

OHLONE COMMUNITY COLLEGE DISTRICT

MEMORANDUM

TO: Board of Trustees

FROM: Dr. Doug Treadway

DATE: September 8, 2004

SUBJECT: Confirmation of Trustee Area Boundaries Regular Agenda

BACKGROUND:

When the then Fremont-Newark Community College District was created, its boundaries were coterminous with the boundaries of Fremont and Newark and the Fremont and Newark school districts. In 1976, a public works project changed the course of Alameda Creek, creating a barrier between 107 acres at the edge of Fremont and the rest of the city, and preventing Fremont school district students residing in the 107 acres from attending Fremont schools. Consequently, beginning in 1976, those 107 acres (as well as additional properties that include the Ponderosa Cove development) were incrementally detached from Fremont and annexed to Union City, and from the Fremont school district to the adjacent New Haven school district, until detachment and annexation of the 107 and several other properties were completed effective July 1, 1999. No action was ever taken to detach these properties from the Ohlone Community College District and annex them to the Chabot-Las Positas Community College District. Ohlone College's legal counsel has opined that despite the changes to city and school district boundaries, both the boundaries of the Ohlone Community College District and its trustee area boundaries have remained unchanged. However, neither the College's policies nor its public information appears to have been updated.

In 2002, the Board adopted a resolution designating the 107 acres as part of the College's Fremont Trustee area, enabling the residents of the 107 acres to run for trustee as if they lived in the Fremont city limits. Counsel has opined that this Board action was legally proper without a popular election. However, in May 2004 the Board voted to allocate only one of five trustee seats allocated to Fremont to Union City. Counsel has expressed concerns that this action is inconsistent with the previous Board action and that it may only be implemented after by means of a popular vote. For these reasons staff recommends that the Board do the following:

Based on the information contained in *Ohlone Community College District Boundary Changes and Related Actions – Fremont, Newark, Union City 1955-2004 (Research Conducted by Elizabeth T. Silva, Ohlone College Librarian, 7-14-2004)*, ("the Report") a copy of which has been provided to the Board and is available for public viewing in the Business Office of the Fremont Campus of Ohlone College, and adopt a resolution which:

- (a) Adopts the Report and the findings set forth in it;
- (b) Ratifies its June 26, 2002 resolution, finding that a 107 acre portion of Union City formerly in the City of Fremont, as well as the other properties described in the Report, are part of what is presently designated as the College's Fremont Trustee Area, and enabling residents of these properties to run for any of the five numbered trustee seats from the area;
- (c) Repeals its May 12, 2004 resolution, which limited residents of the 107 acre portion to run for only one seat on the Board of Trustees;
- (d) Designates the area formerly known as the "Fremont Trustee Area" as the "Fremont-Union City Trustee Area" and directs the College staff to do all things necessary to revise all College publications so that they conform to this designation; and
- (e) Directs the College staff to work with the Alameda County Registrar of Voters, the residents of the 107 acre portion and such other agencies and individuals as necessary to communicate the Board's findings and directions.

FISCAL IMPLICATIONS: None

RECOMMENDATION

The President/Superintendent recommends approval of Resolution #4/04-05 (attached).