

**BEFORE THE BOARD OF TRUSTEES OF THE
MT. DIABLO UNIFIED SCHOOL DISTRICT
CONTRA COSTA COUNTY, CALIFORNIA**

RESOLUTION NO. 18/19-56

**RESOLUTION INITIATING PROCESS OF
ESTABLISHING TRUSTEE AREAS AND
ELECTIONS BY TRUSTEE AREAS**

WHEREAS, the Mt. Diablo Unified School District (“District”) currently uses an at-large system of electing the members of its Board of Trustees; and

WHEREAS, the Board is aware that under state law an “at-large” method of election may be deemed to impair the ability of some voters to elect candidates of their choice or to influence the outcome of elections and, therefore, may be subject to challenge under the California Voting Rights Act of 2001, California Elections Code §§ 14025, *et seq.* (“CVRA”); and

WHEREAS, the District is in receipt of an AB350 demand letter requesting the Board transition its method of election; and

WHEREAS, the District has decided to initiate the process of establishing trustee areas and changing the method of electing members of the Board, in order to ensure compliance with the CVRA or, at minimum, avoid the potential for costly litigation under the CVRA; and

WHEREAS, Board intends to initiate a deliberate, careful, and public process for establishing trustee areas, and for changing the method of electing members of the Board, to take effect commencing with the November 2020 election.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby finds the foregoing recitals to be true and correct; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or designee to immediately initiate the legal and regulatory process to establish trustee areas within the District, as provided in Education Code section 5019, in sufficient time for trustee areas to be established for the November 2020 election of members of the Board; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or his designee to solicit for and collaborate with a demographer, to prepare draft by-trustee area map scenarios for review and input by the Board and members of the public at upcoming meetings; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or designee to initiate the legal and regulatory process of changing the method of electing members of the Board, from the current at-large system whereby each member of the Board is elected by the registered voters of the entire District (Education Code section 5030(a)), to a method which provides that Board members residing in each trustee will be elected by the registered voters of that particular trustee area (Education Code 5030(b)), in sufficient time for the new method of electing members of the Board to be in place for the November 2020 election; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent or designee to initiate processes for establishing trustee areas and changing the method of electing members of the Board that are inclusive, thoughtful, and public, providing for and encouraging significant input on the issues the Board and Contra Costa County Committee on School District Organization will address from all interested citizens and interest groups; and

BE IT FURTHER AND FINALLY RESOLVED that the Superintendent or designee is authorized to initiate the legal and regulatory process to seek a waiver from the State Board of Education, of the requirements of Education Code section 5020 and related statutes, so that action of the Contra Costa County Committee on School District Organization establishing trustee election areas and adopting one of the alternative methods of electing Board members specified in Education Code section 5030 does not constitute an order of election.

ADOPTED, SIGNED AND APPROVED on _____, 2019.

President, Board of Trustees
Mt. Diablo Unified School District

CERTIFICATION

I, _____, Secretary of the Board of Trustees of the Mt. Diablo Unified School District, do hereby certify that the foregoing Resolution was adopted by the Board of Trustees of said District at a meeting of said Board held on _____, 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Secretary, Board of Trustees
Mt. Diablo Unified School District