

**RESOLUTION NO. 3947
BEFORE THE GOVERNING BOARD OF THE
CLOVIS UNIFIED SCHOOL DISTRICT
FRESNO COUNTY, CALIFORNIA**

**DECLARING INTENTION OF THE GOVERNING BOARD
TO TRANSITION FROM AT-LARGE ELECTIONS
TO DISTRICT-BASED ELECTIONS, AND OUTLINING
SPECIFIC STEPS TO BE UNDERTAKEN TO FACILITATE
THE TRANSITION AND AN ESTIMATED TIMEFRAME**

WHEREAS, the trustees of the Governing Board (Board) of the Clovis Unified School District (District) are elected at-large, such that each trustee is required to reside within a given trustee area within the District’s boundary and is elected by voters of the entire District.

WHEREAS, trustees for the District are elected in even-numbered years and serve staggered, four-year terms, such that the election for four trustees (Trustee Areas 2, 4, 5, and 7) is scheduled for November 2024 with the remaining three trustees (Trustee Areas 1, 3, and 6) scheduled for November 2026.

WHEREAS, over the years, the Board has considered transitioning from at-large elections to district-based elections. This has included a Board workshop at a meeting on November 17, 2021.

WHEREAS, because of the COVID-19 pandemic, federal and state laws and public health orders impacted the District’s actions to consider a transition to district-based elections. Federal and state declarations of emergency were issued in March 2020 and remained in effect until earlier this year. During the declarations of emergency, federal, state, and local health and safety measures restricted the conduct of public meetings by public agencies and public gatherings. Such measures included physical/social distancing and authorization for public agencies to conduct their meetings via teleconferencing and allow the public to access the meetings and provide comments telephonically or by other electronic means. Governor Newsom’s Executive Order N-34-20 (amended by Executive Order N-48-20 and Executive Order N-08-21) suspended the public hearings and timeframes for transitions to district-based elections, which suspension became effective on March 20, 2020, and did not end until June

30, 2021. The federal and State of California declarations of emergency relating to COVID-19 did not end until 2023, with the State of California declaration of emergency ending on February 28, 2023, and the federal declaration of emergency ending on May 11, 2023.

WHEREAS, during the Board meeting on November 17, 2021, the Board reviewed the requirements and process to transition from at-large elections to trustee area/district-based elections and the adjustment of trustee areas following the 2020 decennial federal census. The Board also reviewed a draft timeline and Board resolution that provide for the transition to district-based election to be undertaken for the 2024 election. (A copy of the Board agenda, presentation, and draft Board resolution is attached as Exhibit A.)

WHEREAS, in 2016, a lawsuit was filed by the Pico Neighborhood Association and other plaintiffs against the City of Santa Monica (*Pico*) which includes allegations that the City violated the California Voting Rights Act (CVRA). The *Pico* case was appealed to the California Court of Appeal for the Second District, which issued a decision in favor of the City of Santa Monica and holding that the City's at-large elections do not violate the CVRA. On October 21, 2020, the California Supreme Court granted review of *Pico* and ordered the depublication of the opinion issued by the Court of Appeal. *Pico* has been pending before the California Supreme Court since 2020, with a decision anticipated to be issued in the latter part of 2023. *Pico* presents issues regarding the CVRA that, depending on the California Supreme Court's decision, may have a significant impact on the District's ongoing consideration to transition to district-based elections. Moreover, the California Supreme Court's decision in *Pico* could provide the District with clarification and guidance that informs the decision making process of the Board regarding the District's transition to district-based elections.

WHEREAS, the adoption of this resolution continues the process to transition to district-based election that the Board has undertaken for several years. The Board's adoption of this resolution places the District in a position to transition to district-based election in time for the 2024 election as was the Board's intention in 2021. In addition, with the end of the federal and state emergency declarations relating to COVID-19, public health and safety measures have ended and the required public hearings may take place without health and safety restrictions. Moreover, with the 2023 – 24 school year starting soon and the Board resuming its regular meeting schedule, parents and community members will have full and ample opportunity to participate in the transition process. Pertinent to the Board's adoption of

the resolution at this time is the anticipated decision from the California Supreme Court in *Pico*.

WHEREAS, Elections Code section 14026 defines district-based elections to mean a method of electing members of the governing board of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district. (Election Code §14026(b))

WHEREAS, Education Code section 5019 and Elections Code section 10010 set forth the requirements and process for school districts to transition from at-large elections to district-based elections.

WHEREAS, pursuant to Education Code section 5019 and Elections Code section 10010, a school district may initiate the process to transition from at-large elections to district-based elections by adopting a resolution. (Education Code §5019(c), Elections Code §10010(e)(3)(A))

WHEREAS, pursuant to Elections Code section 10010, a political subdivision that changes from an at-large method of election to a district-based election shall hold public hearings as follows (Elections Code §10010(a)):

- (1) Before drawing a draft map or maps of the proposed boundaries of the districts, the political subdivision shall hold at least two public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts.
- (2) After all draft maps are drawn, the political subdivision shall hold at least two public 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 elections, if applicable.

WHEREAS, pursuant to Elections Code section 10010, a political subdivision must comply with the publication and other requirements to transition from at-large elections to district-based elections (Election Code §10010).

WHEREAS, Education Code section 5019 authorize the county committee on school district organization (County Committee), upon a proposal submitted by a school district governing board, to conduct at least one public hearing in the school district on the matter and approve or disapprove the school district’s proposal to change the method of election of the governing board from at-large elections to district-based elections (Education Code §5019(a)(1) and (c)).

WHEREAS, the Board intends to continue its consideration of a transition to district-based elections in compliance with applicable law, including the decision expected to be issued in *Pico*, and with public participation. This transition, subject to approval by the County Committee, is expected to be completed before, and be in effect for, the November 2024 election.

NOW, THEREFORE, BE IT RESOLVED effective upon adoption by the Governing Board as follows:

1. Adopts the above recitals as true and correct.
2. Declares its intention to consider a transition from the District’s at-large election to district-based election as required by, and in accordance with, applicable law. The Superintendent or designee is directed to monitor and work with legal counsel and other appropriate consultants to determine the impact of the decision in the *Pico Neighborhood Association v. City of Santa Monica* that is expected to be issued by the California Supreme Court.
3. Directs the District’s Superintendent or designee to work with legal counsel, a demographer, and any other appropriate consultants as needed to provide an analysis of the District’s demographics and other information regarding a draft map with seven voting trustee areas in a manner consistent with the California Voting Rights Acts (CVRA) and the federal Voting Rights Act.
4. Approves the estimated timeframe set forth in Exhibit B, attached to and made a part of this resolution, for the transition process, including conducting public hearings to solicit public input on the proposed district-based election map. The estimated timeframe contained in Exhibit B may be adjusted by the Superintendent and Board President as necessary, provided that such adjustments shall not prevent the District from complying with the timeframe specified in

Elections Code Section 10010. The estimated timeframe contained in Exhibit B may also be adjusted pursuant to Elections Code Section 10010(e)(3)(C)(i), if applicable, to provide additional time to conduct public outreach, encourage public participation, and receive public input, and the Superintendent or designee is hereby authorized to enter into a written agreement to effectuate such adjustment in the timeframe. The Superintendent or designee is directed to work with legal counsel and consultants as needed to schedule the date for each public hearing and each Board meeting that is necessary to proceed with the transition process.

5. Directs the Superintendent or designee to post information regarding the proposed transition to a district-based election system, including maps, notices, agendas, and other information, and to establish a means of communication to answer questions and receive comments from the public.
6. Directs and authorizes the Superintendent or designee to take such other actions as are necessary to effectuate the intent of this resolution.

THE FOREGOING RESOLUTION is adopted by the Governing Board of the Clovis Unified School District of Fresno County, State of California, at a regular meeting of said Board held on the 2nd day of August 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Print Name: _____
Governing Board
Clovis Unified School District
Fresno County, California

I, Steven G. Fogg, M.D., Clerk of the Governing Board of the Clovis Unified School District, County of Fresno, State of California, do hereby certify that the foregoing is a true copy of the resolution adopted by said Board at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.

Steven G. Fogg, M.D., Clerk
Governing Board
Clovis Unified School District
Fresno County, California

Doc# 73114-4, 07/2023

EXHIBIT A



CLOVIS UNIFIED SCHOOL DISTRICT
1450 Herndon Avenue • Clovis, California 93611-0599

**SPECIAL GOVERNING BOARD MEETING
November 17, 2021**

***Professional Development Building, Boardroom
1680 David E. Cook Way, Clovis, California***

5:00 P.M. – PUBLIC SESSION

This meeting of the Governing Board will be held in-person pursuant to the Ralph M. Brown Act (Government Code sect; 54950 et seq.). Members of the public may attend this meeting and address the Board in-person. However, the Board may limit the number of persons in the board meeting room at any time to comply with California public health orders and guidance. All persons attending board meetings shall comply with California public health orders and guidance.

Members of the public who wish to provide public comments in-person during this meeting are requested to **complete and submit a public presentation form before 6:30 p.m. of the day of the meeting.** The public presentation form is available outside the board meeting room on the day of the meeting. During the meeting, speakers who have requested to address the Board in-person will be called to do so. Comments relating to a public hearing are to be made during the public hearing. Comments on items that are on the agenda are to be made when the item is called by the Board President. Comments on matters that are not on the agenda are to be made during the Public Presentations. Pursuant to Board Bylaw No. 9323, the Board President may adjust the time allotted for each speaker and limit the total time for public comment. **A total of 30 minutes have been allotted for non-agendized items (during Public Presentations) and for each agenda item, with each speaker generally having up to 2 minutes to speak unless there are more than 15 speakers, in which case, each speaker's time will be reduced to a time period to be announced by the Board President.** No speaker may yield his or her time to another speaker.

This meeting will be video recorded by the District, the recording of which will be made accessible to the public within 48 hours of the board meeting at: <https://www.cusd.com/BoardMeetingsAgendasArchives.aspx>

**Special Meeting
AGENDA**

*Additional information regarding this agenda may be viewed through the District's website at
<https://www.cusd.com/BoardMeetingsAgendasArchives.aspx>*

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Superintendent's Office at 327-9100. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

Public records relating to an open session agenda item of a regular meeting that are distributed within 72 hours prior to the meeting will be available for public inspection at the District Office, 1450 Herndon

Avenue, Clovis, California.

An invocation may be held prior to the start of the Board meeting. Attendance during and participation in the invocation are optional and voluntary. No students, parents, members of the public, Board members, student board member, or employees are required to attend or participate in the invocation.

A. CALL TO ORDER

B. ROLL CALL

C. ADOPTION OF AGENDA

D. WORKSHOP

1. Administrative Regulation No. 5132 – Dress and Grooming
2. Administrative Regulation No. 6112 – School Day
3. Trustee Area Boundary Redrawing and Trustee Area Election Method Transition

E. ADJOURNMENT

TITLE: Board Workshop - Trustee Area Boundary Adjustment and Trustee Area Election Method Transition

CONTACT PERSON: Eimear O'Brien

FOR INFORMATION:

FOR ACTION:

RECOMMENDATION:

Conduct workshop to review and discuss process and timeline for: (1) adjustment of trustee area boundaries due to the 2020 decennial federal census; and (2) transition from at-large elections to trustee area/district-based elections.

DISCUSSION:

The members of the Governing Board (Board) of the Clovis Unified School District (District) are elected at-large, such that each trustee is required to reside within a given trustee area within the District's boundary and is elected by voters of the entire District. The Board members are elected in even-numbered years and serve staggered, four-year terms, such that the next election for three trustees (Trustee Areas 1, 3, and 6) is scheduled for November 2022, with the remaining four trustees (Trustee Areas 2, 4, 5, and 7) scheduled for election in November 2024.

Education Code section 5019.5 sets forth the provisions governing the adjustment of trustee areas following a decennial federal census. In particular, Section 5019.5 requires that following each decennial federal census, the governing board of each school district in which trustee areas have been established and in which each trustee is elected by the residents of the area the trustee represents, shall adjust the boundaries of the trustee areas of the school district to comply with the conditions set forth in Section 5019.5.

Education Code section 5019 and Elections Code section 10010 set forth the requirements and process for political subdivisions, including school districts, to transition from at-large elections to trustee area/district-based elections. In particular, these statutes require a school district board to hold public hearings and comply with certain publication and other requirements in the development, consideration, and approval of the proposed trustee areas. The statutes also require the county committee on school district organization to hold at least one public hearing and approve or disapprove the school district's proposal to transition from at-large elections to trustee area/district-based elections.

During the workshop, staff will review the requirements and process for the adjustment of trustee areas following the 2020 decennial federal census and for transition from at-large elections to trustee-area/district-based elections. The Board will have the opportunity to discuss these items. In addition, if the Board intends to consider a transition to trustee area/district-based elections, the Board will have an opportunity to review and discuss a draft resolution declaring its intent to transition from at-large elections to trustee area/district-based elections. The draft resolution will be provided to the Board at the workshop.

FISCAL IMPACT/FUNDING SOURCE: None

REVISIONS: None

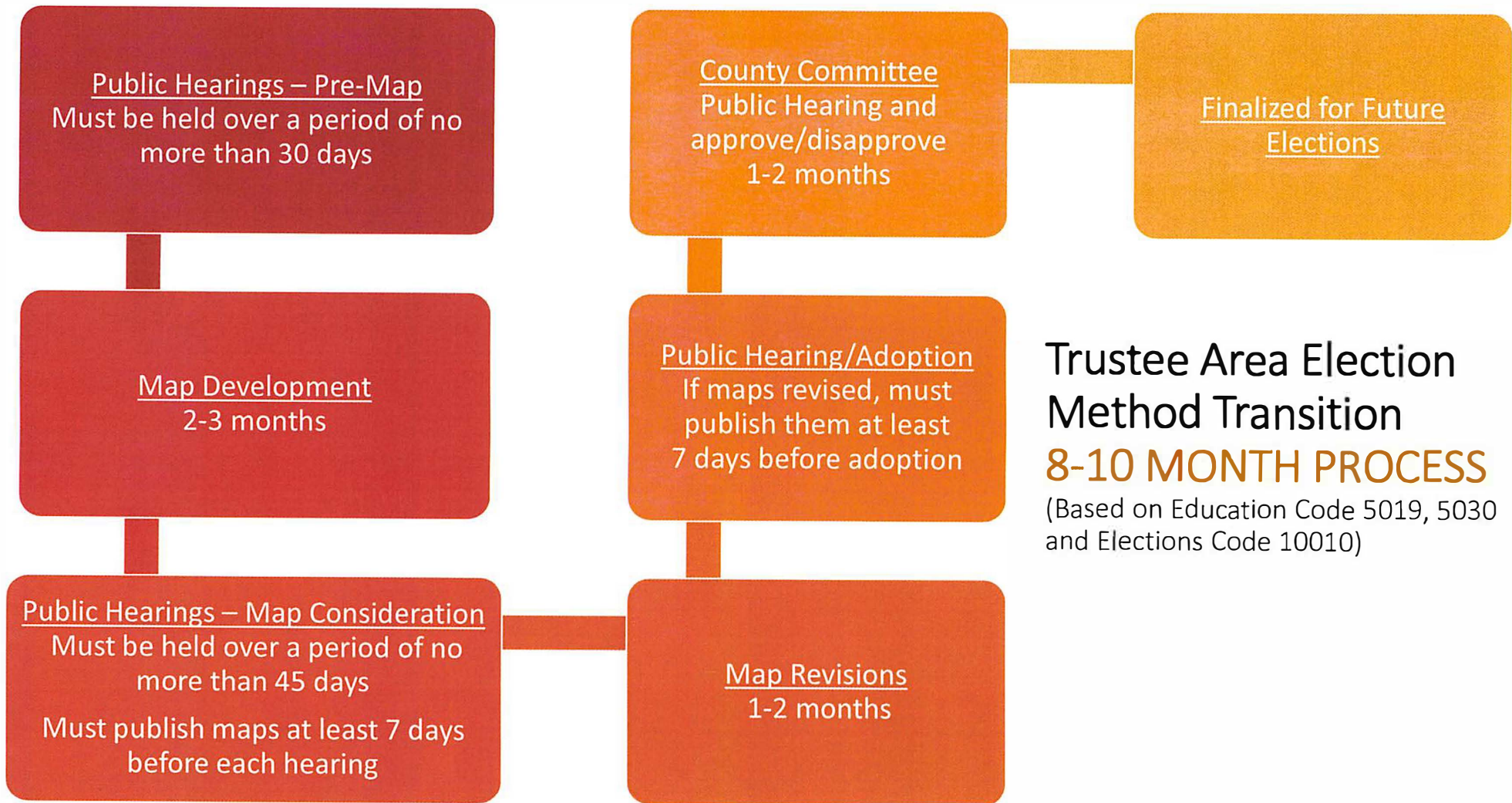
Trustee Area Boundary Adjustment & Trustee Area Election Method Transition

Maiya Yang, J.D.

District Legal Counsel

LEGAL REQUIREMENTS AND PROCESS

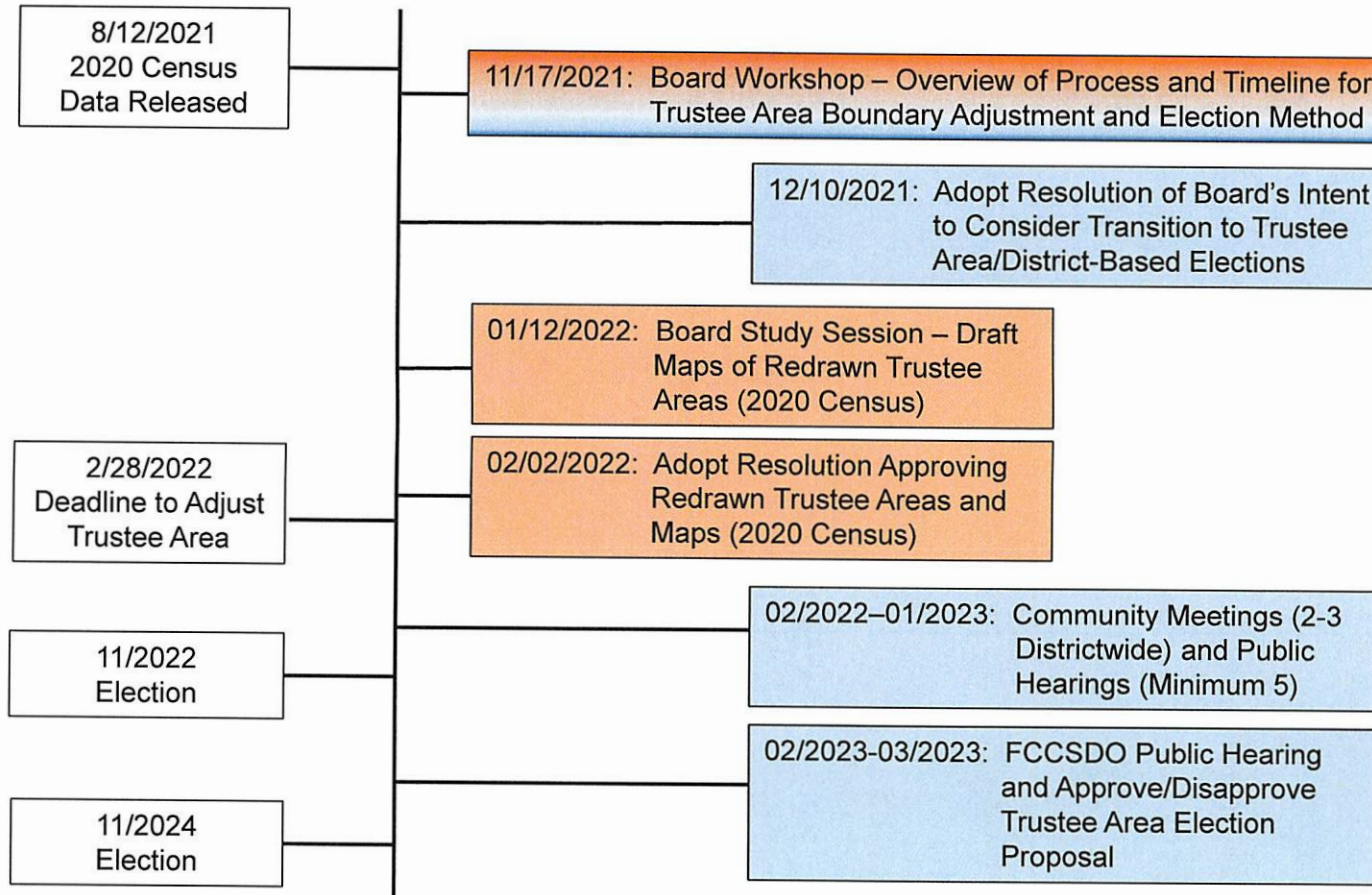
	TRUSTEE AREA BOUNDARY ADJUSTMENT	TRANSITION TO TRUSTEE AREA/ DISTRICT-BASED ELECTIONS
LAW	Education Code	Education Code Elections Code
PROCESS	<p>1. Adjust and Redraw Maps of Trustee Area Boundaries to Equalize Population Based on 2020 Census Data</p> <p>2. CUSD Board Approves Adjusted Trustee Area Boundaries and Redrawn Maps</p> <p>Deadline: February 28, 2022</p>	<ol style="list-style-type: none"> 1. <u>Resolution of Intent</u>: Adopt resolution of intent to consider transition to trustee area/district-based elections 2. <u>Public Hearings (Pre-Map)</u>: CUSD Board conducts two public hearings before maps of proposed election trustee areas are drawn <ul style="list-style-type: none"> ➤ MAP DRAWING: Draw maps 3. <u>Public Hearings (Map Consideration)</u>: CUSD Board conducts two additional public hearings after maps are drawn <ul style="list-style-type: none"> ➤ MAP REVISION: Revise maps, if necessary 4. <u>Public Hearing/Action</u>: CUSD Board conducts one additional public hearing and adopts resolution approving proposal to transition and maps of trustee areas 5. <u>County Committee</u>: FCCSDO conducts public hearing and adopts resolution approving/disapproving CUSD proposal



**Trustee Area Election
Method Transition**
8-10 MONTH PROCESS
(Based on Education Code 5019, 5030
and Elections Code 10010)

DRAFT TIMELINE

TRUSTEE AREA BOUNDARY ADJUSTMENT AND TRANSITION TO TRUSTEE AREA/DISTRICT-BASED ELECTIONS





SPECIAL GOVERNING BOARD MEETING

MINUTES

November 17, 2021

*Professional Development Building, Boardroom
1680 David E. Cook Way, Clovis, California*

**Special Meeting
AGENDA**

5:00 P.M. – PUBLIC SESSION

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A. CALL TO ORDER

Board President Steven Fogg called the special Governing Board meeting to order at 5:00 p.m.

B. ROLL CALL

Board Members Present:

Steven Fogg, M.D., President
Susan K. Hatmaker, Vice-President
Tiffany Stoker Madsen, Clerk
Hugh Awtrey, Member
David DeFrank, Member
Yolanda Moore, Member
Elizabeth "Betsy" Sandoval, Member

District Administrators Present:

Eimear O'Brien, Ed.D., Superintendent
Norm Anderson, Deputy Superintendent
Maiya Yang, General Counsel
Kelly Avants, APR, Chief Communication Officer
Robyn Castillo, Ed.D., Associate Superintendent
Corrine Folmer, Ed.D., Associate Superintendent
Barry Jager, Associate Superintendent
Susan Rutledge, Area Superintendent
Denver Stairs, Area Superintendent
Scott Dille, Area Superintendent
Kevin Kerney, Area Superintendent
Jennifer, Thomas, Area Superintendent
Darin Tockey, Area Superintendent
Sheryl Boe, Director Transportation
Maureen Bagdasarian, Manager Campus Catering

C. ADOPTION OF AGENDA

Adopted the November 17, 2021, special Governing Board meeting agenda, as submitted.

Motion: Approve, Moved By Board Member Tiffany Stoker Madsen, Seconded by Board Member David DeFrank. Passed. 7-0. Board Members voting Ayes: Awtrey, DeFrank, Fogg, Hatmaker, Moore, Sandoval, Stoker Madsen

D. WORKSHOP

1. Administrative Regulation No. 5132 – Dress and Grooming
2. Administrative Regulation No. 6112 – School Day
3. Trustee Area Boundary Redrawing and Trustee Area Election Method Transition

E. ADJOURNMENT

EXHIBIT B

CLOVIS UNIFIED SCHOOL DISTRICT

ESTIMATED TIMEFRAME FOR TRANSITION TO DISTRICT-BASED ELECTION

Tentative Date	Task
08/02/2023	Board action on Resolution Declaring Intention to Transition From At-Large Elections to District - Based Elections, and Outlining Specific Steps to be Undertaken to Facilitate the Transition and an Estimated Timeframe (Elections Code § 10010)
Aug 2023 – Jan 2024	Board to conduct five public hearings and adopt map of voting trustee areas (Elections Code § 10010)
Feb – Mar 2024	Fresno County Committee on School District Organization to conduct one public hearing (Education Code § 5019)