

RESOLUTION NO. 20212022-12

**RESOLUTION OF THE SAN BERNARDINO COUNTY
COMMITTEE ON SCHOOL DISTRICT ORGANIZATION
APPROVING A WAIVER OF THE ELECTION REQUIRED BY EDUCATION CODE
SECTION 5020(a)(1) FOR RIALTO UNIFIED SCHOOL DISTRICT**

WHEREAS, on August 25, 2021, the members of the Board of Education (“Board”) of the Rialto Unified School District (“District”) passed Resolution 21-22-09 initiating the process for the District to transition from an “at-large” election system to a “by-trustee area” election system commencing with Governing Board elections after data are released based on the 2020 Census; and

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

WHEREAS, the California Voting Rights Act of 2001 (“CVRA”) disfavors the use of an “at-large” election system for governing board members of a school district if the “at-large” election system may impair the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election; and

WHEREAS, the District’s transition to by-trustee area elections was undertaken in furtherance of the purposes of the CVRA; and

WHEREAS, throughout this process, the District conducted expansive outreach to the community; and

WHEREAS, on January 26, 2022, the Board adopted Resolution 21-22-27 the trustee area plan and demographic information described as “Conceptional Trustee Areas—Scenario #1” as the final trustee area plan establishing the boundaries for the new trustee areas; and

WHEREAS, Senate Bill (SB) 442, passed in July 2021, amended Education Code section 5020 to add section (a)(2) which authorizes the County Committee to, “by resolution, approve a proposal to establish trustee areas and to elect governing board members using district-based election, 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 County 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”; and

WHEREAS, the provision of SB 442 took effect on January 1, 2022; and

WHEREAS, until the passage of SB 442, waivers of the election required by Education Code section 5020(a)(1) were granted exclusively by the California State Board of Education; and

WHEREAS, the Board undertook a very deliberate, careful, and public process for establishing trustee areas, including the retention of counsel and demographic experts, to establish trustee areas within the District, as provided in Education Code section 5019; and

WHEREAS, on January 26, 2022, after a public hearing on the matter, the Board adopted Resolution 21-22-28 requesting that the County Committee exercise its power to waive the election approval requirement in Education Code section 5020(a)(1).

NOW, THEREFORE, BE IT RESOLVED that the County Committee hereby finds the foregoing recitals to be true and correct; and

BE IT FURTHER RESOLVED that the District’s transition to by-trustee area elections was a decision made by the Board of Education in furtherance of the purposes of the California Voting Rights Act of 2001; and

BE IT FURTHER RESOLVED that the County Committee by resolution hereby declares that the change in the method of electing members of the District's governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001; and

BE IT FURTHER RESOLVED that the County Committee by resolution approves the District's 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

BE IT FURTHER AND FINALLY RESOLVED that the County Committee, in approving the District's request to waive the election requirements to establish trustee election areas, orders that trustee area elections shall be commenced in the District effective the next succeeding board member election on November 8, 2022.

PASSED AND ADOPTED by the County Committee on the ___th day of April, 2022, at a duly noticed meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Dennis W. Mobley, Interim Acting Secretary to the San Bernardino County Committee on School District Organization ("County Committee"), hereby certify, in the County of San Bernardino, State of California, that the above and foregoing Resolution was duly and regularly adopted by said County Committee at a special meeting thereof held on the ___th day of April, 2022, and passed by a vote of ___ to ___ in favor of said Committee Members present.

IN WITNESS WHEREOF, I have hereunto set my hand this _____th day of April, 2022.

Dennis W. Mobley, Interim Acting Secretary
San Bernardino County Committee on School District Organization