

CAJON VALLEY UNION SCHOOL DISTRICT
EL CAJON, CALIFORNIA
RESOLUTION
August 22, 2017

Initiating the Process of Changing the Method of Electing the]
District's Governing Board to By-Trustee Area Elections]
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On MOTION of Member Tamara Otero, seconded by Member Jo Alegria, the following resolution is adopted:

WHEREAS, the Cajon Valley Union School District ("District") currently elects each member of its governing board "at-large", *i.e.*, "by the registered voters of the entire district" (Educ. Code. § 5030(a)); and

WHEREAS, California Education Code §§ 5019(a) & (c)(l) and 5030 authorize the San Diego 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, the current at-large system has resulted in the election of a diverse membership in fair and open elections, and no one has demanded that the District change its method of election; but

WHEREAS, it is, however, the considered view of the Board of Trustees that the public interest would also be well-served by election of its governing board members in "by-trustee area" elections, *i.e.*, elections in which "one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area[.]" Cal. Educ. Code § 5030(b); and

WHEREAS, the Board of Trustees believes that "by-trustee area" elections will enhance the ability for a greater number of candidates to run for seats on the Board by eliminating the costs associated with running for election district-wide; and

WHEREAS, the Board of Trustees believes that "by-trustee area" elections will make it easier for trustees to get to know their constituents and for constituents to get to know their trustees; and

WHEREAS, additionally, "at-large" electoral systems like the one currently used by the District are subject to challenge under the California Voting Rights Act, Cal. Elec. Code §§ 14025-14032 ("CVRA"); and

WHEREAS, a number of cities and school districts in San Diego have already been threatened with litigation under the CVRA; and

WHEREAS, litigation under the CVRA is costly and a successful plaintiff under the CVRA will typically be entitled to reasonable attorneys' fees, creating great financial risk to any jurisdiction sued; and

WHEREAS, the Board of Trustees of the District wishes to take proactive steps to change its elections system to avoid any possible litigation under the CVRA; and

WHEREAS, if the County Committee approves this request to change the method of electing board members, Education Code § 5020 requires the County Committee's resolution of approval to be submitted to the electorate for its approval at the District's next regular election; and

WHEREAS, Education Code §§ 33050-33053 authorize the State Board of Education to waive this voter approval requirement that could reduce the costs and risks associated with this proposed change in the manner of electing board members; and

WHEREAS, the Board of Trustees believes that it is appropriate to seek a waiver of the election requirement in Education Code § 5020, and portions of §§ 5019, 5021 and 5030, in time to implement by-trustee area elections for the Board's 2018 election, because an election to approve the change in voting methods will result in a cost to the District and uncertainty as to outcome despite the fact that at-large electoral systems such as the District's are subject to challenge under the CVRA at great financial risk to the District;

NOW, THEREFORE, be it resolved by the Governing Board of the Cajon Valley Union School District in support of the change of the method of electing members of said Governing Board as follows:

- Section 1. The above recitals are true and correct.
- Section 2. Pursuant to Education Code §§ 5019(a) & 5030, the Board of Trustees hereby resolves to apply to the San Diego 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 § 5030(a)) to "by-trustee elections" (Education Code § 5030(b)), to be effective in sufficient time to be implemented for the November 2018 trustee elections.
- Section 3. The Board further resolves to engage in the legal process prescribed by Elections Code § 10010(a) to consider and adopt a trustee area map for submission to the County Committee, to be considered in connection with the Board's request to change the District's method of election.
- Section 4. The Board hereby directs the Superintendent or his designee to take the steps necessary to enable the Board to consider one or more trustee area maps for adoption and submission to the County Committee in connection with its application to change the method of election. Those steps shall include, without limitation: the retention of a qualified demographer and special counsel; the scheduling and noticing of appropriate public hearings; and the publicizing of the process to potentially interested parties.

Section 5. The Board also hereby directs the Superintendent or his designee to take the necessary steps to conduct the process of seeking a waiver, from the State Board of Education, of the requirements of Education Code section 5020 and related statutes, so that action of the San Diego County Committee on School District Organization establishing trustee election areas and adopting one of the alternative methods of electing Board members specified in Education Code section 5030 does not constitute an order of election, so that trustee area elections can commence effective with the November 2018 election.

Section 6. The Superintendent shall send a copy of this Resolution to the County Committee to apprise it of the Board's resolution to seek a change of the method of election and of the Board's intention to submit a trustee area map for the County Committee's consideration in connection with that proposed change of election system.

Section 7. The Superintendent is hereby authorized to do all things necessary and proper to accomplish the purposes of this Resolution.

PASSED AND ADOPTED by the Governing Board of the Cajon Valley Union School District of San Diego County, California, this 22nd day of August, 2017 by the following vote:

AYES: Alegria, Clark-Mejia, Otero

NOES: Barto, Miller

ABSENT: none

STATE OF CALIFORNIA]
] ss
COUNTY OF SAN DIEGO]

I, Jill Barto, Clerk of the Governing Board of the Cajon Valley Union School District of El Cajon, California, hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at its regular place of meeting at the time and by the vote above stated, which resolution is on file in the office of the said Board.



Jill Barto, Clerk of the Governing Board
Cajon Valley Union School District