

**BEFORE THE GOVERNING BOARD OF THE
LAKESIDE UNION SCHOOL DISTRICT OF KERN COUNTY CALIFORNIA**

In the Matter of the District's Election System in re the California and Federal Voting Rights Acts.

RESOLUTION NO. 02282019

A Resolution by the Governing Board to Transition to a By-Trustee Area Election System

RECITALS

1. California Education Code sections 5019(a) and (c)(l) and 5030 authorize the Kern County Committee on School District Organization ("County Committee"), upon application of a school district's governing board, to change the method of election in a school district under its jurisdiction; and

2. Members of the Board of Trustees of the Lakeside School District ("School District" or "District") are currently elected in "at-large" elections, i.e., elections in which "each governing board member [is] elected by the registered voters of the entire school district" [Education Code section 5030(a)]; and

3. On June 8, 2010, the Board of Trustees passed Resolution No. 06082010A expressing that it would be prudent to review its current trustee election system in light of the California Voting Rights Act (the "Act") and the imminent 2010 Census, and to determine if any changes are required in the district's electoral to comply with the Act; and

4. Resolution No. 06082010A was adopted when the federal 2010 Census was still underway and it resolved to institute single-member, by-trustee areas for the election of members of the Board of Trustees if appropriate to comply with the CVRA; and

5. On January 31, 2012, the Board of Trustees passed Resolution 01312012 after reviewing data from the 2010 Census, which demonstrated that it was not possible to create a trustee area with a majority of Hispanic citizen voting age population in the District; and

6. Nobody in the District ever raised a question about whether the District should establish by-trustee area elections for the Board of Trustees; nevertheless, the Board of Trustees held a duly noticed public hearing on the question of maintaining the at-large election system on January 31, 2012, at which nobody in the community advocated for a change in the School District's electoral system; and

7. Therefore, Board of Trustees resolved in Resolution 01312012 to continue to

use an at-large election system until such time as it determines in the future that a change in election system is warranted, and to monitor updated demographic data, including but not limited to the 2020 Census.

8. Recently, the District received a letter from the law firm of Shenkman & Hughes contending that the District's at-large electoral system violates the California Voting Rights Act, and threatening litigation if the District declined to adopt a by-trustee area election system; and

9. The Shenkman & Hughes letter was not accompanied by any evidence to support the claim of a violation, did not claim to have been sent on behalf of Lakeside Union School District voters, and in fact contained inaccurate statements; and

10. The Shenkman & Hughes letter did assert that the November 2018 elections for the Board of Trustees, were characterized by racially polarized voting; however, to the District's knowledge, the dataset generally used to analyze whether voting is racially polarized is not yet available; and

11. Nevertheless, the Board of Trustees is aware of the tremendous expense of defending against litigation under the Act, even if the District prevails, and that prevailing in litigation will not protect the district from litigation by different plaintiffs under the CVRA in the future, and

12. Therefore, the Board of Trustees believes that, despite the lack of evidence of a violation, the public interest would be served by avoiding the expense of the threatened litigation by declaring its intent to institute by-trustee area elections; and

13. The Board of Trustees further notes that the federal decennial Census will occur next year on April 1, 2020, and a by-trustee area plan must contain areas of relatively equal population in accordance with that Census and law; and

14. The Education Code § 5019.5 imposes an obligation on the School District to adjust the boundaries of any trustee areas immediately after receipt of the 2020 Census data,

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The above recitals are true and correct.

B. By this resolution, the Board of Trustees applies to the Kern County Committee on School District Organization ("KCCSDO"), pursuant to Education Code § 5019(a), to approve a change in the method of electing members of the Lakeside School District's Board from "at-large" elections, Cal. Educ. Code § 5030(a), to "by-trustee area" elections, Cal. Educ. Code § 5030(b).

C. The Board of Trustees hereby resolves to adopt a trustee area plan for submission to the KCCSDO in connection with this application.

D. The Board hereby directs staff to develop a tentative timeline for conducting a public process to solicit public input and testimony on a proposed trustee area plan before adopting any such plan for approval of the KCCSDO.

E. The Superintendent shall make appropriate arrangements for the retention of a qualified demographic consultant to prepare sample trustee area plans for the review and consideration of the Board of Trustees and the public.

F. The Superintendent shall send a copy of this Resolution to the KCCSDO, and is instructed to take all other steps—including consultation with counsel—to give effect to the foregoing resolution of the Board.

G. The Superintendent shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution, including consulting with Shenkman & Hughes on a tentative timeline for the implementation of a trustee area plan.

THE FOREGOING RESOLUTION was adopted upon motion by Trustee Glen Ogden, seconded by Trustee Tamara Jones, at a regular meeting held on February 28, 2019, by the following vote:

AYES: 5

NOES: 0

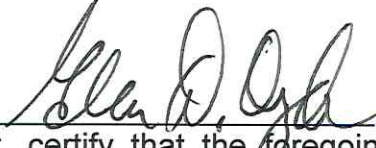
ABSENT:

DATED: February 28, 2019



President, Board of Trustees
Lakeside School District

CERTIFICATION

I, , Clerk to the Board of Trustees of the Lakeside School District, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on February 28, 2019.

DATED: February 28, 2019


Clerk, Board of Trustees
Lakeside School District