

RESOLUTION NO. 20212022-16

**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 UPLAND UNIFIED SCHOOL DISTRICT**

WHEREAS, on March 15, 2022, the Upland Unified School District (“District”) Board of Trustees (“Board”) passed Resolution 03-15-22(b) initiating the process for the District to transition from an “at-large” election system to a “by-trustee area” election system utilizing and analyzing the most up-to-date demographic data as permissible by law during this transition process; 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 (“CVRA”); and

WHEREAS, Senate Bill (SB) 442, passed in July 2021, amended Education Code section 5020 to add section (a)(2) which authorizes the San Bernardino County Committee on School District Organization (“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, pursuant to Education Code section 5020(a)(2), the District seeks a waiver of the ballot requirement from the County Committee as permitted under Education Code section 5020 to ensure that the new by-trustee area election system is implement by the 2022 Governing Board election, thereby reducing the risk of any potential liability to the District under the CVRA in addition to reducing the costs for the District associated with placing an item on the ballot; and

WHEREAS, on May 4, 2022, during a meeting of the Board, the Board convened a duly-noticed public hearing to solicit public testimony on the merits of obtaining a waiver of the election requirement from the County Committee; and

WHEREAS, after receiving and considering public testimony at a duly-noticed public hearing, the Board on May 4, 2022, approved Resolution 05-04-2022(b) seeking a Waiver Request to be approved by the County Committee to waive Education Code Section 5020 et. seq. pertaining to the requirement that a change in the District’s election system from an “at-large” election system to a “by-trustee area” election system be presented to the district; 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, with thoughtful consideration of all public input received on draft trustee area plans and applicable state and federal legal criteria, on May 4, 2022, the Board adopted Resolution 05-04-2022(b) selecting “Grape Plan” as the final trustee area plan establishing the boundaries for the new trustee areas, and to request timely approval from the County Committee of the trustee area plan and the District’s transition to a by-trustee area election system commencing with the November 8, 2022 Governing Board election.

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 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 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 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 25th day of May, 2022, at a duly noticed meeting by the following vote:

AYES: *Cadman, Munoz, Dillingham, Trujillo, Gongora, Lopez*

NOES: *0*

ABSTAIN: *0*

ABSENT: *Barillas, Weatherspoon-Bell, Quezada, Holohan, Martinez*

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 25th day of May, 2022, and passed by a vote of 6 to 0 in favor of said Committee Members present.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of May, 2022.

Dennis W. Mobley

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