

RESOLUTION NO. 1507-20

BOARD OF EDUCATION OF THE CHICO UNIFIED SCHOOL DISTRICT

Resolution Suspending Hearings for Transition to District-Based Elections Pursuant to Executive Order Nos. N-34-20, N-48-20

WHEREAS, the Board of Education (“Board”) of the Chico Unified School District (“District”) previously adopted Resolution No. 1497-20 on February 19, 2020, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated timeframe for doing so.

WHEREAS, on March 20, 2020, the Governor of the State of California, Gavin Newsom, issued Executive Order No. 34-20, which provides in pertinent part:

The timeframes for conducting the hearings required when a political subdivision changes from an at-large method of election to a district-based election, as set forth in Elections Code section 10010, are suspended for any subdivision, until such time as neither state nor local public health officials recommend or impose social distancing measures in the relevant subdivision. Following that time, the relevant subdivision shall hold the required hearings in a manner that ensures the public is provided advance notice and is afforded an opportunity to participate in the postponed hearings; subdivisions are urged to ensure that this process includes effective outreach to individuals with disabilities, individuals who primarily speak languages other than English, and other individuals who may have particularized needs.

WHEREAS, on April 9, 2020, the Governor, issued Executive Order No. N-48-20, clarifying Order No. 34-20, declaring in pertinent part:

- 2) *To clarify the scope of Paragraph 1 of Executive Order N-34-20, (March 20, 2020), without changing its effective date, that paragraph is modified to read as follows:*

The timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), are suspended as to any political subdivision of the State. The purpose of this suspension is to protect public health and safety during the period when the State Public Health Officer and other public health officials have determined that it is necessary to engage in physical distancing to minimize the spread of COVID-19. This suspension shall be in effect until further notice.

This paragraph pauses the timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), but does not restart them: this paragraph

should be construed to toll those timeframes, such that days elapsed during the suspension set forth in this paragraph are not counted, but any days that elapsed prior to that suspension are still counted.

This paragraph shall not preclude a prospective plaintiff obtaining reimbursement from a political subdivision under subdivision (f) of Elections Code section 10010, in the manner set forth in that subdivision.

WHEREAS, the State of California, as well as the nation and much of the world, is currently in the midst of the COVID-19 (Coronavirus) emergency, and subject to social distancing measures as evidenced by, *inter alia*, Executive Order No. 33-20 issued by Governor Newsom on March 19, 2020, and such measures compromise the ability of persons to participate in the hearing process set forth in Section 10010 of the Elections Code.

NOW THEREFORE, the Governing Board of the Chico Unified School District hereby resolves as follows:

1. The above recitals are correct and true.
2. The Board hereby suspends the hearings required to transition from an at-large method of election to a district-based election, as set forth in Elections Code section 10010, until such time as neither state nor local public health officials recommend or impose social distancing measures in the District, at which time such hearings shall be re-initiated by the Board pursuant to Section 10010 of the Elections Code.
3. The Superintendent or designee is hereby authorized and directed to take any other actions necessary to effectuate this Resolution.

APPROVED AND ADOPTED by the Governing Board of the Chico Unified School District, this 15th day of April 2020, by the following vote:

AYES:	Griffin, Kaiser, Hovey, Robinson, Lando
NOES:	None
ABSENT:	None
ABSTAIN:	None

Signed and approved by me after its passage.

Attest:

Linda Hovey, Clerk


Elizabeth Griffin, President

Exhibit A

Resolution No. 1497-20

RESOLUTION NO. 1497-20

**BOARD OF EDUCATION OF THE
CHICO UNIFIED SCHOOL DISTRICT**

Resolution Outlining Intention to Transition to District-Based Elections

WHEREAS, the Board of Education ("Board") of the Chico Unified School District ("District") is elected "at-large," meaning that each Board member is elected by voters of the entire District;

WHEREAS, Board members are elected in even-numbered years and serve staggered, four-year terms, such that the next election for two Board members is scheduled for November 2020, with the remaining three Board members scheduled for election in November 2022;

WHEREAS, under the California Voting Rights Act ("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 community;

WHEREAS, the Board has concluded that it is in the public interest to begin the process to transition from at-large to district-based elections;

NOW THEREFORE, the Governing Board of the Chico Unified School District hereby resolves as follows:

1. The above recitals are correct and true.
2. The District shall commence the process of transitioning to district-based elections, in full compliance with all appropriate procedures and policies provided in law, including but not limited to Education Code sections 5019, 5030, and 33050, et seq., and Elections Code sections 10010 and 14025, et seq., with the intention of completing the process within 90 days of this Resolution's passage. To facilitate this transition, the Superintendent or designee shall:
 - a. Cause to be held at least two public hearings of this Board over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts. Before these hearings, the Superintendent or designee may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation.

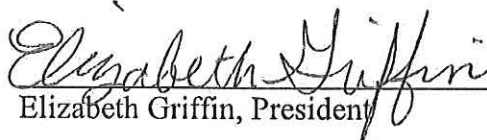
- b. Thereafter, cause to be drawn draft district maps of the proposed boundaries of the districts.
 - c. Thereafter, cause those draft district maps of the proposed boundaries of the districts to be published and made available for release, and, if members of the Board of the District will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections.
 - d. Thereafter, cause to be held at least two additional hearings of this Board 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. The first version of a draft map shall be published at least seven days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven days before being adopted.
 - e. Thereafter, once the draft map or maps and the proposed sequence of elections, if applicable, have been approved by this Board, such approval to be effected by a duly enacted Resolution of this Board, the Superintendent or designee shall cause such Resolution to be transmitted to the County Committee for hearing and consideration pursuant to Section 5019 of the Education Code.
3. Concurrent with the performance of the items resolved in Sections 2.a through 2.d above, and in preparation for the Board considering, at the same meeting at which the draft map is adopted described in 2.d above, a proposed "General Waiver Request" to be submitted to the State Board of Education pursuant to Sections 33050 et seq. of the Education Code to waive portions of sections 5019, 5020, 5021, and 5030 of the Education Code (which would otherwise require an election to approve the transition from "at-large" elections to "district-based" elections), the Superintendent or designee shall:
- a. Consult with all collective bargaining units of the District, make every effort to include them as a participant in the waiver process, and note the collective bargaining units' position regarding the waiver in the General Waiver Request.
 - b. Consult with all committees and councils with an interest in the General Waiver Request and note the position of such groups regarding the waiver in the District's General Waiver Request.
 - c. Distribute a notice specifically inviting public testimony regarding the General Waiver Request, said notice to be published in a newspaper of general circulation and include the date, time, location, and subject of the hearing.
 - d. Cause a public hearing to be held as indicated in such notice on the General Waiver Request, after which time the Board can act by Resolution to approve the General Waiver Request.

4. The Superintendent or designee is directed to engage a demographer, legal counsel, and any other consultant deemed required to assist in the development of proposed district-based election map.
5. The Superintendent or designee is hereby authorized and directed to take any other actions necessary to effectuate this Resolution.

APPROVED AND ADOPTED by the Governing Board of the Chico Unified School District, this 19th day of February 2020, by the following vote:

AYES: Griffin, Kaiser, Hovey, Robinson, Lando
NOES: None
ABSENT: None
ABSTAIN: None

Signed and approved by me after its passage.


Elizabeth Griffin, President

Attest:


Linda Hovey, Clerk