



**San Juan Unified School District**

Board of Education

3738 Walnut Avenue, Carmichael, California 95608

**Board of Education Minutes  
July 27, 2021**

**Special Meeting**

Board of Education

5:00 p.m.

**Open Session/Call to Order/Announcement of Closed Session Topics (A)**

The July 27 special meeting was called to order by the president, Paula Villescaz. The board meeting was held in person and also livestreamed on the district's YouTube channel.

**Roll Call**

Present:

Paula Villescaz, president

Michael McKibbin, Ed.D., vice president (via teleconference)

Zima Creason, clerk

Pam Costa, member

Saul Hernandez, member

**Visitor Comments: Closed Session (A-1)**

There were no closed session visitor comments.

**Closed Session (B)**

The meeting was then recessed with the board convening in closed session to conference with Legal Counsel – Existing Litigation pursuant to Government Code section 54956.9(d)(1) – two cases – Name of Case: Magali Kincaid, Benito Juarez Neighborhood Association, Neighborhood Elections Now, Juan Yniguez, Carolina Flores, Damaris Canton v. San Juan Unified School District, Complaint for Violation of the California Voting Rights Act and in the Alternative, For Violation of the Voting Rights Act of 1965 and the California Constitution, Sacramento Superior Court Case No. 34-2020-00286475 and Name of Case: Carolina Flores, Neighborhood Elections Now, Petitioners, vs. San Juan Unified School District, Paula Villescaz, in her official capacity of Board President, Respondents, Verified Petition for Writ of Mandate Pursuant to the First Amendment, the California Constitution, California Public Records Act, and the Ralph M. Brown Act; and Complaint for Declaratory and Injunctive Relief, Sacramento Superior Court Case No. 34-2021-80003644-CU-WM-GDS.

**Reconvene Open Session/Pledge of Allegiance (C)**

At 6:30 p.m. the meeting was called back to order by the president Paula Villescaz. After the Pledge of Allegiance, Ms. Villescaz explained the two methods (in person or electronically) available to submit public comment for tonight's meeting.

**Minutes Approved (D)**

It was moved by Ms. Costa, seconded by Ms. Creason, that the minutes of the July 13 special meeting be approved. MOTION CARRIED 5-0-0 [AYES: Villescaz, McKibbin, Creason, Costa, Hernandez; NOES: None; ABSTAIN: None].

**Closed Session/Expulsion Actions (E-1)**

There were no closed session actions to report.

**California Voting Rights Act Public Hearing: Map Review Public Hearing No. 2 (F-1)**

General Counsel Linda Simlick presented the item and introduced Michael Smith, an attorney from Lozano Smith Attorneys at Law, who outlined the roadmap of tonight's meeting related to the California Voting Rights Act (CVRA). Superintendent

Kern provided an overview of the district's public outreach efforts that took place and Demographer Justin Rich from Cooperative Strategies reviewed information regarding the nine proposed maps. After the presentation, Ms. Villescaz declared the topic of the proposed maps for potential composition of trustee areas a public hearing and invited the public to speak.

*Public Comments:*

*[in person]*

Glenn Snyder stated he supports a seven-member board.

Fred Latu expressed support for a seven-member board, map number 3.

Timothy Slape offered his support for a seven-member board.

Juan Yniguez made remarks related to the proposed maps.

Carolina Flores, after she gave comments in Spanish, spoke about the proposed maps and Latino representation.

Scott Rafferty made comments about the CVRA process that has taken place so far.

Maria Grijalva made remarks about the CVRA process that has taken place so far.

Michelle Wright suggested delaying the CVRA process.

Magali Kincaid made comments about the proposed maps related to the Arden-Arcade area.

Michael Seaman expressed his concerns about the Arden-Arcade region on the proposed maps.

*[via electronic comment form, and read aloud by Senior Director of Labor Relations Daniel Thigpen]*

Padres Organized Community submitted comments related to representation.

There being no further comments from the public, Ms. Villescaz declared the public hearing closed and invited board members to speak. Mr. Hernandez thanked the community for its input and requested clarification about the 41-day timeline, which Attorney Domenic Spinelli addressed. Ms. Costa reiterated the timeline the board is required to follow, thanked Superintendent Kern and staff for the extent of community outreach and she thanked the community for its input. Ms. Creason noted that the lawsuit has dictated the condensed timeline and she clarified the criteria used to develop the proposed maps. Dr. McKibbin thanked the community forum participants and stressed that board members must continue to represent all students in the district, not just in one area.

**California Voting Rights Act: Potential Increase from Five Board Members to Seven Board Members (F-2)**

Attorney Michael Smith presented the topic explaining that state law dictates the size of a school board and County Committee approval is required in order to modify the size of the board from the default of five members. Mr. Smith also explained the process that would take place between now and the November 2022 election cycle in the event the size of the board is increased to seven members.

*Public Comments:*

*[In person]*

Suzy Murray expressed support for more representation.

Glenn Snyder expressed support for a seven-member board.

Timothy Slape stated he supports increasing the board to seven members and map number 7-3.

Scott Rafferty made comments about increasing the size of the board, election sequencing and census data.

Maria Grijalva shared her concerns about the board and expressed support for a seven-member board.

Shirley Hall expressed support for a seven-member board.

Michael Seaman stated he supports a seven-member board.

Magali Kincaid spoke regarding representation and the need for a special election.

*[via electronic comment form, and read aloud by Senior Director of Labor Relations Daniel Thigpen]*  
Tawni Parr supports a seven-member board.

Following public comment, board members were invited to speak. Mr. Hernandez thanked the community for its input and expressed support for a seven-member board. Ms. Costa shared that she is in favor of a seven-member board, noting that she has heard overwhelming support for a seven-member board. Ms. Creason stated that based on feedback she believes a seven-member board is best, noting that there are compelling arguments for each option. Ms. Creason also inquired about the logistics of a special election, which Mr. Smith addressed. Dr. McKibbin said that based on the feedback he heard he supports staying with a five-member board, noting that by moving to by-trustee area elections that voters will still gain representation without the need to increase the size of the board to seven members. Ms. Villescaz made comments about expanding the size of the board, noting that the maps with seven members did a better job of representation, and that she will support a seven-member board.

It was moved by Mr. Hernandez, seconded by Ms. Creason, to seek an increase from five to seven board members. MOTION CARRIED 4-1-0 [AYES: Villescaz, Creason, Costa, Hernandez; NOES: McKibbin; ABSTAIN: None].

**California Voting Rights Act: Public Hearing and Adoption of Resolution Directing the Superintendent to Seek a Waiver from the State Board of Education Related to Increasing Board Membership to Seven (F-3)**

Attorney Michael Smith explained that since the board has determined to increase to a seven-member board, that a waiver from the State Board of Education is needed in order to avoid the cost of a special election. Mr. Smith reviewed the legal requirements of Education Code section 5022 and the implementation problems that it could cause, stating that the waiver would allow for continuation of district elections in even-numbered years.

Ms. Villescaz declared the topic of adopting a resolution directing the superintendent to seek a waiver from the State Board of Education related to increasing board membership to seven a public hearing and invited the public to speak.

*Public Comments:*

*[in person]*

Glenn Snyder said he supports the waiver.

Scott Rafferty made comments about the State Board of Education waiver and the need for a special election.

Maria Grijalva thanked the board for increasing to seven board members and spoke about a special election.

Timothy Slape expressed support for the waiver and not a special election.

There being no further comments from the public, Ms. Villescaz declared the public hearing closed and invited board members to speak. Mr. Hernandez stated he supports seeking the waiver. Ms. Costa said she supports seeking the waiver. Ms. Creason explained her concerns about the seeking the waiver versus the cost of a special election. Dr. McKibbin expressed support for seeking the waiver, noting the fiduciary responsibility of not having a special election. Ms. Villescaz asked clarifying questions about the waiver, sharing that she struggles with taking away the decision-making ability from the community, which Mr. Smith explained the problems and challenges with not seeking the waiver.

It was moved by Ms. Costa, seconded by Dr. McKibbin, to adopt Resolution No. 3063 directing the superintendent to seek a waiver from the State Board of Education related to increasing board membership to seven. MOTION CARRIED 5-0-0 [AYES: Villescaz, McKibbin, Creason, Costa, Hernandez; NOES: None; ABSTAIN: None].

**California Voting Rights Act: Public Hearing and Selection of Preferred Trustee Area Map (F-4)**

Mr. Smith explained that there are nine proposed maps for consideration.

Ms. Villescaz declared the topic of selecting a preferred trustee area map and election sequencing schedule a public hearing and invited the public to speak.

*Public Comments:*

*[in person]*

Glenn Snyder stated he supports map number 7-3.

Scott Rafferty made comments about the proposed maps.

Maria Grijalva expressed the need for legal maps for minority voters.

Michelle Wright made comments about communities of interest and noted problems with the proposed maps.

Michael Seaman stated he does not support any of the proposed maps and commented about the 2020 census data.

Timothy Slake expressed support for map number 7-3 and inquired about the use of the 2020 census data.

Fred Latu stated that he supports map number 7-3.

Shirley Hall expressed concerns regarding the proposed maps and encouraged delaying the selection of the map to obtain more community input.

*[via electronic comment form, and read aloud by Senior Director of Labor Relations Daniel Thigpen]*  
Jeannie Bruins supports map number 7-5.

Pamela Williams supports map number 7-4.

There being no further comments from the public, Ms. Villescaz declared the public hearing closed and invited board members to speak. Mr. Hernandez asked clarifying questions about representation in the Citrus Heights area, which Mr. Rich addressed, and why the map must be selected tonight, which Mr. Spinelli addressed. Mr. Hernandez also shared that he supports map number 7-3. Ms. Costa explained the process she used to consider the proposed maps and shared the reasons why she supports map number 7-3. Ms. Creason clarified that the CVRA process is related to voting areas only, not school boundaries, and that board members would still represent the district as a whole, not just their specific area. Ms. Creason also inquired about the amount of community input received and the criteria used to develop the proposed maps, which Mr. Smith and Mr. Rich addressed. Ms. Creason shared her thoughts on why she supports map number 7-3. Dr. McKibbin thanked the demographers for their work and shared his reasons for supporting for map number 7-4. Ms. Villescaz responded to some of the public comments, thanked the public for its input and the board for its work, and after noting the time constraints of the process, she said she believes map number 7-3 best serves the district.

It was moved by Ms. Villescaz, seconded by Mr. Hernandez, to select map number 7-3 as the preferred trustee area map. MOTION CARRIED 4-1-0 [AYES: Villescaz, Creason, Costa, Hernandez; NOES: McKibbin; ABSTAIN: None].

#### **California Voting Rights Act: Selection of Preferred Election Sequencing Schedule (F-5)**

Attorney Michael Smith presented the topic and he discussed the elections sequencing scenarios for the selected map number 7-3, noting that the most logical sequencing schedule is option A which would allow for four trustees to be elected in 2022 and three trustees to be elected in 2024. Mr. Smith also noted that Education Code section 5021 states that the County Committee will be responsible for ultimately determining the final sequencing schedule.

#### *Public Comments:*

*[In person]*

Scott Rafferty made comments related to the County Committee and sequencing.

Maria Grijalva encouraged the board to listen to Mr. Rafferty's comments.

Mike Nishimura expressed support for selecting areas one and seven for the 2022 election.

*[via electronic comment form, and read aloud by Senior Director of Labor Relations Daniel Thigpen]*  
Padres Organized Community submitted comments related to representation.

After public comment, Ms. Villescaz invited board members to speak. Mr. Hernandez stated one reason he liked map 7-3 was the option A sequencing scenario. Ms. Costa agreed that the option A sequencing scenario is good. Ms. Creason agrees with the prioritization of map number 7-3. Dr. McKibbin expressed support for another sequencing option.

It was moved by Ms. Villescaz, seconded by Ms. Creason, to select option A as the preferred election sequencing schedule. MOTION CARRIED 4-1-0 [AYES: Villescaz, Creason, Costa, Hernandez; NOES: McKibbin; ABSTAIN: None].

**California Voting Rights Act: Adoption of Resolution Initiating a Proposal to the Sacramento County Committee on School District Organization (F-6)**

Attorney Michael Smith presented the topic explaining that initiating a proposal to the Sacramento County Committee on School District Organization is the next step in the process. Ms. Simlick clarified the specifics of Resolution No. 3065.

*Public Comments:*

*[In person]*

Scott Rafferty made observations about attorney fees.

*[via electronic comment form, and read aloud by Senior Director of Labor Relations Daniel Thigpen]*

Padres Organized Community submitted comments related to representation.

There being no board comment, it was moved by Ms. Creason, seconded by Ms. Costa, to adopt Resolution No. 3065 initiating a proposal to the Sacramento County Committee on School District Organization for the adoption of by-trustee area elections and an increase in board membership from five to seven members. MOTION CARRIED 5-0-0 [AYES: Villescaz, McKibbin, Creason, Costa, Hernandez; NOES: None; ABSTAIN: None].

**Tentative Agreement: California School Employees Association (F-7)**

Senior Director of Labor Relations Daniel Thigpen presented the tentative agreement with the California School Employees Association Chapter 127 and SJUSD for discussion. There being no questions or comments from the board, public comment/action was scheduled for August 10.

**Adjournment (G)**

At 9:34 p.m., there being no further business, the special meeting was adjourned.



Paula Villescaz, President



Kent Kern, Executive Secretary

Approved: 08/10/2021

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