

NATOMAS UNIFIED SCHOOL DISTRICT (Option No. 2)

Resolution No. 12-15

IN THE MATTER OF: Request to the State Board of Education to Waive Legal Requirements to Establish Trustee Areas and Modify the Method of Elections

The following RESOLUTION was duly passed by the Board of Trustees of the Natomas Unified School District, at a regular meeting held on March 14, 2012, by the following roll call vote:

B. Teri Burns	_____
Susan Heredia	_____
Lisa Kaplan	_____
Bruce Roberts	_____
Jules Tran	_____

Signed and approved by me after its passage:

Lisa Kaplan, President

Attest:

Jules Tran, Clerk

WHEREAS, Education Code section 33050, and following, authorize a governing board of a school district to request the State Board of Education to waive all or part of any section of the Education Code or any regulation adopted by the State Board of Education that implements a provision of the Education Code, subject to certain exceptions;

WHEREAS, Education Code section 5019 provides that a county committee on school district organization may establish, rearrange, and/or abolish trustee areas, or adopt one of the alternative methods of electing governing board members specified in Education Code section 5030;

WHEREAS, Education Code section 5020 provides that a resolution of a county committee on school district organization approving a proposal to establish trustee areas, or to adopt one of the alternative methods of electing governing board members, shall constitute an order of election and shall be presented to the electors at the next succeeding election of the governing board;

WHEREAS, Education Code sections 5019 and 5020 are not listed as exceptions to Education Code section 33050, and following, and, therefore, may be waived by the State Board of Education upon proper and sufficient application;

WHEREAS, the Governing Board currently utilizes an election method where the voters of the entire jurisdiction elect the members to the governing body;

WHEREAS, the Governing Board notes that it is in the public's interest to establish trustee areas and the method to elect board members as expeditiously as possible in order that trustee area elections be in place for elections in November 2012;

WHEREAS, the Governing Board held duly-noticed public hearings on September 14, 2011, September 27, 2011, December 7, 2011, December 14, 2011, and March 14, 2012 during which it received public testimony and comment, and has considered the issue in light of the Education Code requirements, the one-person-one vote rule, traditional districting principles and in light of the California Voting Rights Act of 2001 and the Federal Voting Rights Act of 1965; and

WHEREAS, the public hearings which the Governing Board held to consider the adoption of a trustee area plan were duly-noticed;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board hereby finds, determines and/or declares, as follows:

1. Each of the foregoing is true and correct.
2. The Governing Board declares its intent to request, and hereby respectfully requests, that the State Board of Education waive the requirements of Education Code sections 5019 and 5020.
3. By this Resolution, the Governing Board requests a waiver in order to establish the trustee areas as attached as "Exhibit A" hereto and incorporated herewith for its elections in 2012.
4. By this Resolution, the Governing Board requests a waiver in order to change the method of electing members of the Board from "at-large elections" to "district-based elections" for its elections in 2012.
5. The District posted and distributed a public notice inviting public testimony regarding this request for a general waiver of the requirements of Education Code section 5019 and 5020, and said notice included the date, time, location and subject of the public hearing.
6. The Governing Board commenced a public hearing on Wednesday, March 14, 2012, at 3301 Fong Ranch Road, Sacramento, California at which the public was afforded the opportunity to testify regarding this request for a general waiver of Education Code sections 5019 and 5020.
7. The Superintendent, or his designee, is hereby authorized and directed to prepare and submit a General Waiver Request to the California Department of Education for consideration and action by the State Board of Education, and to take any such other action as the Superintendent may deem warranted to fully implement this Resolution.