

**RESOLUTION OF THE GOVERNING BOARD
OF THE UPLAND UNIFIED SCHOOL DISTRICT
Resolution No. 05-04-2022(b)**

A RESOLUTION APPROVING AND ADOPTING A FINAL TRUSTEE AREA PLAN FOR THE DISTRICT'S TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM; A PLAN OF ELECTION FROM THOSE AREAS; AND RECOMMENDING THAT THE SAN BERNARDINO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION APPROVE THE DISTRICT'S ESTABLISHMENT OF A BY-TRUSTEE AREA ELECTION SYSTEM AND ADOPTED TRUSTEE VOTING AREA PLAN WITHOUT HOLDING A DISTRICTWIDE ELECTION OR THE NEED TO OBTAIN A WAIVER FROM THE STATE BOARD OF EDUCATION IN ACCORDANCE PER SB 442 IN FURTHERANCE OF THE PURPOSES OF CVRA .

- A. On March 15, 2022, the Upland Unified School District Governing Board ("Board") passed Resolution #03-15-22(b) initiating the process for the Upland Unified School District ("District") to transition from an "at-large" election system to a "by-trustee area" election system commencing with the 2022 Board elections.
- B. In approving Resolution #03-15-22(b), the Board expressed its view that a transition to a by-trustee area election system will reduce the District's risk of costly litigation, especially since a successful plaintiff under the California Voting Rights Act (Elections Code §14025 *et seq.*) ("CVRA") is entitled to reasonable attorneys' fees and experts' fees, creating great financial risk to any jurisdiction sued.
- C. The District utilized the services of Davis Demographics ("Consultant") to prepare proposed trustee area boundary plans for consideration by the District, Board, and community. The Consultant has extensive experience working with school districts and local jurisdictions regarding electoral demographics, taking into consideration the CVRA, the Federal Voting Rights Act, and related election system choices.
- D. All of the proposed trustee area boundary plans prepared by Consultant were drawn with all applicable laws and regulations in mind, including the CVRA and federal election law.
- E. The District conducted public hearings at Board meetings on March 22, 2022 and March 28, 2022 to solicit feedback in advance of map preparation. Following the creation of draft map options, which were available and advertised on the District's website, the District conducted public hearings at Board meetings on April 19, 2022, April 26, 2022, and today, May 4, 2022.
- F. With thoughtful consideration of all public input received on the draft trustee area plans and applicable state and federal legal criteria, the Board desires to adopt the trustee area plan and demographic information described as the "**Grape Map**" (attached hereto as Exhibit "A") 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 2022 Governing Board election.

G. In order to complete the transition to by-trustee area elections in a timely and cost effective manner, and to ensure that the new by-trustee area process will be in place in time to elect new governing board members at the Board's next regularly scheduled election, pursuant to SB 442, effective January 1, 2022, school districts and community college districts may transition to by-trustee area elections upon approval by the County Committee, without the need to seek voter approval or a waiver of the same from the State Board of Education;

H. On May 4, 2022, the Board held a public hearing regarding the decision to request the San Bernardino County Committee on School District Organization approve of the District's election transition pursuant to SB 442 in furtherance of the purposes of CVRA without holding a districtwide election or the need to obtain a waiver of the same from the State Board of Education;

I. It is considered the view of the Board that County Committee approval of the District's election transition without holding a districtwide election or the need to obtain a waiver from the State Board of Education furthers the purposes of the CVRA by allowing trustee-area elections as soon as possible – for the November 2022 election; and

J. Based on SB 442, the Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code section 5019(a) in a timely manner to have the 2022 elections for the Board under the new election system in further.

NOW, THEREFORE, the Governing Board of Upland Unified School District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The Board hereby adopts the trustee area plan and demographic information described as the “**Grape Map**” (attached hereto as Exhibit “A”) as the final trustee area map for the District's transition to a by-trustee area election system commencing with the 2022 Governing Board election.
3. That the District will hold by-trustee area elections in three areas (areas B, D, and E) at its November 2022 election, assuming timely approval by the San Bernardino County Committee. The District will hold by-trustee area elections in two areas (areas A and C) at its November 2024 election.
4. That by this resolution and contingent upon the approval by the County Committee of the District's change to a by-trustee area election system, the Board hereby applies to the County Committee to timely approve the Board's adopted trustee area plan for implementation commencing with the 2022 Governing Board election. SB 442 permits the County Committee to approve of the District's transition without an election or waiver in furtherance of the purposes of the CVRA.
5. The Board hereby authorizes and directs District staff to transmit this resolution, the final trustee area plan adopted, and any additional required documentation to the County

Committee and to take any other necessary action to effectuate the purposes of this resolution and complete the District's transition to a by-trustee area election system for the 2022 Governing Board elections.

6. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on May 4, 2022, at a duly noticed meeting by the following vote:

AYES: 4

NOES:

ABSTAIN: 1

ABSENT:

I, Sherman Garnett, Clerk of the Governing Board of the Upland Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed, and adopted by the Board at a meeting thereof held on May 4, 2022, by a vote of 4 to 0.

IN WITNESS THEREOF, I have hereto set my hand this 4th day of May 2022.



Clerk of the Governing Board

EXHIBIT “A”

(Final Trustee Area Plan and Demogprahic Information)

**RESOLUTION OF THE GOVERNING BOARD
OF UPLAND UNIFIED SCHOOL DISTRICT
Resolution 03-15-22 (b)**

**Resolution to Initiate a Transition to a By-Trustee Area Election System
Commencing with the 2022 Governing Board Election**

WHEREAS, the Upland Unified School District Board of Education ("Board") is keenly aware of the importance of maintaining a fair election system;

WHEREAS, the Board has always strived to listen to all voices in the community and represent all of our community;

WHEREAS, California Education Code sections 5019(a) & (c)(1) and 5030 authorizes 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;

WHEREAS, the California Voting Rights Act (Elections Code §§ 14025 *et seq.*) ("CVRA") prohibits the use of an "at-large" election system for governing board members of a school district if the "at-large" elections impair the ability of a protected class to elect candidates of its choice, or its ability to influence the outcome of an election;

WHEREAS, Governing Board ("Board") Members of the Upland Unified School District ("District") are currently elected using an "at-large" election system (i.e., election system in which registered voters of the entire jurisdiction elect candidates to the governing board);

WHEREAS, it is considered the view of the Board that starting with the 2022 Board elections, with the benefit of the recently released 2020 Census data, the public interest will be better served by election of its Board members using a "by-trustee area" election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area);

WHEREAS, in passing Senate Bill 442 ("SB 442"), effective January 1, 2022, school districts and community college districts may transition to by-trustee area elections upon approval by the county committee, without the need to seek voter approval or a waiver of the same from the State Board of Education in furtherance of the purposes of the CVRA;

WHEREAS, initiating the process to establish "by-trustee areas" elections will avoid costs associated with potentially defending a lawsuit based on the CVRA even if that lawsuit were to reach a settlement in a timely manner;

WHEREAS, the adoption of "by-trustee area" elections will not affect the terms of any sitting Board members, each of whom will serve out his or her current term; and

WHEREAS, the Board, cognizant of its need for fiscal responsibility, desires to implement this change in the manner of electing Board members in the most cost effective and efficient manner.

NOW, THEREFORE, the Governing Board of the Upland Unified School District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The Board hereby determines that the trustee area boundary lines shall be developed based on federal Census data to provide for "by-trustee areas" elections commencing in 2022, the District to transition from its current at large election system.
3. By this resolution, and pursuant to Education Code sections 5019(a) and 5030, the Board directs District staff, when appropriate, to transmit this resolution to the San Bernardino County Committee on School District Organization to apply to have the County Committee adopt a change in the method of electing members of the board from "at-large" elections [Education Code section 5030(a)] to "by-trustee area" elections [Education Code section 5030(b)] commencing with the 2022 Board elections.
4. Before submitting a final proposal to the County Committee for a trustee area plan using the federal Census data, multiple public hearings shall be scheduled to obtain public input on the draft proposals prepared.
5. Based on SB 442, the Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code section 5019(a) in a timely manner to have the 2022 elections for the Board conducted within the new trustee areas for the seats open for election at that time.
6. The Superintendent, or her designee, shall send a copy of this resolution to the County Committee for action in accordance with law.
7. The Superintendent, or her designee, shall consult with legal counsel to resolve all legal issues necessary to give effect to this resolution.
8. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on March 15, 2022 at a duly noticed meeting by the following vote:

AYES:

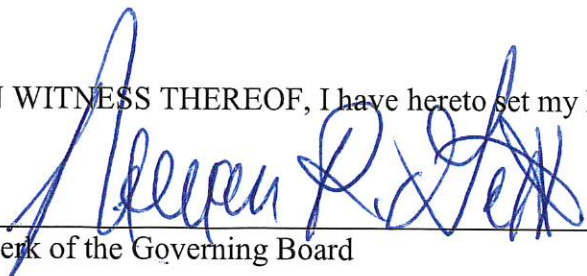
NOES:

ABSTAIN:

ABSENT:

I, Sherman Garnett, Clerk of the Governing Board of the Upland Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on March 15, 2022, by a vote of 5 to 0.

IN WITNESS THEREOF, I have hereto set my hand this 10th day of March, 2022.



Clerk of the Governing Board

