

RESOLUTION NO. 34/20-21

BOARD OF TRUSTEES OF THE SAN MATEO-FOSTER CITY SCHOOL DISTRICT

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RESOLUTION STATING INTENT OF BOARD OF TRUSTEES TO TRANSITION FROM AT-LARGE TO A BY-TRUSTEE AREA ELECTION SYSTEM

RESOLVED, by the Board of Trustees of the San Mateo-Foster City School District, that

WHEREAS, members of the Board of Trustees (“Trustees” or “Board Members”) of the San Mateo-Foster City School District (“District”) are presently elected using an “at-large” election system whereby all voters residing within the jurisdictional boundaries of the District elect all Board Members;

WHEREAS, at-large election systems are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025, *et seq.*, of the California Elections Code (“CVRA”);

WHEREAS, “by-trustee area” electoral systems, whereby only voters residing within a specific trustee district vote only for the trustee representing that trustee district, are not similarly vulnerable to challenge under the CVRA;

WHEREAS, on May 11, 2021, the District received a letter from Scott J. Rafferty, Attorney at Law, advising the District of the risk of litigation against the District

pursuant to the CVRA if the District did not transition to a by-trustee area electoral system;

WHEREAS, section 10010 of the California Elections Code sets forth a process whereby a school district may change from an at-large electoral system to a by-trustee area electoral system;

WHEREAS, section 10010 of the California Elections Code requires that, before drawing a draft map or maps of the proposed boundaries of trustee districts, the public agency shall hold at least two public hearings over a period of no more than thirty days at which the public is invited to provide input regarding the composition of the trustee districts;

WHEREAS, section 10010 of the California Elections Code also requires that, after a draft map or maps of proposed boundaries of trustee districts are drawn, the local agency must hold at least two additional hearings over a period of no more than 45 days at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of election of trustees;

WHEREAS, sections 5019(a) and 5030 of the California Education Code authorize the San Mateo 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, this Board of Trustees believes that “by-trustee area” elections will reduce the District’s exposure to costly litigation pursuant to CVRA, which gives the

successful plaintiff the right to attorneys' fees and expert witness fees, creating substantial financial risk to defendant school districts; and

WHEREAS, the District hereby states its intent to move to a by-trustee area election system and desires to give staff direction to take all necessary and appropriate actions, including retaining an experienced demographer, in order to move the District to by-trustee area elections of Board Members, beginning with the District's 2022 Board of Trustees election.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. The Board of Trustees hereby directs staff, working in collaboration with appropriate consultants, to take all necessary and appropriate actions to move the District to by-trustee area election of Board Members, beginning with the District's 2022 Board of Trustees election, including, but not limited to those actions and hearings required under section 10010 of the California Elections Code.
2. Upon completion of the actions and public hearing requirements set forth in section 10010 of the California Elections Code and described in this Resolution, staff is directed to return to this Board of Trustees, for the Board's consideration and action, with at least one draft map of trustee areas to implement a system of by-trustee Trustee elections in the District,

beginning with the District's 2022 Board of Trustees election, as well as a
with a recommendation regarding the potential sequence of elections.

3. Staff is directed to take such preliminary steps as are necessary for the
Board to consider and take action on an application for a waiver of the
requirement that the method of election be put to the voters of the District.

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PASSED AND ADOPTED by the Governing Board of the San Mateo-Foster City School
District, this 10th day of June, 2021, by the following vote:

AYES:

NOES:

ABSENT:

President

Attested to:

Clerk