

**BEFORE THE GOVERNING BOARD OF THE
ARVIN UNION SCHOOL DISTRICT OF
KERN COUNTY, CALIFORNIA**

In the Matter of Adopting Trustee Areas for the Election of Arvin Union School District Trustees for Submission to the Kern County Committee on School District Organization Pursuant to Education Code sections 5019, 5020, and 5030.

[PROPOSED] RESOLUTION NO.
8:2023/2024

Resolution by the Governing Board to Adopt Trustee Areas for Submission to the Kern County Committee on School District Organization (Education Code Sections 5019, 5020, and 5030)

RECITALS

1. Members of the Board of Trustees of the Arvin Union School District (“District”) are currently elected in “at-large” elections, i.e., elections in which “each governing board member [is] elected by the registered voters of the entire school district” (Education Code section 5030(a)); and
2. Education code sections 5019(a) and (c)(1) and 5030 authorize the Kern County Committee on School District Organization (“County Committee”), upon application of a school district’s governing board, to change the method of election in a school district under its jurisdiction; and
3. At its regular meeting on November 8, 2023, the Board of Trustees adopted Resolution No. 6, formally initiating the process of changing the District’s method of election to “by-trustee area” elections, i.e., elections in which “one or more members residing in each trustee area be elected by the registered voters of that particular trustee area[.]” (Education Code section 5030(b) and stating the reasons for the change; and
4. On Tuesday, November 14, 2023, and Saturday, November 18, 2023, pursuant to Elections Code section 10010(a)(1), the Board of Trustees held public hearings during which the public was invited to provide input regarding composition of the District’s trustee areas before any draft maps were drawn; and
5. On November 21, 2023, the District made public four draft trustee area plans (Map Nos. 101 and 102, prepared by National Demographics Corporation, and Map Nos. 201 and 202, which were public submissions); on December 5, 2023, the District made public two additional trustee area plans (Map No. 203, a public submission, and Map No. 203b, a publicly requested map) along with a proposed sequence of elections for Map Nos. 101, 102, and 203b, all of which were posted on the District’s website at: <https://www.arvinschools.com/california-voting-rights-act-cvra>; and

6. On November 29, 2023, and December 6, 2023, pursuant to Elections Code section 10010(a)(2), the District held public hearings at which the public was invited to provide input regarding the content of the draft maps that had been published at least seven days before the meetings and the proposed sequence of elections; and
7. Throughout the foregoing process, the District engaged in a significant amount of public outreach and engagement as required by Elections Code section 10010; and
8. At a regular board meeting on December 12, 2023, the Board of Trustees held a final public hearing after which it adopted Map No. _____, a copy of which is attached as Exhibit A and incorporated by this reference, as the trustee area plan to be submitted to the County Committee for its consideration and adoption pursuant to Education Code section 5019(c)(1); and
9. The populations in the proposed trustee areas of Map No. _____ are substantially equal, in compliance with legal requirements; and
10. Section 2 of the Voting Rights Act, 42 U.S.C., Section 1973, prohibits the use of any voting qualification or prerequisite to voting, or standard, practice, or procedure, in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color; Map No. ____ complies with Section 2 of the Voting Rights Act; and
11. Map No. _____ anticipates the use of a single-member by-trustee area electoral system, and thereby complies with the California Voting Rights Act of 2001 (Chapter 1.5 [commencing with section 14025] of Division 14 of the Elections Code); and
12. The trustee areas in Map No. _____ are drawn to follow major thoroughfares and respect topography and geography and communities of interest, to the extent possible, while still complying with equal population requirements and federal and state law; and
13. The trustee areas in Map No. ____ are drawn to be compact and to contain cohesive, contiguous territory to the extent possible; and
14. In accordance with state law, the proposed Trustee Area Map includes a sequencing of elections in the Trustee Areas as follows: Trustee Area 1 (20__), Trustee Area 2 (20__), Trustee Area 3 (20__), Trustee Area 4 (20__), Trustee Area 5 (20__). Approval of the Trustee Area Map will also approve the sequencing of elections in the trustee areas.
15. The Board of Trustees declares that the change in the method of electing members of the governing body is also being made in furtherance of the purposes of the California Voting Rights Act of 2001, which favors by-trustee area elections. Pursuant to section 5020(a)(2) of the Education Code, the Board of Trustees therefore requests that the County Committee order the changes requested in this Resolution without an election, to take effect upon adoption, to govern all elections for governing board members occurring at least 125 days after adoption of the Resolution.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The above recitals are true and correct.

B. The Board of Trustees hereby submits Map No. ____, a copy of which is attached as Exhibit A and incorporated by this reference, to the County Committee and requests that the County Committee consider and adopt Map No. ____ pursuant to Education Code sections 5019(a) and (c)(1) and 5020 as the by-trustee area electoral plan for the Arvin Union School District, along with the election sequence specified in Recital 14, together with the request that the County Committee order the changes requested in the Resolution without an election in furtherance of the purposes of the California Voting Rights Act.

C. The District's Superintendent and/or designee shall take all action necessary to notify the County Committee of the Board of Trustee's determination and provide whatever assistance may be required by the County Committee, or by the Kern County Elections Department, to complete the process of establishing by-trustee area elections in single-member trustee areas in a timely fashion to permit implementation of these trustee areas in connection with the Board of Trustees election to be held in November 2024.

D. Because the new trustee area plan may contain technical anomalies caused by errors in the 2020 Census line files that do not substantively affect the populations in the trustee areas, the trustee area boundaries, or the intent of this Resolution, which anomalies are not revealed until implementation begins, the Superintendent and/or designee is authorized to make technical emendations to the new plan that do not substantively affect the populations in the trustee areas, the trustee area boundaries, or the intent of this Resolution, and shall advise the Board of Trustees of any such emendations that are found to be required in plan implementation by the County Registrar's Office or otherwise.

E. The Superintendent shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

THE FOREGOING RESOLUTION was adopted upon motion by Trustee _____, seconded by Trustee _____, at the regular meeting of the Board of Trustees held on December 12, 2023, by the following vote or abstention of each member present:

AYES:

NOES:

ABSENT:

DATED: December 12, 2023

President, Board of Trustees
Arvin Union School District

CERTIFICATION

I, Toni Pichardo, Clerk of the Board of Trustees of the Arvin Union School District, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on December 12, 2023.

DATED: December 12, 2023

Clerk, Board of Trustees
Arvin Union School District

EXHIBIT A

MAP AND DEMOGRAPHICS OF
FINAL, ADOPTED TRUSTEE AREA PLAN