

**Stanislaus County Civil Grand Jury
Keyes Union School District
Case 12-11C (a)**

SUMMARY

The Stanislaus County Civil Grand Jury received a citizen's complaint dated September 26, 2011, alleging that a member of the Keyes School Board did not meet the residency requirements to continue to be an active member of that board.

GLOSSARY

SCCGJ- Stanislaus County Civil Grand Jury

Person B- The complainant

Person C- Subject of the complaint

California law (Government Code 34882) - A person is not eligible to hold office as a member of a municipal legislative body unless he or she is otherwise qualified, resides in the district and both resided in the geographical area making up the district from which he or she is elected and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in section 10227 of the Elections Code.

DISCUSSION

It was alleged by Person B that Person C had moved from the primary residence to another home outside of the school district while still serving on the school board. Person C stated in an interview that a residence C owned in the district was for sale. Person C stated that most of the time at home was spent in a residence outside of the school district. The superintendent of the school district stated that if a member of the board moved outside of the school district they should resign from the school board. The superintendent of the school district stated that she was not aware that Person C had moved outside of the district. The superintendent also stated members of the board had the option to draw a small salary or be provided health insurance during their term on the board. Most members took the option of taking health insurance since it provided a greater monetary value.

METHODOLOGY OF INVESTIGATION

The SCCGJ investigation of this complaint took place between September 26, 2011 and February 6, 2012. The following actions were taken by the Education Committee.

1. Interviewed Person C, a member of the school board and subject of the complaint
2. Interviewed the Superintendent of the school board.
3. Reviewed California Government Code 343882

FINDINGS

The SCCGJ finds that Person C should have informed the School Board about the move outside the district to another residence and informed the superintendent of this change of address. Even though a residence was still owned in the district, most of the board members time was spent living in a residence that was located outside of district boundaries. The SCCGJ would classify the latter residence as a “domicile”. A court of appeals has defined a “domicile” as “the one location with which for legal purposes a person is considered to have the most settled and permanent connection, the place where he intends to remain and to which, whenever he is absent, he has the intention of returning....”

RECOMMENDATIONS

- R1. The SCCGJ recommends that Person C resign from the school board.
- R2. The SCCGJ recommends the school district should require Person C to reimburse the district for the insurance costs for the time C lived outside of the district (approximately \$980 per month).
- R3. The School Board President should monitor the resident status of board members to assure they comply with residency requirements of California Government Code 34882.

REQUEST FOR RESPONSES

Keyes Union School District Board