

CAMPBELL UNION SCHOOL DISTRICT
Resolution # 2019-20-22
RESOLUTION OF THE GOVERNING BOARD OF THE CAMPBELL UNION
SCHOOL DISTRICT INITIATING A PROPOSAL TO THE SANTA CLARA
COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION FOR THE
ADOPTION OF BY-TRUSTEE-AREA ELECTIONS

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 (attached hereto as Exhibit A), declaring its intent to transition from at-large to by-trustee-area Board elections, where each Board member must reside within the designated trustee-area boundary and is elected only by the voters in that trustee-area;

WHEREAS, National Demographics Corporation (“Demographer”) was retained to prepare several by-trustee-area election system map options for the Board and public’s consideration;

WHEREAS, pursuant to Elections Code, section 10010, subdivision (a)(1), the Board held public hearings on September 23, 2019 and October 3, 2019, to consider community input and comment regarding potential trustee-area boundaries;

WHEREAS, on October 3, 2019, the Board adopted Resolution #2019-20-14 (attached hereto as Exhibit B), declaring the criteria that the demographer would consider in developing trustee-area boundaries;

WHEREAS, pursuant to Elections Code, section 10010, subdivision (a)(2), the Board published two (2) trustee-area maps on October 17, 2019, and held public hearings on October 24, 2019 and November 7, 2019, to gather public input on the proposed trustee-area maps and sequence of elections;

WHEREAS, Education Code sections 5019 and 5030 authorize the Santa Clara County Committee on School District Organization (“County Committee”), upon application from a school district’s governing board, to change the method of election in a school district under its jurisdiction;

WHEREAS, Education Code section 5020 requires the County Committee’s resolution of approval to be submitted to the electorate for its approval;

WHEREAS, Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could reduce the costs associated with the proposed change to trustee-area elections; and

WHEREAS, on October 3, 2019 the Board adopted Resolution #2019-20-13 (attached hereto as Exhibit C), authorizing the Superintendent to seek a waiver of the Education Code section 5020's election requirement from the State Board of Education.

NOW THEREFORE BE IT RESOLVED, the Governing Board of the Campbell Union School District hereby resolves as follows:

1. The above recitals are correct and true.
2. The Board hereby approves and recommends the adoption of by-trustee area elections, and the adoption of the trustee-area map set forth in Exhibit D.
3. The Board hereby proposes that each of the trustee areas identified in Exhibit D be assigned for election in 2020 or in 2022, as set forth in Exhibit D.
4. The District Superintendent or designee is hereby authorized and directed to send a copy of this Resolution to the County Committee, and to work with the County Committee and the County Election's Office to conduct all legally required hearings and other acts necessary so that trustee-area elections can be implemented in the election cycles scheduled in 2020 and 2022.

PASSED AND ADOPTED by the Governing Board of the CAMPBELL UNION SCHOOL DISTRICT, at a regular meeting of the Governing Board held on November 21, 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 members of the Governing Board of the Campbell Union School District, at a public meeting of said Board held on November 21, 2019.

Michael L. Snyder, President

Shelly Viramontez, Ed.D., Superintendent

EXHIBIT A

Resolution #2019-20-10

**CAMPBELL UNION SCHOOL DISTRICT
RESOLUTION # 2019-20-10**

**INTENT TO TRANSITION FROM AT-LARGE TO BY-TRUSTEE AREA BOARD
ELECTIONS**

WHEREAS, the Board of Trustees ("Board") of the Campbell Union School District ("District") is elected "at-large," meaning that each trustee is elected by voters of the entire District;

WHEREAS, trustees are elected in even-numbered years and serve staggered, four-year terms, such that the next election for two trustees is scheduled for November 2020, with the remaining three trustees scheduled for election in November 2022;

WHEREAS, under the California Voting Rights Act (Elec. Code, § 14025, *et seq.*) ("CVRA"), at-large elections are impermissible if they result in racially polarized voting. Racially polarized voting is defined as "voting in which there is a difference . . . in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate" (Elec. Code, § 14026, subd. (e));

WHEREAS, to minimize the potential for impermissible racially polarized voting, and further to limit the possibility of litigation against the public agency under the CVRA, many public agencies in California conduct "by trustee-area" elections, where each trustee must reside within the designated trustee area boundary, and is elected only by the voters in that trustee area;

WHEREAS, the Board understands the importance of fair and accessible elections, and greatly values the opinions and voices of all members of the District's community;

WHEREAS, while the Board does not believe that its current form of elections violate the CVRA, it does believe that it is in the public interest to begin the process to transition from at-large to trustee-area elections;

WHEREAS, in 2016 the California Legislature amended Elections Code section 10010 to provide an updated process for school districts to transition from at-large to by-trustee area elections;

WHEREAS, pursuant to Elections Code section 10010, subdivision (a)(1), the Board will hold a minimum of two public hearings to seek public input regarding the composition of the trustee areas prior to developing proposed trustee-area boundary maps;

WHEREAS, the Board 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 Board 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 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; and

WHEREAS, in the alternative, the District may seek a waiver of this voter approval requirement from the State Board of Education, pursuant to Education Code sections 33050-33053.

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

1. The above recitals are correct and true.
2. This Resolution is passed and adopted pursuant to Elections Code section 10010, subd. (e)(3)(A).
3. The District shall commence the process of transition 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.*, with the intention of completing the process within 90 days of this Resolution's passage.
4. Staff is directed to engage a demographer, legal counsel, and any other consultant deemed required to assist in the development of proposed by-trustee area boundaries.
5. 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 Board of Trustees of the Campbell Union School District, at a regular meeting of the Board of Trustees held September 19, 2019, by the following vote:

Ayes: Cohen, Miller, Nguyen

Noes: None

Absent: Beltran, Snyder

Abstain: None

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Board of Trustees of the Campbell Union School District, at a public meeting of said Board held on September 19, 2019.


Richard Nguyen, Vice President of the Board



Shelly Viramontez, Ed.D. Superintendent

EXHIBIT B

Resolution #2019-20-14

CAMPBELL UNION SCHOOL DISTRICT
Resolution # 2019-20-14
CRITERIA FOR
DEVELOPING TRUSTEE-AREA BOUNDARIES

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 held public hearings on September 23, 2019 and October 3, 2019, to gather public input regarding potential trustee-area boundaries;

WHEREAS, the Federal Voting Rights Act (42 U.S.C. section 1973) prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure, in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color;

WHEREAS, federal law and the Equal Protection Clause require that each trustee-area be equal in population; however, deviations (less than five percent [5%] greater than or less than the ideal, for a total of ten percent [10%] deviation) are presumptively constitutional under the Equal Protection Clause where required to meet an official criteria;

WHEREAS, the Board has instructed its demographer and District staff to develop draft maps to identify trustee-areas that fully comply with legal requirements;

WHEREAS, the Board wishes to provide official criteria for any needed deviations from the general rule of equal population; and

WHEREAS, the draft maps will be used by the Board to study the possible change to trustee-area elections, and to inform and solicit further input from the public.

NOW THEREFORE BE IT RESOLVED, the Governing Board of the Campbell Union School District hereby resolves as follows:

1. The above recitals are correct and true.
2. The Board hereby adopts the following criteria, identified in the attached Exhibit A, to guide the demographer and District staff in the development of draft maps and in relation to any necessary deviations as described above.

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:

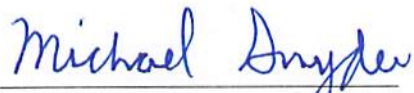
AYES: Cohen, Nguyen, Snyder

NOES: None

ABSTAIN: None

ABSENT: Beltran, Miller

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.



Michael L. Snyder, President

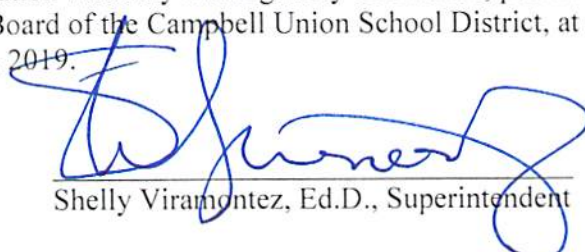

Shelly Viramontez, Ed.D., Superintendent

Exhibit A

Criteria to Guide the Establishment of Trustee-Areas

All items designated below by a shaded-in box shall be included. Criteria numbers 1-3 are legally mandated, and therefore have been automatically shaded-in.

- 1. The boundaries of the trustee-areas shall be established so that the trustee-areas are at least as nearly equal in population as required by law.
- 2. The boundaries of the trustee-areas shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and other applicable law.
- 3. The boundaries of the trustee-areas shall be established so that the trustee-areas do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
- 4. The boundaries of the trustee-areas shall be compact, insofar as practicable.
- 5. The boundaries of the trustee-areas shall be created to contain contiguous territory, insofar as practicable.
- 6. The boundaries of the trustee-areas shall observe communities of interest, such as the District's underlying school attendance areas, rural or urban populations, municipalities, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.
- 7. The boundaries of the trustee-areas may take into account visible features, such as topography and geography, including mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc., insofar as practicable.
- 8. The boundaries of the trustee-areas may consider avoiding pairing two or more incumbents in a single trustee-area, to the extent legally allowable.
- 9. To maintain a longer-term population balance, trustee-areas known to be areas of higher-than-average population growth following redistricting may be under-populated within the population deviation amounts allowed by law. To the extent legally allowed, this shall include consideration of anticipated future growth under applicable general plans.
- 10. The boundaries of the trustee-areas shall comply with such other factors which become known during the redistricting process and are formally adopted by the Board.
- 11. Include two trustee areas within each school's boundary area.
- 12. Each trustee area, as much as is practicable, will be consistent with the District's socio-economic diversity.

Exhibit C
Resolution #2019-20-13

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: Cohen, Nguyen, Snyder

Noes: None

Absent: Beltran, Miller

Abstain: None

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.


Michael L. Snyder, President

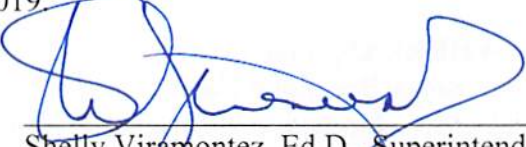

Shelly Viramontez, Ed.D., Superintendent

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 residing in a district in which there are 250,001 or more 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.

Exhibit D

Preferred Map

To be determined by the Board at the November 21, 2019 Special Board Meeting