

BEAR VALLEY UNIFIED SCHOOL DISTRICT

November 6, 2019

RESOLUTION NO. 19-20-009

**RESOLUTION OF INTENT TO COMPLY WITH
THE CALIFORNIA VOTING RIGHTS ACT**

WHEREAS, the Board believes the current at-large method of election serves the needs of the District and, as the District's policy-making body, the Board ensures the District provides a high quality educational experience to its students in accordance with the desires of the community, and federal and state laws; and

WHEREAS, the Bear Valley Unified School District ("District") does not have trustee areas for the members of its Governing Board ("Board"), and the District currently utilizes an "at-large" method of election to select Board members; and

WHEREAS, the Board is aware that under state law an at-large method of election may be subject to challenge under the California Voting Rights Act of 2001 ("CVRA"), California Elections Code § 14025, et seq.; and

WHEREAS, on or about October 16, 2019, the District received a letter from the law firm of Shenkman and Hughes, which stated its belief that the at-large election system for Board members in the District has resulted in minority vote dilution in violation of the CVRA; and

WHEREAS, by-trustee area electoral systems are not vulnerable to challenge under the CVRA; and

WHEREAS, in a by-trustee area system of election, candidates for the Board must reside within a trustee area, and candidates are elected only by the voters of that trustee area; and

WHEREAS, transitioning to use of trustee areas and changing the election method is a time consuming and potentially costly process, which provides for public input and the involvement of the County Committee on School District Organization; and

WHEREAS, the Board intends to comply with the CVRA, and if necessary for such compliance, will complete the process of transitioning to trustee areas, and election of Board members by trustee area, commencing with the November 2020 election unless a mutually agreeable extension is negotiated with the demanding party allowing the District to complete the process after the 2020 Census data is released.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby finds the foregoing recitals to be true and correct; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or her designee to ensure the District is in compliance with the CVRA; and

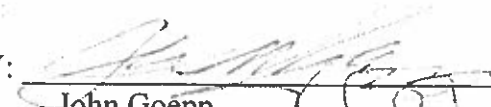
BE IT FURTHER RESOLVED that the Board directs the Superintendent or her designee to initiate the legal and regulatory process to establish trustee areas within the District, as provided in Education Code section 5019, in sufficient time for trustee areas to be established for the November 2020 election of members of the Board unless a mutually agreeable extension is negotiated with the demanding party allowing the District to complete the process after the 2020 Census data is released; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or her designee to initiate the legal and regulatory process of changing the method of electing members of the Board, from the current at-large system whereby each member of the Board is elected by the registered voters of the entire District (Education Code section 5030(a)), to a method which provides that Board members residing in each trustee will be elected by the registered voters of that particular trustee area (Education Code 5030(b)), in sufficient time for the new method of electing members of the Board to be in place for the November 2020 election unless a mutually agreeable extension is negotiated with the demanding party allowing the District to complete the process after the 2020 Census data is released.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Bear Valley Unified School District this 6th day of November 2019 at Big Bear Lake, in the County of San Bernardino, State of California, the by the vote of:

AYES:	<u>Foulkes</u>	<u>Herrick</u>	<u>Zamoyta</u>
	<u>Goepp</u>	<u>Smartt</u>	
NOES:	<u>None</u>		
ABSTAIN:	<u>None</u>		
ABSENT:	<u>None</u>		

The below-signed attests that he was present at the open session meeting of the Governing Board on November 6, 2019, and that a majority of the members approved this Resolution.

BY: 
John Goëpp
President, Governing Board
Bear Valley Unified School District

DATED: 11/6/2019

**RESOLUTION NUMBER 21-22-
RESOLUTION OF THE BOARD OF EDUCATION OF THE
BEAR VALLEY UNIFIED SCHOOLDISTRICT
RECOMMENDING THAT THE SAN BERNARDINO COUNTY COMMITTEE ON
SCHOOL DISTRICT ORGANIZATION APPROVE AND ESTABLISH TRUSTEE
AREAS FROM WHICH THE BEAR VALLEY UNIFIED SCHOOL DISTRICT
TRUSTEES WILL BE ELECTED IN A BY-TRUSTEE
AREA ELECTION PROCESS**

WHEREAS, The Bear Valley Unified School District (“District”) currently uses an at-large system of electing members of its Board of Education; and

WHEREAS, At-large electoral systems such as the Districts are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025 – 14032 of the California Elections Code (“CRVA”); and

WHEREAS, By-trustee area electoral systems are not vulnerable to challenge under the CVRA; and

WHEREAS, In a by-trustee area system of election, candidates for the District’s Board of Education (the “Board”) must reside within a specific geographic subarea of the District called “trustee area” and candidates are elected only by the voters of that trustee area; and

WHEREAS, One method of transitioning from an at-large electoral system to a by-trustee area electoral system is for the school district board of education to petition the local county committee on school district organization by resolution to initiate the transition under California Education Code section 5019©(1); and

WHEREAS, the San Bernardino County Committee on School District Organization (“Committee”) has indicated that it will initiate this process on behalf of the District at the District’s request, and will consider any recommendation on specific trustee areas made by the District; and

WHEREAS, District staff and consultants have prepared a proposed trustee area map and recommendation (the “Maps”) that have been presented to the public at a Regular Board Meeting on October 3, 2021, and November 3, 2021, and community input on June 14, 2021, and June 16, 2021; and

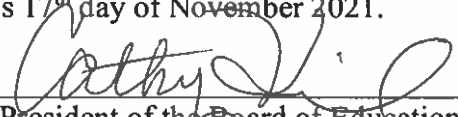
WHEREAS, the Board has considered all public input and comment on the Maps; and

WHEREAS, the Board has adopted Map Scenario ___ and hereby recommends Map Scenario ___ to the Committee for its consideration based upon the findings, analysis and recommendations contained in the report attached hereto and incorporated herein as Exhibit “A” and

NOW THEREFORE, be it resolved by the Board of Education of the Bear Valley Unified School District as follows:

1. That the above recitals are true and correct.
2. That the Board has adopted Map Scenario ___ and recommends Map Scenario ___ to the Committee for consideration and adoption.
3. That the Superintendent and/or his designee take all actions necessary to notify the Committee of the Board's determination forthwith and provide whatever assistance may be required by the Committee to complete the process.

ADOPTED, SIGNED AND APPROVED this 17th day of November 2021.



President of the Board of Education for the
Bear Valley Unified School District

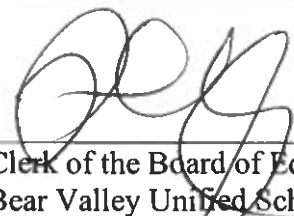
I, Mr. Paul Zamoyta, Clerk of the Board of Education of the Bear Valley Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of education of said District at a meeting of said Board held on the 17th day of November 2021 and that it was so adopted by the following vote:

AYES: Foulkes, Herrick, Roberts, Smartt, Zamoyta

NOES: n/a

ABSTAIN: n/a

ABSENT: n/a



Clerk of the Board of Education of the
Bear Valley Unified School District

RESOLUTION NO. 21-22-015

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
BEAR VALLEY UNIFIED SCHOOL DISTRICT REQUESTING
THAT THE SAN BERNARDINO COUNTY COMMITTEE ON SCHOOL
DISTRICT ORGANIZATION APPROVE A WAIVER OF THE ELECTION REQUIRED
BY EDUCATION CODE SECTION 5020(a)(1)**

WHEREAS, The Bear Valley Unified School District (“District”) Board of Education approved a resolution to transition its method of election from at-large elections to by-trustee area elections at a meeting on November 17, 2021; and

WHEREAS, the District’s decision to transition to by-trustee area elections was prompted by a demand letter sent to the District pursuant to Elections Code section 10010 in which the demanding party alleged that the District’s use of at-large elections did not comply with the requirements of the California Voting Rights Act of 2001; and

WHEREAS; the District’s transition to by-trustee area elections was undertaken in furtherance of the purposes of the California Voting Rights Act of 2001; and

WHEREAS, as part of the process District administration met with various stakeholders, including representatives of Bear Valley Teachers Association, CSEA and its Local Chapter No. 415, and other District committees, to discuss the waiver of the election that was ordered by the California State Board of Education and can now be ordered by the San Bernardino County Committee on School District Organization (“Committee”) pursuant to Education Code section 5020(a)(1) upon the Committee’s approval of the District’s plan to transition to by-trustee area elections; and

WHEREAS; none of the stakeholder groups expressed disapproval with the District’s stated intent to seek a waiver of the election required by Education Code section 5020(a)(1); and

WHEREAS, SB 442, passed in July 2021, amended Education Code section 5020 to added section (a)(2) which authorizes the Committee to, “by resolution, approve a proposal to establish trustee areas and to elect governing board members using district-based elections, as defined in subdivision (b) of Section 14026 of the Elections Code, without being required to submit the resolution to the electors of the district for approval.”; and

WHEREAS, the Committee’s resolution required by Education Code section 5020 must “include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001.”; and

WHEREAS, the provisions of SB 442 take effect on January 1, 2022; and

WHEREAS, until the passage of SB 442 in July 2021, waivers of the election required by Education Code section 5020(a)(1) were granted exclusively by the California State Board of Education; and

WHEREAS, the resolution approved by the Board of Education on November 17, 2021, did not include a request to have the County Committee include the language in Education Code

section 5020(a) in its resolution in order to grant the District a waiver of the election required by Education Code section 5020(a)(1); and

WHEREAS, the Committee is scheduled to conduct its meeting in the District's boundaries on in early 2022 to review the District's plan to transition to by-trustee area elections and consider the resolution required by Education Code section 5020(a)(2).

NOW THEREFORE, be it resolved by the Board of Education of the Bear Valley Unified School District as follows:

1. That the above recitals are true and correct.
2. The District's transition to by-trustee area election was a decision made by the Board of Education in furtherance of the purposes of the California Voting Rights Act of 2001.
3. That the Board requests the Committee to "by resolution, approve a proposal to establish trustee areas and to elect governing board members using district-based elections, as defined in subdivision (b) of Section 14026 of the Elections Code, without being required to submit the resolution to the electors of the district for approval."
4. That the Board requests the Committee's resolution "include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001."
5. That the Superintendent and/or his designee take all actions necessary to notify the Committee of the Board's determination forthwith and provide whatever assistance may be required by the Committee to complete the process.

ADOPTED, SIGNED AND APPROVED this 12th day of January 2022.

President of the Board of Education for the
Bear Valley Unified School District

I, Mr. Jack Roberts, Clerk of the Board of Education of the Bear Valley Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of Education of said District at a meeting of said Board held on the 12th day of January 2022, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Clerk of the Board of Education of the
Bear Valley Unified School District