

RESOLUTION 20-21-12

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAN MATEO UNION HIGH SCHOOL DISTRICT TO INITIATE A TRANSITION TO BY-TRUSTEE AREA ELECTIONS COMMENCING WITH THE 2022 BOARD OF TRUSTEES ELECTION

**RECITALS**

WHEREAS, the Board of Trustees (“Board”) of the San Mateo Union High School District (“District”) are currently elected “at-large,” meaning that registered voters of the entire jurisdiction elect candidates to the Board;

WHEREAS, trustees are elected in even-numbered years and serve staggered, four-year terms, such that the next election for three trustees is scheduled for November 2022, with the remaining two trustees scheduled for election in November 2024;

WHEREAS, on or about January 25, 2021, the District received a letter alleging that its at-large elections are racially polarized, diluting the ability of protected classes to elect candidates of their choice or otherwise influence the outcome of the District’s elections, in violation of the California Voting Rights Act (Elec. Code, § 14025, *et seq.*) (“CVRA”);

WHEREAS, under the 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, the District understands the importance of fair and accessible elections, and greatly values the opinions and voices of all members of the District’s communities;

WHEREAS, a “by-trustee area” election, wherein one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area, ensures compliance with the CVRA;

WHEREAS, to ensure compliance with the CVRA, to avoid potential litigation and resulting costs, and to enhance voter involvement, the Board desires to transition from at-large to by-trustee area elections;

WHEREAS, the boundaries for trustee areas in by-trustee elections are established based on population counts and demographics from the most recent United States’ census;

WHEREAS, the United States’ census count occurs every ten (10) years with the last census count occurring in 2020 (“2020 Census”);

WHEREAS, due to Coronavirus pandemic related delays, the 2020 Census data is not expected to be made available to state and local agencies until September 30, 2021, which is a substantial delay from the original due date of March 31, 2021;

WHEREAS, if the District transitioned to by-trustee area elections prior to the release of the 2020 Census, the trustee areas would be established based on the 2010 Census, which (1) may not fairly and accurately reflect the current voter population distribution and demographics of the District, and (2) could require the District to incur additional, duplicative costs to adjust the trustee areas based on the 2020 Census as required by Education Code Section 5019.5;

WHEREAS, the Board, cognizant of its need to be fiscally responsible, desires to implement this change in the manner of electing board members in a cost effective and efficient manner following release of the 2020 Census data;

WHEREAS, Education Code sections 5019 and 5030 authorize the San Mateo County Committee on School District Organization (“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; 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.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SAN MATEO UNION HIGH SCHOOL DISTRICT AS FOLLOWS:**

**SECTION 1. Recitals Deemed True.** The foregoing recitals and findings are true and correct.

**SECTION 2. Transition to By-Trustee Area Elections in 2022 and 2024.** Trustee area boundary lines shall be developed based on the most updated federal decennial census data following its release in 2021 to provide for “by-trustee area” elections to be implemented in the 2022 and 2024 Board elections.

**SECTION 3. Transmittal of Resolution to County Committee.** Pursuant to Education Code sections 5019, 5030 and other applicable provisions of law, the Board directs District staff to transmit this resolution to the County Committee so that the County Committee will be on notice of the District’s intent, to adopt a change in the method of electing members of the Board from “at-large” elections to “by-trustee area” elections commencing with the 2022 Board elections.

**SECTION 4. Scheduling of Multiple Public Hearings.** After the availability of the 2020 Census, and before submitting a final proposal to the County Committee for trustee area maps, multiple public hearings in accordance with Elections Code section 10010 and other applicable laws shall be scheduled to obtain public input on draft trustee area maps and proposals.

**SECTION 5. Establishment of Trustee Areas in a Timely Manner.** The Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code

section 5019 in a timely manner following the availability of the 2020 Census data to have the 2022 elections for the Board conducted within the new trustee areas.

**SECTION 6. Direction to Perform Other Acts; Seek a Waiver.** The Superintendent, or designee, is hereby directed to prepare additional board resolutions and documents, as needed, to meet all applicable legal requirements in a timely manner, and to seek a waiver from the State Board of Education of the election requirement imposed by Education Code section 5020, which would otherwise require an election to determine whether to transition to by-trustee area elections.

**SECTION 7. Consultation with Legal Counsel.** The Superintendent, or designee, shall consult with legal counsel to take all steps necessary to implement and give effect to this resolution.

**SECTION 8. Effective Date.** This resolution shall become immediately effective upon adoption by the Board.

PASSED AND ADOPTED this 25<sup>th</sup> day of February 2021 by the Board of Trustees of the San Mateo Union High School District at a regular meeting held at San Mateo, California.

AYES:   5  

NOES:   0  

ABSENT:   N/A  

ABSTAIN:   N/A  

SAN MATEO UNION HIGH SCHOOL DISTRICT

By:                     Robert H. Quip                      
President, Board of Trustees

By:                     K. Kelley                      
Superintendent

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Board of Trustees of the San Mateo Union High School District at a regular meeting held on February 25, 2021.

                    Linda Lees Dwyer                      
Clerk,  
Board of Trustees