

DUBLIN SCHOOLS

DUBLIN UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 2017-18-01

DUBLIN UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES, ALAMEDA COUNTY, STATE OF CALIFORNIA

Resolution to Initiate a Transition to a By-Trustee Area Election System Commencing with the 2018 Governing Board Election and Statement of Intent to Seek a Waiver of the Election Requirement from the State Board of Education

WHEREAS, California Education Code sections 5019(a) & (c)(l) and 5030 authorizes the Alameda 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;

WHEREAS, the California Voting Rights Act (Elections Code §§ 14025 *et seq.*)(“CVRA”) prohibits the use of an “at-large” election system for governing board members of a school district if the “at-large” elections impair the ability of a protected class to elect candidates of its choice, or its ability to influence the outcome of an election;

WHEREAS, Governing Board (“Board”) Members of the Dublin Unified School District (“District”) are currently elected using an “at-large” election system (i.e., election system in which registered voters of the entire jurisdiction elect candidates to the governing board);

WHEREAS, it is considered the view of the Board that starting with the 2018 Board elections, and with the benefit of the 2010 federal Census data, the public interest will be better served by election of its Board members using a “by-trustee area” election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area);

WHEREAS, the data from the recently completed federal 2010 Census will permit trustee areas to be drawn and implemented in the District using the most up-to-date demographic data available;

WHEREAS, although Education Code section 5020 requires that a County Committee’s resolution approving a change in the method of electing governing board members be submitted to the electorate for its approval at the school district's next regular election, the Board intends to seek a waiver of the voter approval requirement as permitted by law. Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could reduce the costs and risks associated with a school district’s transition to a “by-trustee area” election system;

WHEREAS, the Board finds it is appropriate to seek a waiver of the election requirement in Education Code section 5020, and portions of sections 5019, 5021, and 5030, to ensure the timely implementation of the “by-trustee area” election system commencing with the 2018 Governing Board election, to reduce costs for the

District associated with placing an item on the ballot and to reduce any potential legal liability or financial risk to the District under the CVRA;

WHEREAS, the adoption of “by-trustee area” elections will not affect the terms of any sitting Board members, each of whom will serve out his or her current term; and

WHEREAS, the Board, cognizant of its reduced operating revenues and need for fiscal responsibility, desires to implement this change in the manner of electing Board members in the most cost effective and efficient manner.

NOW, THEREFORE, the Governing Board of the Dublin Unified School District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The Board hereby determines that the trustee area boundary lines shall be developed based on the federal 2010 Census data to provide for “by-trustee areas” elections commencing in 2018.
3. By this resolution, and pursuant to Education Code sections 5019(a) and 5030, the Board directs District staff to transmit this resolution to the Alameda County Committee on School District Organization to apply 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 area” elections [Education Code section 5030(b)] commencing with the 2018 Board elections.
4. Before submitting a final proposal to the County Committee for a trustee area plan using the federal 2010 Census data, one or more public hearings shall be scheduled to obtain public input on the draft proposals prepared.
5. The Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code section 5019(a) in a timely manner to have the 2018 elections for the Board conducted within the new trustee areas.
6. The Superintendent, or his designee, shall send a copy of this resolution to the County Committee for action in accordance with law.
7. The Superintendent, or his designee, is hereby directed to prepare an additional Board resolution, and 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 Education Code section 5020.
8. The Superintendent, or his designee, shall consult with legal counsel to resolve all legal issues necessary to give effect to this resolution.
9. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on July 24, 2017, at a duly noticed meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Amy Miller, Clerk of the Governing Board of the Dublin Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on July 24, 2017, by a vote of to .

IN WITNESS THEREOF, I have hereto set my hand this 24th day of July, 2017.

Clerk of the Governing Board
Dublin Unified School District
County of Alameda
State of California