

CAMPBELL UNION SCHOOL DISTRICT
Resolution # 2019-20-13
RESOLUTION AUTHORIZING THE SUPERINTENDENT TO SEEK A WAIVER
FROM THE STATE BOARD OF EDUCATION

WHEREAS, the Governing Board (“Board”), referred to in Resolution #2019-20-10 as the “Board of Trustees,” of the Campbell Union School District (“District”) is elected “at-large,” meaning that each Board member is elected by voters of the entire District;

WHEREAS, on September 19, 2019, the Board adopted Resolution #2019-20-10, declaring its intent to transition from at-large to by-trustee area Board elections, where each trustee must reside within the designated trustee area boundary, and is elected only by the voters in that trustee area;

WHEREAS, pursuant to Elections Code, section 10010, subdivision (a)(1), the Board will hold public hearings on September 23 and October 3, 2019, to gather public input regarding potential trustee area boundaries;

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 and on the proposed sequence of elections (Elec. Code, § 10010, subd. (a)(2));

WHEREAS, the District will hold an additional public hearing before adopting a trustee-area map and submitting it to the Santa Clara County Committee on School District Organization (“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, an election to approve the change in voting methods will result in a cost to the District, and Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could reduce the cost and expedite the timeline for implementation of the by-trustee area elections;

WHEREAS, in light of the above, the Board wishes to request that the State Board of Education waive the election requirement set forth in the Education Code;

WHEREAS, on October 3, 2019, the Board held a public hearing on the proposed waiver application to solicit input from the public and District stakeholders;

WHEREAS, the District properly posted a timely notice of the aforementioned public hearing in the newspaper and at various sites within the District; and

WHEREAS, the District complied with the notice and consulting requirements set forth in Education Code sections 33050, *et seq.*

THEREFORE, the Governing Board of the Campbell Union School District hereby resolves as follows:

1. The Board hereby authorizes the District to seek a full waiver of Education Code Section 5020, and partial waivers of Education Code Sections 5019, 5021, and 5030 as set forth in Exhibit A, or as otherwise required by the State Board of Education, to effectuate the District's goal of moving to a by-trustee area elections system.
2. The District Superintendent/designee are hereby authorized and directed to take any other actions necessary to effectuate the purposes of this resolution.

PASSED AND ADOPTED by the Governing Board of the Campbell Union School District, at a regular meeting of the Governing Board held October 3, 2019, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Governing Board of the Campbell Union School District, at a public meeting of said Board held on October 3, 2019.

Richard Nguyen, Vice President

Shelly Viramontez, Ed.D., Superintendent

EXHIBIT A

California *Education Code* Sections Proposed to be Waived

Request to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election. Language proposed to be waived is bracketed and in italics below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c)(1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) *[the rearrangement of]* the boundaries of trustee areas for a particular district, then the *[rearrangement of the]* trustee areas shall be effectuated for the next district election occurring at least 120 days after *[its]* approval *[, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters].*

[§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in _____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in _____ (insert name) School District--No."

"For increasing the number of members of the governing board of _____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of _____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of _____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of _____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the _____ (insert name) School District by the registered voters of the entire _____ (insert name) School District--Yes" and "For the election of each member of the governing board of the _____ (insert name) School District by the registered voters of the entire _____ (insert name) School District--No."

"For the election of one member of the governing board of the _____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the _____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the _____ (insert name) School District residing in each trustee area elected by the registered voters of the entire _____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the _____ (insert name) School District residing in each trustee area elected by the registered voters of the entire _____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the _____ (insert name) School District and the _____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the _____ (insert name) School District and the _____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.]

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section[s] 5019 *[and 5020]* is approved *[by a majority of the voters voting at the election]*, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established *[at such election]* which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by *[a majority of the voters voting on the measure, or by]* the county committee on school district organization *[when no election is required]*, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved *[by a majority of the voters voting at the election]*, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section[s] 5019 *[and 5020, respectively]*, may at any time recommend one of the following alternate methods of electing governing board members:

- (a) That each member of the governing board be elected by the registered voters of the entire district.
- (b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.
- (c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[In counties with a population of less than 25,000,] the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.