

FONTANA UNIFIED SCHOOL DISTRICT

November 22, 2021

RESOLUTION NO. 21-29

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

WHEREAS, the Board believes the current at-large method of election has served the needs of the District and, as the District's policy-making body, the Board continues to adapt to ensure 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 Fontana Unified School District ("District") does not have trustee areas for the members of its Board of Trustees ("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 11, 2021, the District received a letter from the law offices of Carlos R. Perez, 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 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 2022 election.

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 his designee to ensure the District is in compliance with the CVRA; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his 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 2022 election of members of the Board; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his 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 2022 election.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Fontana Unified School District this 22 day of November, 2021 at Fontana, in the County of San Bernardino, State of California, the by the vote of:

AYES: 4
NOES: 1
ABSTAIN: -
ABSENT: -

The below-signed attests that he was present at the open session meeting of the Board of Trustees on November 22, 2021, and that a majority of the members approved this Resolution.

BY: 
Marcelino "Mars" J Serna
President, Board of Trustees
Fontana Unified School District

DATED: 11/22/21

ATTEST: 
Secretary, Board of Education

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

RESOLUTION NO. 22-05

WHEREAS, The Fontana 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 ("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 District's Board of Education (the "Board") must reside within a specific geographic subarea of the District called a "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(c)(1); 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 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, as part of the process, District administration met with various stakeholders, including representatives of Fontana Unified Teachers Association, United Steel Workers and its Local Chapter No. 8599, Fontana School Police Officer's Association, and other District committees, to discuss the waiver of the election that is 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: on February 16, 2022, the Board held a public hearing on the waiver of the election requirement; 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.”;

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 first presented to the public at the District’s Regular Board Meeting on February 2, 2022, and thereafter posted the Plans and further updated Plans on 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 February 2, 2022, February 16, 2022, and March 2, 2022; and

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

WHEREAS, the Board has adopted Map 6 and hereby recommends Map 6 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 Fontana Unified School District as follows:

1. That the above recitals are true and correct.
2. That beginning in November 2022, the District shall use a by-trustee area method of election to elect the District’s Trustees.
3. That the Board has adopted Map 6 and recommends Map 6 to the Committee for consideration and adoption.
4. That at the District’s next election in 2022, seats in trustee areas 1, 2, and 5 will be up for election, and in November 2024, seats in trustee areas 3 and 4 will be up for election.
5. That 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.
6. 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.”

7. 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.”

8. 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 9th day of March, 2022.



President of the Board of Education for the
Fontana Unified School District

I, Randal S. Bassett, Secretary of the Board of Education of the Fontana 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 9th day of March, 2022, and that it was so adopted by the following vote:

AYES:	<u>4</u>
NAYS:	<u>-</u>
ABSENT:	<u>1</u>
ABSTAIN:	<u>-</u>



Secretary of the Board of Education of the
Fontana Unified School District