RESOLUTION NO. #15/16-05

RESOLUTION OF THE BOARD OF TRUSTEES OF THE FULLERTON SCHOOL DISTRICT TO INITIATE A CHANGE OF ITS ELECTION SYSTEM TO BY-TRUSTEE AREA ELECTIONS FOR THE 2016 GOVERNING BOARD ELECTION

WHEREAS, California Education Code sections 5019(a) & (c)(l) and 5030 authorize the Orange County Committee on School District Organization ("County Committee"), upon application of a school district's governing board, to change the method of election in a school district under its jurisdiction; and

WHEREAS, members of the Board of Trustees of the Fullerton School District ("School District" or "District") are currently elected in "at-large" elections, i.e., elections in which "each governing board member [is] elected by the registered voters of the entire school district" in accordance with the provisions of Education Code section 5030(a); and

WHEREAS, "by-trustee area" elections are also authorized by the Education Code and are encouraged by the California Voting Rights Act; may be accomplished by the Education Code section 5020 procedure of a County Committee's resolution approving a change in the method of electing board members and must normally be submitted to the electorate for its approval at the District's next regular election, the Board of Trustees intends to seek a waiver of the voter approval requirement as permitted by law; and

WHEREAS, although such change may be accomplished by the Education Code section 5020 procedure of a County Committee's resolution approving a change in the method of electing board members to be submitted to the electorate, the Board of Trustees intends to seek a waiver from the State Board of Education of voter approval, as permitted by law; and

WHEREAS, the Board of Trustees believes that it is appropriate to seek a waiver of the election requirement in Education Code section 5020, and portions of sections 5019, 5021 and 5030, in time to implement by-trustee area elections for the Board's November 2016 election cycle; and

WHEREAS, the adoption of by-trustee area elections will not affect the terms of any sitting Trustee, each of which will serve out his or her current term.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Fullerton School District as follows:

1. The above recitals are true and correct.

2. The Board hereby determines that the trustee area boundary lines shall be developed to provide for elections by-trustee areas for its elections in 2016.

3. By this resolution, and pursuant to Education Code sections 5019(a) and 5030, the Board of Trustees applies to the Orange County Committee on School District Organization 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 elections" [Education Code section 5030(b)] for its elections in 2016.

4. Before submitting a specific proposal for a trustee area plan using the 2010 census data, one or more public hearings shall be scheduled to obtain additional public input on such proposals.

5. The proposal of the Dolinka Group is hereby approved for the purposes of providing all pertinent demographic services necessary to complete the transition to the by-trustee area election system. The Dolinka Group has provided such services to the North Orange County Community College District and the adjacent Anaheim Union High School District. The proposal of Dolinka Group is on file in the office of the Superintendent. The Board hereby authorizes and directs the Superintendent to execute an agreement with the Dolinka Group in accordance with the terms of the proposal.

6. The Board hereby determines that the trustee area boundary lines shall be developed to provide for elections by-trustee areas for its elections in 2016.

7. By this resolution, and pursuant to Education Code sections 5019(a) and 5030, the Board of Trustees will apply to the Orange County Committee on School District Organization 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 elections" [Education Code section 5030(b)] for its elections in 2016 in and timely manner to have the 2016 elections for the Board conducted within the new trustee areas.

8. Before submitting a specific proposal for a trustee area plan using the 2010 census data, one or more public hearings in the District shall be scheduled to obtain additional public input on such proposals which will be facilitated through the Dolinka Group.

9. The Superintendent shall send a copy of this Resolution to the County Committee for action in accordance with law.

10. The District Superintendent is hereby directed to work with legal counsel to prepare an additional resolution from this Board and to implement the applicable legal requirements in a timely manner to seek a waiver from the State Board of Education of the election requirement imposed by the Education Code, and conduct a hearing as required by statute.

ADOPTED, SIGNED, and APPROVED this 28th day of July, 2015.

BOARD OF TRUSTEES OF THE FULLERTON SCHOOL DISTRICT

By: _____
President

By: _____
Clerk