

Resolution No. 21-22

Resolution of the Board of Trustees of the Paso Robles Joint Unified School District Resolution Authorizing to Re-Initiate a Transition to a By-Trustee Area Election System Commencing with the 2022 Governing Board Election

WHEREAS, California Education Code sections 5019 and 5030 authorize the San Luis Obispo 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 ("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;

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

WHEREAS, it is the considered view of the Board that 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 boundaries for trustee areas in a by-trustee area election system are established based on population counts and demographics from the most recent United States' census;

WHEREAS, on February 26, 2019, the Board adopted Resolution No. 19-15, a Resolution Approving Authorization to Initiate a Transition to a By-Trustee Area Election System Commencing with the 2022 Governing Board Election;

WHEREAS, the United States' census count occurs every ten (10) years with the last census count occurring in 2020 ("2020 Census");

WHEREAS, as provided in Resolution No. 19-15, the Board intended to wait until the release of the 2020 Census data, scheduled for March 2021, and then immediately begin the transition process;

WHEREAS, due to COVID-19 pandemic-related delays, the 2020 Census data is not expected to be made available to state and local agencies until September

30, 2021 or later, which is a substantial delay from the original due date of March 31, 2021;

WHEREAS, due to this significant delay, the potential for further delay, and the tight timelines to complete the process in time for the 2022 elections, the Board has concerns about continuing to delay the process until the 2020 Census data is released;

WHEREAS, the Board aspires to promote a robust public input process, and believes that it is now in the best interest of the District not to wait until the release of the 2020 Census data, but to move forward immediately to transition to by-trustee area elections using the 2010 Census data pursuant to the process provided in the Elections Code and Education Code;

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

WHEREAS, the District 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 will hold an additional public hearing before adopting a trustee-area map and submitting it to the County Committee for consideration;

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

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

WHEREAS, in the alternative, the District may seek a waiver of this voter approval requirement from the State Board of Education;

WHEREAS, once the transition process is complete, and the 2020 Census data is released, the District will then review the new Census data as required by Education Code section 5019.5, and make any necessary adjustments to ensure appropriate population balance;

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

NOW, THEREFORE, the Board hereby resolves, orders and determines as follows:

1. The above recitals are true and correct;

2. The District shall immediately 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, 5030, and 33050, et seq., and Elections Code sections 10010 and 14025, et seq..
3. Once the transition process is completed, and the 2020 Census data is made available to the District, the Board directs staff to review the new Census data pursuant to Education Code sections 5019, 5030 and other applicable provisions of law, to determine whether adjustments to the adopted trustee area map are required.
4. The Superintendent, or designee, is hereby directed to prepare additional Board resolutions and documents, as needed, to meet all applicable legal requirements in a timely manner, and to seek a waiver from the State Board of Education of the election requirement imposed by Education Code section 5020;
5. The Superintendent, or designee, shall consult with legal counsel to take all steps necessary to implement and give effect to this resolution; and
6. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on April 27, 2021, at a duly noticed meeting and public hearing, motioned by_____, seconded by_____, via a roll call vote of ____-____:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVE:

Board President or Clerk

ATTEST:

Board Chair or Secretary