in that trustee area.

In early 2020, Governor Newsom issued Executive Orders N-34-20 (March 20, 2020) and N-48-20 (April 9, 2020) in response to the COVID-19 pandemic, “tolling” the timelines related to the District’s transition from at-large to by-trustee area elections. Due to the Governor’s Executive Orders, the District’s transition from at-large elections to by trustee area elections was placed on hold. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, lifting the “tolling” on the timelines related to the District’s transition from at-large to by-trustee area Board elections, effective July 1, 2021. As a result, the District commenced the transition process on July 14, 2021 by launching a survey to the Natomas community to gather initial input on this transition.

At the July 21, 2021, Board meeting, the District presented a timeline for transition to by-trustee area elections. The initial timeline proposed to commence the public hearing process on August 4, 2021 and complete the process by adopting a map on December 14, 2021. The District



wanted to ensure the Natomas Community had the opportunity to participate in the hearing process at the commencement of the 2021-22 school year, rather than conduct hearings during the summer before the start of the student instructional year. In addition, the District's timeline was intended to be consistent with the release of the 2020 Census Data. It was the District's perspective that it was important to make the transition as seamless as possible by avoiding the situation where the District adopts trustee areas using 2010 Census Data and then is subsequently required to review, and possibly adjust, trustee areas following the release of the 2020 Census Data.

Since December 2020, the District has received threats of litigation for alleged CVRA violations from attorney Scott Rafferty. On July 28, 2021, the attorney proposed the District adopt trustee areas by October 26, 2021 (Attachment A, page 1). On October 26, 2021, the attorney informed the District that it (the District) could avoid litigation by completing the hearing process by Thanksgiving (Attachment A, page 2). As a result, the District altered its hearing process by conducting its second Map Consideration hearing on November 8, 2021 at Natomas High School. On November 16, 2021, the District received a copy of a civil complaint filed in Sacramento County Superior Court. The civil complaint does not address the attorney's representation where he agreed not to litigate the District's transition to by-trustee areas if the hearing process was completed by Thanksgiving. As of today's date, the District has not been served with the complaint. We anticipate Mr. Rafferty will object to our process. We believe any objection is disingenuous given Mr. Rafferty's apparent misrepresentation.

On November 17, 2021, the Board completed the five public hearings on the proposed transition. The Board adopted Resolution No. 21-44, initiating the following proposal to the County Committee for approval:

1. The Board of Education will transition to by-trustee area elections, implementing the trustee area boundaries identified in the map designated as Map Scenario F. This Map was approved 5-0. In what was an extraordinarily difficult and courageous unanimous decision, Map F prevents two Incumbents from running for re-election in 2022.
2. The Board of Education elections will be sequenced according to the following schedule:
 - a. Trustee areas 1 and 4 will be scheduled for election in 2022.
 - b. Trustee areas 2, 3 and 5 will be scheduled for election in 2024.

Education Code section 5019 authorizes the County Committee to approve the Board's proposed changes from at-large to by-trustee area elections. When such a proposal is made, the County Committee shall call and conduct at least one public hearing within the District making the proposal on the matter, and at the conclusion of the hearing, shall approve or disapprove the proposal. (Education Code section 5019(c)(2)).



In preparation for the County Committee meeting, I would like to present the District's proposal to adopt by-trustee area elections. As part of this proposal, please find the following documents with this letter:

Resolution No. 21-44: Initiate a proposal to the Sacramento County Committee on School District Organization for the Adoption of By-Trustee Area Elections. (Attachment No. B, pages 1-3)

The trustee area map selected by the Board at the November 18, 2021, Board meeting. (Attachment B, page 7)

The election sequencing schedule selected by the Board at the November 18, 2021, Board meeting. (Attachment B, page 8)

A summary of the District's community outreach efforts during the hearing process. (Attachment C)

Please let me know if you or the County Committee needs any additional information or to discuss the District's proposal. We look forward to working with you, as we complete this exciting process.

Sincerely,



Chris Evans,
Superintendent

cc: Natomas Unified School District Board members
 Teresa Stinson, General Counsel, SCOE

Attachments:

Attachment A: E-mails from S. Rafferty dated July 28, 2021 and October 26, 2021

Attachment B: Board Resolution 21-44

Attachment C: Summary of Community Outreach Efforts



Natomas Unified School District

PROPOSAL TO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

ATTACHMENT A

NUSD0001

From: Scott Rafferty <rafferty@gmail.com>
Sent: Wednesday, July 28, 2021 3:25 PM
To: Roman J. Muñoz <rmunoz@lozanosmith.com>
Subject: Re: Back in California

CAUTION: This email originated from outside of the organization. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

As you may know, San Juan converted to 7 trustees last night. That process obviously took a lot of time over the past week and may continue to do so.

I would like to keep an agreement very simple. Unconditional commitment to adopt trustee areas to be complete 90 days from today, fee cap retained if completed by 10/26/21. no boilerplate.

Scott Rafferty
1913 Whitecliff Ct
Walnut Creek CA 94596
mobile 202-380-5525

On Wed, Jul 21, 2021 at 3:02 PM Scott Rafferty <rafferty@gmail.com> wrote:

Tomorrow. Let me catch up &call. Sorry for delay.

--

Sent from My iPhone 1913 Whitecliff Ct Walnut Creek CA 94596 202-380-5525

From: Scott Rafferty <rafferty@gmail.com>
Sent: Tuesday, October 26, 2021 4:15 PM
To: customerservice@natomasunified.org; Roman J. Muñoz <rmunoz@lozanosmith.com>
Cc: jbains@natomasunified.org
Subject: Completing the CVRA Process

CAUTION: External E-Mail:

The District has posted maps and must complete the hearing process by Thanksgiving to avoid litigation. This allows ample time for two additional map hearings after tomorrow night.

Scott Rafferty
1913 Whitecliff Ct
Walnut Creek CA 94596
mobile 202-380-5525

Natomas Unified School District

PROPOSAL TO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

ATTACHMENT B

NUSD0004

NATOMAS UNIFIED SCHOOL DISTRICT

Resolution No. 21-44

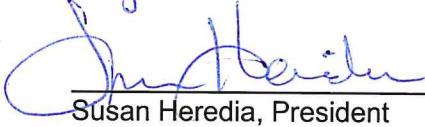
IN THE MATTER OF: The Board of Trustees Initiating a Proposal to the Sacramento County Committee on School District Organization for the Adoption of By-Trustee-Area Elections

The following RESOLUTION was duly passed by the Board of Trustees of the Natomas Unified School District, at a regular meeting held on the 17th day of November 2021, by the following roll call vote:

Jag Bains
Micah Grant
Ericka Harden
Susan Heredia
Lisa Kaplan

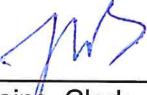
Aye
Aye
Aye
Aye
Aye

Signed and approved by me after its passage:



Susan Heredia, President

Attest:



Jag Bains, Clerk

WHEREAS, the Board of Trustees ("Board") of the Natomas Unified School District ("District") is elected under an "at-large" election system where trustees are elected by voters of the entire District;

WHEREAS, on January 20, 2021, the Board adopted Resolution No. 21-03 (attached hereto as Exhibit No. 1), signaling its intent to transition to "by-trustee-area" elections, where each trustee must reside within the designated trustee-area boundary and is elected only by the voters in that trustee-area;

WHEREAS, Cooperative Strategies ("Demographer") was retained to prepare several by-trustee-area election system map options for the Board and public's consideration;

WHEREAS, on July 14, 2021, the District launched a survey to the Natomas community to gather initial input on the proposed transition;

WHEREAS, on July 21, 2021, legal counsel representing the Board of Trustees presented a proposed timeline for the transition to by-trustee-area elections;

WHEREAS, on July 26, 2021, the District launched a second community survey to gather input about the possibility of the District seeking a waiver of the election requirement for implementing the by-trustee-area elections from the State Board of Education;

WHEREAS, pursuant to Elections Code section 10010, subdivision (a)(1), the Board held public hearings on August 4, 2021, and September 1, 2021 (which was continued to September 14, 2021), to consider community input and comment regarding the potential composition of trustee-areas prior to draft maps being drawn;

WHEREAS, on August 9 the district launched a dedicated webpage and a dedicated email address specific to the transition to by-trustee area elections, both of which have been widely communicated through various platforms;

WHEREAS, from August 5, 2021, to August 31, 2021, the District met with key stakeholders, including the California School Employees Association, Natomas Teachers Association, District English Learner Advisory Committee ("DELAC"), Community Advisory Council ("CAC"), Superintendent's Parent Advisory Council, Natomas Chamber of Commerce, and the Natomas Schools Foundation;

WHEREAS, on September 23, 2021, the District launched a third community survey to gather additional input prior to the map hearings;

WHEREAS, on October 13, 2021, the District presented information on stakeholder engagement, highlighting how Natomas Unified had gone above and beyond with stakeholder engagement efforts, and also provided an update on census data at a regular Board meeting;

WHEREAS, during the week of October 18, 2021, the District published population density maps;

WHEREAS, pursuant to Elections Code section 10010, subdivision (a)(2), the Board published draft trustee-area map scenarios on October 20, 2021, and November 1, 2021, and held public hearings on October 27, 2021, and November 8, 2021, to gather public input on the proposed trustee-area map scenarios and sequence of elections;

WHEREAS, the District utilized a fourth and final survey in English, Spanish and Punjabi that resulted in 653 responses regarding draft maps, elements of the draft maps and potential election sequences;

WHEREAS, the District communicated these draft map scenarios were available for viewing through multiple platforms, including but not limited to: announcements on the main district webpage and dedicated webpage for the transition to by-trustee area elections, direct emails and phone calls home to families, community newsletters, and making the content available in multiple languages;

WHEREAS, the administration shared publicly that the estimated total number of potential engagements was over 59,000 households and/or stakeholders as of October 25, 2021;

WHEREAS, the Board has considered various map scenarios and election sequencing schedules identified as Map Scenario A, Map Scenario B, Map Scenario C, Map Scenario D, Map Scenario E, and Map Scenario F;

WHEREAS, the District held a special board meeting solely focusing on the by-trustee area transition on November 8, 2021 at Natomas High School in south Natomas;

WHEREAS, on November 8, 2021, the Board directed staff to consider Map Scenario C, Map Scenario E, and Map Scenario F for final consideration on November 17, 2021;

WHEREAS, Education Code sections 5019 and 5030 authorize the Sacramento County Committee on School District Organization ("County Committee"), upon application from a school district's governing board, to change the method of election in a school district under its jurisdiction;

WHEREAS, Senate Bill 442 (2021) amends Education Code section 5020 as of January 1, 2022, to allow school districts to transition to by-trustee-area elections upon approval by the county committee, without the need to seek voter approval or a waiver of the election requirement from the State Board of Education;

NOW THEREFORE BE IT RESOLVED, the Board of Trustees hereby resolves as follows:

The above recitals are correct and true.

1. The Board hereby approves and recommends the adoption of by-trustee-area elections, and the adoption of the trustee-area map identified as Map Scenario E set forth in Exhibit No. 2.
2. The Board hereby proposes that each of the trustee areas identified in Exhibit No. 2 be assigned for election in 2022 or in 2024, as set forth in the election sequencing in Exhibit No. 2.
3. The Superintendent or designee is hereby authorized and directed to send a copy of this Resolution to the County Committee, and to work with the County Committee and the County Election's Office to conduct all legally required hearings and other acts necessary so that by-trustee-area elections can be implemented in the election cycles scheduled in 2022 and 2024.

Exhibits 1 and 2.

NATOMAS UNIFIED SCHOOL DISTRICT

Resolution No. 21-03

IN THE MATTER OF: Initiate a Transition to a By-Trustee Area Election System
Commencing with the 2022 Governing Board Election

The following RESOLUTION was duly passed by the Board of Trustees of the Natomas Unified School District, at a regular meeting held on the 20th of January 2021, by the following roll call vote:

Jag Bains	aye
Micah Grant	aye
Ericka Harden	aye
Susan Heredia	aye
Lisa Kaplan	aye

Signed and approved by me after its passage:


Susan Heredia, President

Attest:




Ericka Harden, Clerk

WHEREAS, California Education Code sections 5019 and 5030 authorize the Sacramento County Committee on School District Organization ("County Committee"), upon application of a school district's Governing Board, to change the method of election of governing board members in a school district under its jurisdiction;

WHEREAS, the California Voting Rights Act ("CVRA") disfavors the use of an "at-large" election system for governing board members of a school district if the "at-large" election system may impair the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election;

WHEREAS, board members of the Natomas Unified School District ("District") are currently elected using an "at-large" election system (i.e., election system in which registered voters of the entire jurisdiction elect candidates to the Governing Board);

WHEREAS, the Board desires to promote meaningful voter involvement in the election of Board members and increase the ability of candidates to seek elected office;

WHEREAS, it is the considered view of the Board that the public interest will be better served by election of its board members using a "by-trustee area" election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area);

NUSD0008

WHEREAS, the boundaries for trustee areas in a by-trustee area election system are established based on population counts and demographics from the most recent United States' census; and

WHEREAS, the United States' census count occurs every ten (10) years with the last census count occurring in 2010 ("2010 Census") and the next census count scheduled to take place on April 1, 2020 ("2020 Census"), with the results to be made available to state and local agencies on or after March, 2021;

WHEREAS, due to the Coronavirus pandemic the results of the 2020 Census will be delayed and are not expected to be released until on or after July 1, 2021;

WHEREAS, if the District transitioned to by-trustee area elections prior to the release of the 2020 Census, the trustee areas would be established based on the 2010 Census, which (1) may not fairly and accurately reflect the current voter population distribution and demographics of the District, and (2) would require the District to incur additional, duplicative costs to adjust the trustee areas based on the 2020 Census as required by Education Code Section 5019.5;

WHEREAS, further due to the Coronavirus pandemic Governor Newsom issued Executive Orders N-34-20 and N-38-20 which toll the public hearing requirements and safe harbor provisions of the CVRA while social distancing measures remain in place;

WHEREAS, the adoption of "by-trustee area" elections will not affect the terms of any Board members serving or elected during this transition, each of whom will serve out his or her full term; and

WHEREAS, the Board, cognizant of its need to be fiscally responsible, desires to implement this change in the manner of electing board members in a cost effective and efficient manner but with all deliberate speed following release of the 2020 Census data.

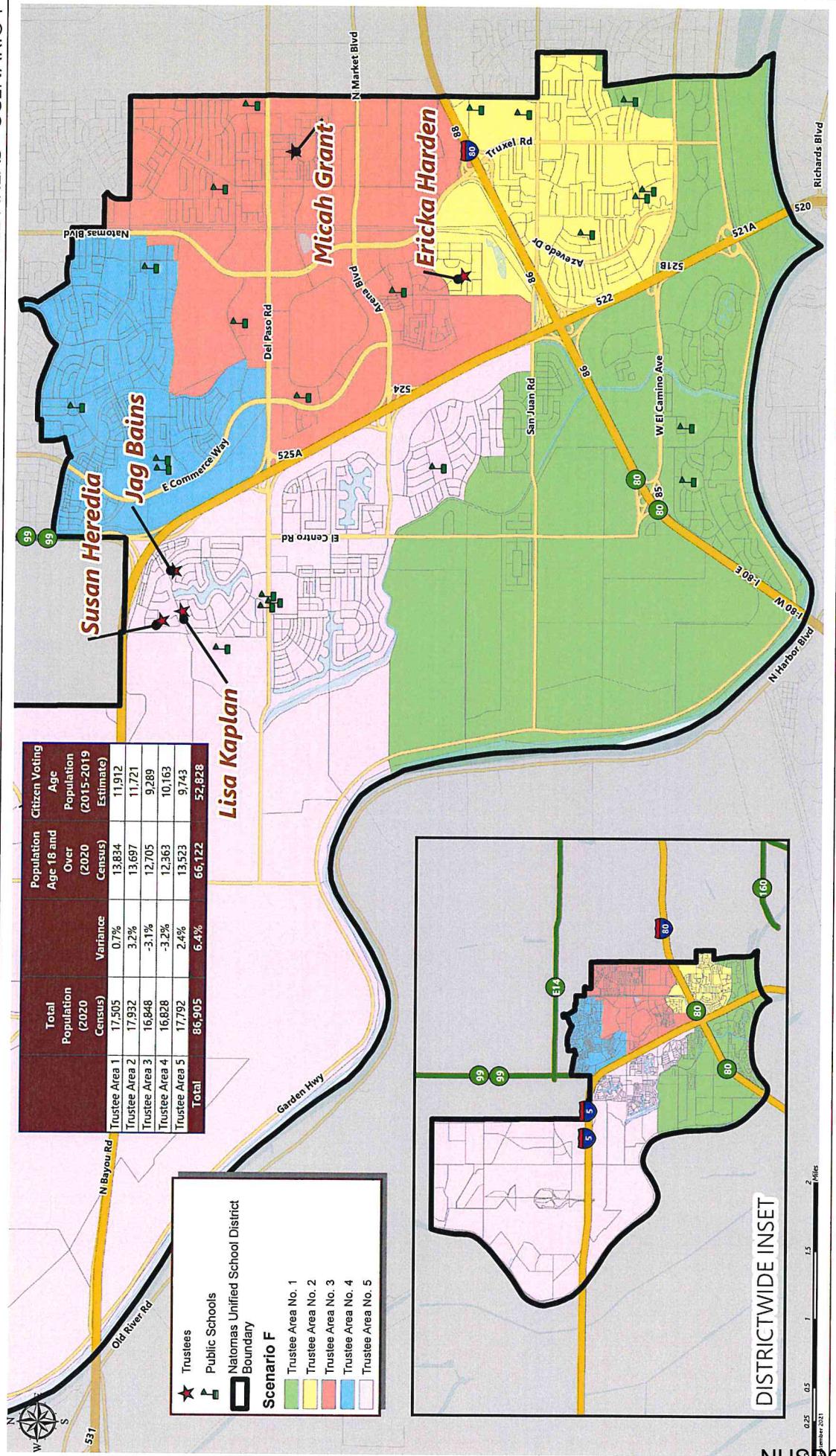
NOW, THEREFORE, the Board hereby resolves, orders and determines as follows:

1. The above recitals are true and correct;
2. Trustee area boundary lines shall be developed based on the most updated federal decennial census data following its release in 2021 to provide for "by-trustee areas" elections to be implemented in the 2022 and 2024 election cycles;
3. After the availability of the 2020 Census, pursuant to Education Code sections 5019, 5030 and other applicable provisions of law, the Board directs District staff to transmit this resolution to the County Committee so that the County Committee will be on notice of the District's intent, to adopt a change in the method of electing members of the Board from "at-large" elections to "by-trustee area" elections commencing with the 2022 Board elections;
4. Before submitting a final proposal to the County Committee for trustee area maps using the 2020 federal census data, multiple public hearings in accordance with Elections Code section 10010 and other applicable laws shall be scheduled to obtain public input on the draft maps and proposals;

5. The Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code section 5019 in a timely manner and as soon as feasible to have the 2022 elections for the Board conducted within the new trustee areas;
6. The Superintendent, or designee, is hereby directed to contract with National Demographics Corporation or other reputable demographer as soon as possible following adoption of this resolution to ensure that the District is able to move with all deliberate speed following release of the 2020 census data;
7. The Superintendent, or designee, is hereby directed to prepare additional Board resolutions and documents, as needed, to meet all applicable legal requirements in a timely manner acting with all deliberate speed, and to seek a waiver from the State Board of Education of the election requirement imposed by Education Code section 5020;
8. The Superintendent, or designee, shall consult with legal counsel to take all steps necessary to implement and give effect to this resolution; and
9. The foregoing resolution shall take effect immediately upon its adoption.

NATOMAS UNIFIED SCHOOL DISTRICT

CONCEPTUAL TRUSTEE AREAS - SCENARIO F



Scenario Map F

Area 1	Area 2	Area 3	Area 4	Area 5
Vacant	Harden (2024)	Grant (2024)	Vacant	Heredia (2024) Bains (2022) Kaplan (2022)

Sequencing

2022 election (2 trustee areas needed)

- Trustee Area 1
- Trustee Area 4

2024 election (3 trustee areas needed)

- Trustee Area 2
- Trustee Area 3
- Trustee Area 5

Natomas Unified School District

PROPOSAL TO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

ATTACHMENT C

NUSD0013

Transition to By-Trustee Area Elections Outreach Efforts

As of Monday, October 25 @ 9:00 a.m.

Action	Details
Community Surveys <i>July 14, July 26, & September 24</i>	<p>Received 2,843 responses overall. All surveys were made available in both English and Spanish, and were:</p> <ul style="list-style-type: none"> ● Sent to all NUSD households ● Sent to NUSD key stakeholders ● Sent to secondary students ● Posted on our district website ● Advertised on social media <p>The September 24 survey was also advertised in the <i>Natomas Buzz</i></p>
Targeted Meetings for Key Stakeholders <i>Month of August</i>	<p>Meetings were held both in-person and virtually and allowed key stakeholders an opportunity to directly ask staff questions / give feedback. Staff met with 82 people from the following stakeholder groups:</p> <ul style="list-style-type: none"> ● NTA ● CSEA ● Charter Leaders ● Superintendent's Parent Advisory Council ● Community Advisory Council (CAC) ● District English Learners Advisory Committee (DELAC) ● Natomas Chamber of Commerce & Natomas Schools Foundation
Created a Dedicated Webpage <i>Launched Aug 9</i>	<ul style="list-style-type: none"> ● 1,697 page views to date <ul style="list-style-type: none"> ○ Over 800 views (including google folder) since October 20 when draft maps were posted ● Dedicated webpage has a 'Quick Link' on the NUSD home page ● Dedicated website can be translated into 5 additional languages with the click of a button ● Advertised at stakeholder engagement events, via email, on eFlyers & paper flyers, and in various district newsletters
Created a Dedicated Email Address <i>Launched Aug 9</i>	<ul style="list-style-type: none"> ● Utilized 4 times to date ● Advertised at stakeholder engagement events, via email, on eFlyers & paper flyers, and in various district newsletters
Flyers Advertising the 'Map Consideration' and 'Map Adoption' Hearings <i>Month of October + plans to continue into Nov/Dec</i>	<p>Flyers were made available in English, Spanish & Punjabi, and both electronic & paper format</p> <p><u>eFlyer</u></p> <ul style="list-style-type: none"> ● Email home to NUSD families (including charters) - Approx. 16,573

Transition to By-Trustee Area Elections Outreach Efforts

	<ul style="list-style-type: none"> ● Posted in two areas on NUSD website ● <i>Spotlight</i> newsletter - sent to over 11,000 people ● Email blast to NUSD staff - Approx. 1,297 ● <i>In the Loop</i> staff newsletter ● <i>Matters of Principal</i> newsletter - requested Principals send info home in their weekly communications to families ● Email blast to NUSD key stakeholders - 139 ● Advertised in the Natomas Buzz - 18,226 impressions overall (including advertisements for surveys) ● Advertised in N Magazine (November issue) - average 4,000 viewers ● Shared with the Presidents/leaders of various community groups throughout Natomas ● Worked with City Council members to share with various District 1 contacts - approximately 300 people <p><u>Paper flyers</u></p> <ul style="list-style-type: none"> ● Sent home in student backpacks ● Joey's Food Locker - distributed with groceries to 1,237 people on Oct. 22 ● Posted at the following locations: <ul style="list-style-type: none"> ○ Ed Center /Service Center lobbies ○ N. Natomas Library ○ S. Natomas library ○ Mexican Consulate ○ Homecoming @ Creekside Apartments ○ Safeway ○ Grocery Outlet ○ Real Life Church ○ The Crossing Church ○ Adventure Christian Church
Announcement of Draft Maps Available for Viewing <i>Wednesday, October 20</i>	<p>A context-setting message from the Superintendent, 5 draft maps & associated documents were announced by:</p> <ul style="list-style-type: none"> ● Email home to NUSD families (including charters) <ul style="list-style-type: none"> ○ 3 ways to view maps - website, google folder or pick-up hard copies at Ed Center ● Posted in two areas on NUSD website ● Special Edition of <i>Spotlight</i> newsletter - sent to over 11,000 people ● Email blast to NUSD staff ● <i>Matters of Principal</i> newsletter - requested Principals send the info home in their weekly communications to families ● Email blast to NUSD key stakeholders <p>Documents shared/announced on Wednesday, October 20 were made</p>

Transition to By-Trustee Area Elections Outreach Efforts

	<p>available in English, Spanish & Punjabi</p> <p><u>Since the Draft Maps Became Available:</u></p> <ul style="list-style-type: none"> ● The dedicated webpage has been accessed 751 times ● The public google folder has been accessed 54 times ● 2,000 hard copies were available for pick up at the Ed Center
Regular Board Meetings <i>December 2020 - present</i>	<p>Opportunities for public comment / viewing at the following meetings:</p> <p><u>Meetings Required by Statute</u> <i>Beginning Aug. 4, any eComments posted on the dedicated webpage the day after the Board Mtg.</i></p> <ul style="list-style-type: none"> ● January 1 - Adoption of an Intent Resolution ● August 4 - 'Pre-Map' Public Hearing #1 ● September 1 (continued to 9/14) - 'Pre-Map' Public Hearing #2 <p><u>Meetings that Went 'Above and Beyond'</u></p> <ul style="list-style-type: none"> ● December 16, 2020 - Presentation on CVRA from legal counsel ● July 21 - Presentation on Timeline for Transition to By-Trustee Area Elections ● October 13 - Presentation on Trustee Area Stakeholder Stakeholder Engagement <p>Board meetings are live streamed / recorded. The number of livestream meeting views & recorded meetings views for each meeting are noted on the dedicated webpage</p> <p>Total livestream views (all 6 meetings): 554*</p> <p>Total recorded views (all 6 meetings): 1,177</p> <p>* does not include livestream views from Sept. 1 meeting (only Sept. 1 continuance held on Sept. 14)</p>

Estimated total number of potential engagements: 59,183*

*This estimated total number likely includes duplicates, but there's really no way for us to distinguish that. When using the same communication mechanism repeatedly (example: *Spotlight* newsletter that goes to over 11,000 people) that number was only counted once.