

RESOLUTION NO. 20212022-14

**RESOLUTION OF THE SAN BERNARDINO COUNTY
COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
APPROVING A WAIVER OF THE ELECTION REQUIRED BY EDUCATION CODE
SECTION 5020(a)(1) FOR FONTANA UNIFIED SCHOOL DISTRICT**

WHEREAS, California Education Code sections 5019(a) and (c)(1) and 5030 authorize the San Bernardino County Committee on School District Organization (“County Committee”), upon application of a school district’s governing board, to change the method of election of governing board members in a school district under its jurisdiction; and

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

WHEREAS, the Fontana Unified School District (“District”) Board of Trustees (“Board”) currently utilizes an at-large method of election to select Board members; and

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

WHEREAS, the District’s transition to by-trustee area elections was undertaken in furtherance of the purposes of the CVRA; and

WHEREAS, on March 2, 2022, the Board adopted Resolution 22-05 designating the trustee area plan and demographic information described as “Map 6” as the final trustee area plan establishing the boundaries for the new trustee areas; and

WHEREAS, as part of the process, District administration met with various stakeholders, including representatives of Associated Fontana Unified Teachers, United Steel Workers and its Local Chapter No. 8599, Fontana School Police Officers Association, and other District committees, to discuss the waiver of the election by the County Committee pursuant to Education Code section 5020(a)(1) upon the County Committee’s approval of the District’s plan to transition to by-trustee area elections; and

WHEREAS, on February 16, 2022, the Board held a public hearing on the waiver of the election requirement; 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, Senate Bill (SB) 442, passed in July 2021, amended Education Code section 5020 to add section (a)(2) which authorizes the County Committee to, “by resolution, approve a proposal to establish trustee areas and to elect governing board members using district-based election, 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 County 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 provision of SB 442 took effect on January 1, 2022; and

WHEREAS, until the passage of SB 442, 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 Board undertook a very deliberate, careful, and public process for establishing trustee areas, including the retention of counsel and demographic experts, to establish trustee areas within the District, as provided in Education Code section 5019; and

WHEREAS, on March 2, 2022, the Board adopted Resolution 22-05 requesting that the County Committee approve a waiver of the election required by Education Code section 5020(a)(1).

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

BE IT FURTHER RESOLVED that the District's transition to by-trustee area elections was a decision made by the Board of Education in furtherance of the purposes of the California Voting Rights Act of 2001; and

BE IT FURTHER RESOLVED that the County Committee by resolution hereby declares that the change in the method of electing members of the District's governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001; and

BE IT FURTHER RESOLVED that the County Committee by resolution approves the District's 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

BE IT FURTHER AND FINALLY RESOLVED that the County Committee, in approving the District's request to waive the election requirements to establish trustee election areas, orders that trustee area elections shall be commenced in the District effective the next succeeding board member election on November 8, 2022.

PASSED AND ADOPTED by the County Committee on the 13th day of April, 2022, at a duly noticed meeting by the following vote:

AYES: *Weather Spoon-Bell, Cadman, Barillas, Munoz, Martinez, Truillo,*

NOES: *Ø* *Gongora, Lopez*

ABSTAIN: *Quezada*

ABSENT: *Holohan, Willingham*

I, Dennis W. Mobley, Interim Acting Secretary to the San Bernardino County Committee on School District Organization ("County Committee"), hereby certify, in the County of San Bernardino, State of California, that the above and foregoing Resolution was duly and regularly adopted by said County Committee at a special meeting thereof held on the 13th day of April, 2022, and passed by a vote of 8 to Ø in favor of said Committee Members present.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, 2022.

Dennis W. Mobley

Dennis W. Mobley, Interim Acting Secretary
San Bernardino County Committee on School District Organization