

# Local

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## Justice Department won't challenge vote on Aromas school

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The U.S. Department of Justice has decided not to challenge Measure I, the Aromas school-secession measure approved by voters in June.

In a letter received by the Monterey County Elections Department yesterday, the Justice Department said it would not take any action to nullify the election, but it did reserve the right to change its position in the future.

The department had launched an investigation a few weeks after the June 5 primary to determine if the Measure I election had violated regulations under Section 5 of the Federal Voting Rights Act, which monitors any changes in the election process.

Measure I, which passed by a vote of 985 to 902, called for the secession of Aromas Elementary School from the Pajaro Valley Unified School District so it could form a new district with the San Juan Elementary School District. As part of the process, a list of 10 candidates for school board trustees for the new district were included on the ballot. The top five vote-getters won the five seats on the board. All the winners were proponents of Measure I.

The election was limited to the voters in the two schools' attendance areas, which fall in parts of Santa Cruz, San Benito and Monterey counties. This is what got the attention of the Justice Department.

By limiting the voting area, the process created a new voting district. But the matter was done without authorization from the Justice Department, which must clear any changes in the election process before they are implemented.

The Justice Department's investigation also involved the exclusion of Las Lomas and Pajaro from the election to see if voters in the two communities were disenfranchised. The two communities have large Hispanic populations.

"The Attorney General does not interpose any objections to the changes in question," the letter said. "However, we feel a responsibility to point out that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. In addition, as authorized by Section 5, the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the 60-day review period."

The news was well received by Simone Mortan, one of the five

trustees elected to the new board.

"The voters spoke in June and their decision has been verified," Mortan said, adding that supporters of the measure have had to battle a variety of obstacles to put the issue on the ballot.

"We have been through a few surprises," Mortan said. "I think we had enough."

The first thing the new board will do, Mortan said, is apply for a \$50,000 loan from the state to help pay for administrative expenditures such as secretarial help. State officials could make the loan available to the new district within a few months.

Mortan said the board members will also negotiate with Pajaro Valley school district officials to determine which items, such as furniture and books, will be kept at Aromas School and which will go to the Pajaro Valley school district. Since Aromas students make up about 5 percent of the Pajaro Valley district's enrollment, under state regulations, the new district will be entitled to 5 percent of the assessed value of the property.

A few weeks ago, Dick Lowry, superintendent of the San Benito County Office of Education, sent the new board members a long list of items they need to address as a governing body. Since the majority of the new school district lies within San Benito County, that county's Office of Education will have jurisdiction over the district.

Some of the items the board will have to tackle are creating a district curriculum, setting hiring practices and coming up with a budget for the 1991-92 school year.

The district will have to build a school for both middle and high school grades with the next five years or face the possibility of having the district dissolved by the state Board of Education. It is estimated that a new school would cost about \$10 million.

"They (the new board) have got a lot of work ahead of them and lots of responsibility," Lowry said.

The San Juan Elementary School Board trustees will still have jurisdiction over San Juan Elementary School, and Aromas School will still be under the auspices of the Pajaro Valley Unified School District until June 30, 1991, when the new board will take control of the school district.

Patrick McCarty, one of the opponents of Measure I, said this morning he was "shocked" by the Justice Department's decision. It could be the final nail in the coffin for any hopes of reversing the election results, he said.

"That's the will of the people," he said. "That's the end, I guess."