

DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT

RESOLUTION #D21-22-4

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

WHEREAS, the Del Norte County Unified School District (“District”) board of education (“District board”) is currently elected using a “hybrid at-large” election system, meaning that governing board members must live in defined trustee areas, but are elected by voters of the entire District;

WHEREAS, District board members are elected in even-numbered years and serve staggered, four-year terms, such that the next election for three board members is scheduled for November 2022, with the remaining two board members scheduled for election in November 2024;

WHEREAS, under the California Voting Rights Act (“CVRA”), at-large elections are impermissible if they result in racially polarized voting. Racially polarized voting is defined as “voting in which there is a difference . . . in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate”;

WHEREAS, a transition from at-large to “by-trustee area” elections, where each board member must reside within a designated trustee area boundary, and is elected *only by the voters in that trustee area*, minimizes the potential for litigation against the District under the CVRA;

WHEREAS, the District board desires to promote meaningful voter involvement in the election of District board members and increase the ability of candidates to seek elected office;

WHEREAS, the District board intends to begin the process to transition from at-large to by-trustee area elections;

WHEREAS, the District board wishes to proceed with the statutorily required public hearings in a manner that is both efficient and legally sound;

WHEREAS, the District board will hold a minimum of two public hearings prior to developing proposed trustee-area boundary maps;

WHEREAS, upon the release of the 2020 federal decennial census data, the District board will hold a minimum of two additional public hearings to seek public input on the proposed trustee area maps developed with assistance from a demographer;

WHEREAS, the District board will hold an additional public hearing before adopting a trustee-area map and submitting it to the Del Norte County Committee on School District Organization (“County Committee”) for consideration;

WHEREAS, California Education Code sections 5019 and 5030 authorize the County Committee, upon application of the District board, to change the method of election of the District board from hybrid at-large to by-trustee area;

WHEREAS, the District board also sits as the County Committee, and upon completion of the hearings listed above, intends to hold an additional public hearing sitting as the County Committee, before voting to approve the change in the District board's method of election;

WHEREAS, if the County Committee approves this request to change the method of electing trustees, Education Code section 5020, subdivision (a)(1) requires the County Committee's resolution of approval to be submitted to the electorate for its approval;

WHEREAS, notwithstanding the above subdivision, on July 23, 2021, Governor Newsom signed Senate Bill 442 into law, which removed the voter approval requirement, and allows the County Committee to, by resolution, approve a proposal to establish trustee areas without being required to submit the resolution to the electors of the District for approval;

WHEREAS, the adoption of "by-trustee area" elections will not affect the terms of any current District board members serving or elected during this transition, each of whom will have the opportunity to serve out his or her full term;

WHEREAS, District board members also sit as the Del Norte County Board of Education ("County board"), meaning any change to the method of election to the District board will result in a corresponding change to the method of election for the County board; and

WHEREAS, the District board acknowledges that the County board will consider a similar resolution to document its agreement or disagreement with the contemplated change to the method of election for the County board.

THEREFORE, the Del Norte Unified School District Board of Education hereby resolves as follows:

1. The above recitals are true and correct;
2. The Superintendent and/or designee shall commence the process of transitioning to by-trustee area elections, in full compliance with all appropriate procedures and policies provided in law, including but not limited to Education Code sections 5019 and 5030, and Elections Code sections 10010 and 14025, et seq.;
3. The Superintendent, or designee, is hereby directed to prepare additional District board resolutions and documents, as needed, to meet all applicable legal requirements in a timely manner;
4. The Superintendent, or designee, shall consult with legal counsel to take all steps necessary to implement and give effect to this resolution; including but not limited to engaging a demographer; and
5. The foregoing resolution shall take effect immediately upon its adoption.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Del Norte County Unified School District on this 12th day of August 2021.

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

As Clerk of the Governing Board of the Del Norte County Unified School District of Del Norte County, California, I do hereby attest that the foregoing is a full, true and correct copy of a resolution adopted by said Board at a regular meeting thereof held at its regular place of meeting at the time and by the vote stated above, which resolution is on file in the office of said Board.

Clerk of the District Board

Date