

RESOLUTION NO. 20212022-03

RESOLUTION OF THE SAN BERNARDINO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION APPROVING AND ADOPTING A FINAL TRUSTEE AREA PLAN FOR CHINO VALLEY UNIFIED SCHOOL DISTRICT TO TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM

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, on March 4, 2021 the Chino Valley Unified School District (“District”) Board of Trustees (“Board”) passed Resolution 2020/2021-25 initiating the process for the District to transition from an “at-large” election system to a “by-trustee area” election system commencing with the November, 2022 Board election; 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, in approving Resolution 2020/2021-25, the Board expressed its view that an at-large method of election may be deemed to impair the ability of some voters to elect candidates of their choice or to influence the outcome of elections and, therefore, may be subject to challenge under the California Voting Rights Act of 2001, California Elections Code section 14025, *et seq.* (“CVRA”); and

WHEREAS, the Board, based on this awareness with the assistance and advice of legal counsel, studied the issue and initiated the process of establishing trustee areas; and

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

WHEREAS, transitioning to a by-trustee area election method is a time consuming process, which requires extensive public input, the involvement of the County Committee, and potentially seeking and obtaining a waiver of the requirement for an election from the 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, the District initiated 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 area will be elected by the registered voters of that particular trustee area (Education Code section 5030(b)), in sufficient time for the new method of electing members of the Board to be in place for the November 8, 2022 election; and

WHEREAS, district staff and consultants have conducted public hearings for map input as required by law, prepared proposed trustee area plans and recommendations (the “Plans”) that were presented to the public at the District’s Regular Board meeting on June 17, 2021, and thereafter posted the Plans of the District’s website for further input; and

WHEREAS, pursuant to Elections Code section 10010, the District held properly noticed public hearings regarding the proposed trustee area plans on June 17, 2021, and July 15, 2021, in addition to public input via the District’s website and community meetings; and

WHEREAS, on December 17, 2021, the Board posted the three proposed trustee area boundary plans on its website for public review and comment; and

WHEREAS, on February 3, 2022, the Board conducted a public hearing to receive public input and comment on the three proposed trustee area boundary plans; and

WHEREAS, on February 3, 2022, the Board adopted Resolution 2021/2022-53 designating the trustee area plan and demographic information described as "Scenario 1" (attached hereto as Exhibit "A") as the final trustee area plan establishing the boundaries for the new trustee areas and requested timely action by the County Committee of "Scenario 1" and the District's transition to a by-trustee area election system commencing with the November 8, 2022 Board election; and

WHEREAS, the District's approved trustee area map "Scenario 1" includes one current trustee in area 4 and two trustees each in trustee areas 3 and 5.

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 County Committee determined that trustee areas 3 and 4 shall hold elections starting in 2022; and

BE IT FURTHER RESOLVED that the County Committee determined that trustee areas 1, 2 and 5 shall hold elections starting in 2024; and

BE IT FURTHER AND FINALLY RESOLVED that if by resolution the County Committee grants the District's request to waive the election requirements to establish trustee election areas, 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 6th day of April, 2022, at a duly noticed meeting by the following vote:

AYES: *Barillas, Weatherspoon-Bell, Cadman, Munoz, Martinez, Willingham,*

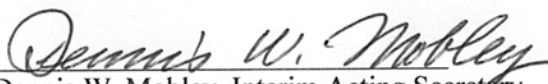
NOES: $\emptyset$ *Trujillo, Gongora, Lopez*

ABSTAIN: $\emptyset$

ABSENT: *Holohan, Quezada*

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 6th day of April, 2022, and passed by a vote of 9 to 0 in favor of said Committee Members present.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of April, 2022.


Dennis W. Mobley, Interim Acting Secretary

San Bernardino County Committee on School District Organization