

BREA OLINDA UNIFIED SCHOOL DISTRICT

May 6, 2019

RESOLUTION NO. 19-17

**RESOLUTION OF INTENT TO COMPLY WITH
THE CALIFORNIA VOTING RIGHTS ACT**

WHEREAS, the Board believes the current at-large method of election serves the needs of the District and, as the District's policy-making body, the Board ensures the District provides a high quality educational experience to its students in accordance with the desires of the community, and federal and state laws; and

WHEREAS, the Brea Olinda Unified School District ("District") does not have trustee areas for the members of its Board of Education ("Board"), and the District currently utilizes an "at-large" method of election to select Board members; and

WHEREAS, the Board is aware that under state law an at-large method of election may be subject to challenge under the California Voting Rights Act of 2001 ("CVRA"), California Elections Code § 14025, et seq.; and

WHEREAS, on or about April 1, 2019, the District received a letter from the law firm of Shenkman & Hughes, which stated its belief that the at-large election system for Board members in the District has resulted in minority vote dilution in violation of the CVRA; and

WHEREAS, by-trustee area electoral systems are not vulnerable to challenge under the CVRA; and

WHEREAS, in a by-trustee area system of election, candidates for the Board must reside within a trustee area, and candidates are elected only by the voters of that trustee area; and

WHEREAS, transitioning to use of trustee areas and changing the election method is a time consuming and potentially costly process, which provides for public input and the involvement of the County Committee on School District Organization; and

WHEREAS, the Board intends to comply with the CVRA, and if necessary for such compliance, will complete the process of transitioning to trustee areas, and election of Board members by trustee area, commencing with the November 2020 election.

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

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to ensure the District remains in compliance with the CVRA; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to initiate the legal and regulatory process to establish trustee areas within the District, as provided in Education Code section 5019, in sufficient time for trustee areas to be established for the November 2020 election of members of the Board; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to initiate the legal and regulatory process of changing the method of electing members of the Board, from the current at-large system whereby each member of the Board is elected by the registered voters of the entire District (Education Code section 5030(a)), to a method which provides that Board members residing in each trustee will be elected by the registered voters of that particular trustee area (Education Code section 5030(b)), in sufficient time for the new method of electing members of the Board to be in place for the November 2020 election.

APPROVED, PASSED AND ADOPTED by the Board of Education of the Brea Olinda Unified School District this 6th day of May 2019 at Brea, in the County of Orange, State of California, the by the vote of:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

The below-signed attests that she was present at the open session meeting of the Board of Education on May 6, 2019, and that a majority of the members approved this Resolution.

BY: _____

DATED: _____

Gail Lyons, President
Board of Education
Brea Olinda Unified School District