

RESOLUTION 1617-70

Resolution to Initiate the Process of Establishing Trustee Areas and Elections By-Trustee Areas

May 11, 2017

Etiwanda School District

California Voters Rights Act (CVRA) of 2001

- ▶ Elections governed by California Elections Code.
- ▶ Section 14027 of the Elections Code, as enacted by the CVRA, contains the following:

An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election as a result of the dilution or the abridgment of the rights of voters who are members of a protected class.

Background

- ▶ Recently, many cities, school districts and other public entities with at-large elections have had their election systems challenged under the California Voting Rights Act (“CVRA”) of 2001.
- ▶ Election systems challenges can result in significant litigation costs to the public entity.



Types of Elections

AT-LARGE ELECTIONS

Candidates must reside within the District's boundaries and are elected by all the voters who reside in the District's boundaries. (Education Code Section 5030(a).) This is the method of election currently used by the Etiwanda School District.

FROM-TRUSTEE AREA ELECTIONS

Candidates must reside in specific geographic areas within the District's boundaries called "Trustee Areas", but are elected by all the voters who reside in the District's boundaries. (Education Code Section 5030(c).)

BY-TRUSTEE AREA ELECTIONS

Candidates must reside in specific Trustee Areas within the District's boundaries and are elected only by the voters who reside in the same Trustee Areas. (Education Code Section 5030(b).)



By-Trustee Area Elections

- ▶ The only election method considered a “safe harbor” against litigation under CVRA.
- ▶ Several area school districts are have initiated the process to transition to By-Trustee area elections: Fontana Unified, Central School District, Cucamonga School District, and Ontario–Montclair School District.



Tentative Timeline for Transition

- ▶ **May 11, 2017 (Board Meeting):** Board action regarding Resolution 1617-70. If approved:
- ▶ **May 24, 2017(Board Meeting):** 1st public hearing on map input.
- ▶ **June 22, 2017(Board Meeting):** 2nd public hearing on map input.
- ▶ **June/July 2017:** Draft maps created.
- ▶ **August/September 2017:** Two Community Forum(s) to review and provide input on draft maps.
- ▶ **September 28, 2017 (Board Meeting):** 1st public hearing on draft maps.
- ▶ **October 11, 2017 (Board Meeting):** 2nd public hearing on draft maps with potential to adopt a final and forward to County Committee on School District Organization.

Tentative Timeline for Transition

- ▶ October 2017: County Committee Hearing.
- ▶ Beginning October 1, 2017: Meet and confer with stakeholders and unions for State Board of Education (SBE) waiver application.
- ▶ October 26, 2017 (Board Meeting): Public hearing on SBE waiver.
- ▶ November 15, 2017: Submit waiver application online to SBE.
- ▶ January 2018 or March 2018: SBE waiver meeting.
- ▶ Post-January (or March) 2018: Transmit files to County Registrar of Voters.
- ▶ November 2018: Conduct first by-trustee area elections.



Resolution 1617-70

- ▶ Initiates the legal and statutory process to establish Trustee Areas in the Etiwanda School District and By-Trustee Area elections in November, 2018.
- ▶ Legal services and demographer fees are estimated at approximately \$25,000 to complete the transition process.
- ▶ Cost savings exist from the avoidance of potential litigation under CVRA.
- ▶ Superintendent recommends approval of Resolution 1617-70.