

# **I. Approved Resolutions**

**RESOLUTION OF THE GOVERNING BOARD  
OF THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT  
Resolution No. 09:19-20**

**Resolution to Initiate a Transition to a By-Trustee Area Election System Commencing  
with the 2020 Governing Board Election and Statement of Intent to Seek a Waiver of the  
Election Requirement from the State Board of Education**

WHEREAS, the Saddleback Valley Unified School District Board of Education (“Board”) is keenly aware of the importance of maintaining a fair election system;

WHEREAS, the Board has always strived to listen to all voices in the community and represent all of our community;

WHEREAS, California Education Code sections 5019(a) & (c)(1) and 5030 authorizes the Orange County Committee on School District Organization (“County Committee”), upon application of a school district’s governing board, to change the method of election of governing board members in a school district under its jurisdiction;

WHEREAS, the California Voting Rights Act (Elections Code §§ 14025 *et seq.*) (“CVRA”) prohibits the use of an “at-large” election system for governing board members of a school district if the “at-large” elections impair the ability of a protected class to elect candidates of its choice, or its ability to influence the outcome of an election;

WHEREAS, Governing Board (“Board”) Members of the Saddleback Valley Unified School District (“District”) are currently elected using an “at-large” election system (i.e., election system in which registered voters of the entire jurisdiction elect candidates to the governing board);

WHEREAS, the Board received a demand letter asserting that the Board’s at-large board member electoral system violates the CVRA and threatening litigation if the Board declines to voluntarily change to a district-based election system for electing board members;

WHEREAS, the Board has directed staff to initiate the process to establish “by-trustee areas” elections to avoid immense costs associated with defending a lawsuit based on the CVRA even if that lawsuit were to reach a settlement in a timely manner;

WHEREAS, it is considered the view of the Board that starting with the 2020 Board elections, and with the benefit of federal Census data, the public interest will be better served by election of its Board members using a “by-trustee area” election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area);

WHEREAS, although Education Code section 5020 requires that a County Committee’s resolution approving a change in the method of electing governing board members be submitted to the electorate for its approval at the school district’s next regular election, the Board intends to seek a waiver of the voter approval requirement as permitted by law. Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement,

which could reduce the costs and risks associated with a school district's transition to a "by-trustee area" election system;

WHEREAS, the Board finds it is appropriate to seek a waiver of the election requirement in Education Code section 5020, and portions of sections 5019, 5021, and 5030, to ensure the timely implementation of the "by-trustee area" election system commencing with the 2020 Governing Board election, to reduce costs for the District associated with placing an item on the ballot and to reduce any potential legal liability or financial risk to the District under the CVRA;

WHEREAS, the adoption of "by-trustee area" elections will not affect the terms of any sitting Board members, each of whom will serve out his or her current term; and

WHEREAS, the Board, cognizant of its need for fiscal responsibility, desires to implement this change in the manner of electing Board members in the most cost effective and efficient manner.

NOW, THEREFORE, the Governing Board of the Saddleback Valley Unified School District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The Board hereby determines that the trustee area boundary lines shall be developed based on federal Census data to provide for "by-trustee areas" elections commencing in 2020.
3. By this resolution, and pursuant to Education Code sections 5019(a) and 5030, the Board directs District staff, when appropriate, to transmit this resolution to the Orange County Committee on School District Organization to apply to have the County Committee adopt a change in the method of electing members of the board from "at-large" elections [Education Code section 5030(a)] to "by-trustee area" elections [Education Code section 5030(b)] commencing with the 2020 Board elections.
4. Before submitting a final proposal to the County Committee for a trustee area plan using the federal Census data, multiple public hearings shall be scheduled to obtain public input on the draft proposals prepared.
5. The Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code section 5019(a) in a timely manner to have the 2020 elections for the Board conducted within the new trustee areas.
6. The Superintendent, or her designee, shall send a copy of this resolution to the County Committee for action in accordance with law.
7. The Superintendent, or her designee, is hereby directed to prepare an additional Board resolution, and implement the applicable legal requirements in a timely manner, to seek a waiver from the State Board of Education of the election requirement imposed by Education Code section 5020.

8. The Superintendent, or her designee, shall consult with legal counsel to resolve all legal issues necessary to give effect to this resolution.

9. The foregoing resolution shall take effect immediately upon its adoption.


PASSED AND ADOPTED by the Board on September 12, 2019, at a duly noticed meeting by the following vote:

AYES: 4

NOES: 0

ABSTAIN: 0

ABSENT: 1 (Kunath)

  
Suzie R. Swartz  
President of the Saddleback Valley  
Unified School District Board of Education

STATE OF CALIFORNIA )  
 ) ss  
ORANGE COUNTY )

I, Amanda Morrell, Clerk of the Governing Board of the Saddleback Valley Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on September 12, 2019, by a vote of 4 to 0.

IN WITNESS THEREOF, I have hereto set my hand this 12<sup>th</sup> day of September, 2019.



Amanda Morrell  
Clerk of the Saddleback Valley  
Unified School District Board of Education

**RESOLUTION OF THE GOVERNING BOARD  
OF THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT  
Resolution No. 18:19-20**

**A RESOLUTION APPROVING AND ADOPTING A FINAL TRUSTEE AREA PLAN FOR THE DISTRICT'S TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM; A PLAN OF ELECTION FROM THOSE AREAS; AND RECOMMENDING THAT THE ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION APPROVE THE DISTRICT'S ESTABLISHMENT OF A BY-TRUSTEE AREA ELECTION SYSTEM AND ADOPTED TRUSTEE VOTING AREA PLAN**

- A. On September 12, 2019, the Saddleback Valley Unified School District Governing Board ("Board") passed Resolution No. 09:19-20 initiating the process for the Saddleback Valley Unified School District ("District") to transition from an "at-large" election system to a "by-trustee area" election system commencing with the 2020 Board elections.
- B. In approving Resolution No. 09:19-20, the Board expressed its view that a transition to a by-trustee area election system will reduce the District's risk of costly litigation, especially since a successful plaintiff under the California Voting Rights Act (Elections Code §14025 *et seq.*) ("CVRA") is entitled to reasonable attorneys' fees and experts' fees, creating great financial risk to any jurisdiction sued.
- C. The District utilized the services of Cooperative Strategies ("Consultant") to prepare proposed trustee area boundary plans for consideration by the District, Board, and community. The Consultant has extensive experience working with school districts and local jurisdictions regarding electoral demographics, taking into consideration the CVRA, the Federal Voting Rights Act, and related election system choices.
- D. All of the proposed trustee area boundary plans prepared by Consultant were drawn with all applicable laws and regulations in mind, including the CVRA and federal election law.
- E. The District conducted public hearings at Board meetings on September 19, 2019 and October 17, 2019 to solicit feedback in advance of map preparation. Following the approval of an extension agreement with prospective plaintiffs as permitted by Elections Code section 10010, the map options were released to the public and available for public review and comment on the District's website from early-November until final adoption on December 12, 2019. During that time, the District conducted public hearings at Board meetings on November 14, 2019, November 22, 2019, and December 12, 2019.
- F. With thoughtful consideration of all public input received on the draft trustee area plans and applicable state and federal legal criteria, the Board desires to adopt the trustee area plan and demographic information described as the "Trustee Plan Scenario 1 Map Option" (attached hereto as Exhibit "A") as the final trustee area plan establishing the boundaries for the new trustee areas, and to request timely approval from the County Committee of the trustee area plan and the District's transition to a by-trustee area election system commencing with the 2020 Governing Board election.

G. In order to complete the transition to by-trustee area elections in a timely and cost effective manner, and to ensure that the new by-trustee area process will be in place in time to elect new governing board members at the Board's next regularly scheduled election, the District is seeking a waiver of certain portions of the Education Code from the State Board of Education. The District's request for waiver will be submitted to the State Board of Education for approval.

**NOW, THEREFORE,** the Governing Board of Saddleback Valley Unified School District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The Board hereby adopts the trustee area plan and demographic information described as the "Trustee Plan Scenario 1 Map Option" (attached hereto as Exhibit "A") as the final trustee area map for the District's transition to a by-trustee area election system commencing with the 2020 Governing Board election.
3. That the District will hold by-trustee area elections in three areas (areas 2, 3, and 4) at its November 2020 election, assuming timely approval by the Orange County Committee. The District will hold by-trustee area elections in two areas (areas 1 and 5) at its November 2022 election subject to any required trustee area boundary adjustments required pursuant to Education Code section 5019.5 following the release of the decennial federal census.
4. That by this resolution and contingent upon the approval by the County Committee of the District's change to a by-trustee area election system, the Board hereby applies to the County Committee to timely approve the Board's adopted trustee area plan for implementation commencing with the 2020 Governing Board election, or at the earliest possible election, as conditioned upon approval of the Education Code waiver request submitted to the State Board of Education.
5. The Board hereby authorizes and directs District staff to transmit this resolution, the final trustee area plan adopted, and any additional required documentation to the County Committee and to take any other necessary action to effectuate the purposes of this resolution and complete the District's transition to a by-trustee area election system for the 2020 Governing Board elections.
6. The foregoing resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Board on December 12, 2019, at a duly noticed meeting by the following vote:

**AYES: 5**

**NOES: 0**

**ABSTAIN: 0**

**ABSENT: 0**

  
\_\_\_\_\_  
President of the Saddleback Valley USD Board of Education

STATE OF CALIFORNIA )  
 ) ss  
ORANGE COUNTY )

I, Suzie R. Swartz, Clerk of the Governing Board of the Saddleback Valley Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on December 12, 2019, by a vote of 5 to 0.

IN WITNESS THEREOF, I have hereto set my hand this 12<sup>th</sup> day of December, 2019.

  
Clerk of the Saddleback Valley  
Unified School District Board of Education

713-101/4599281.1

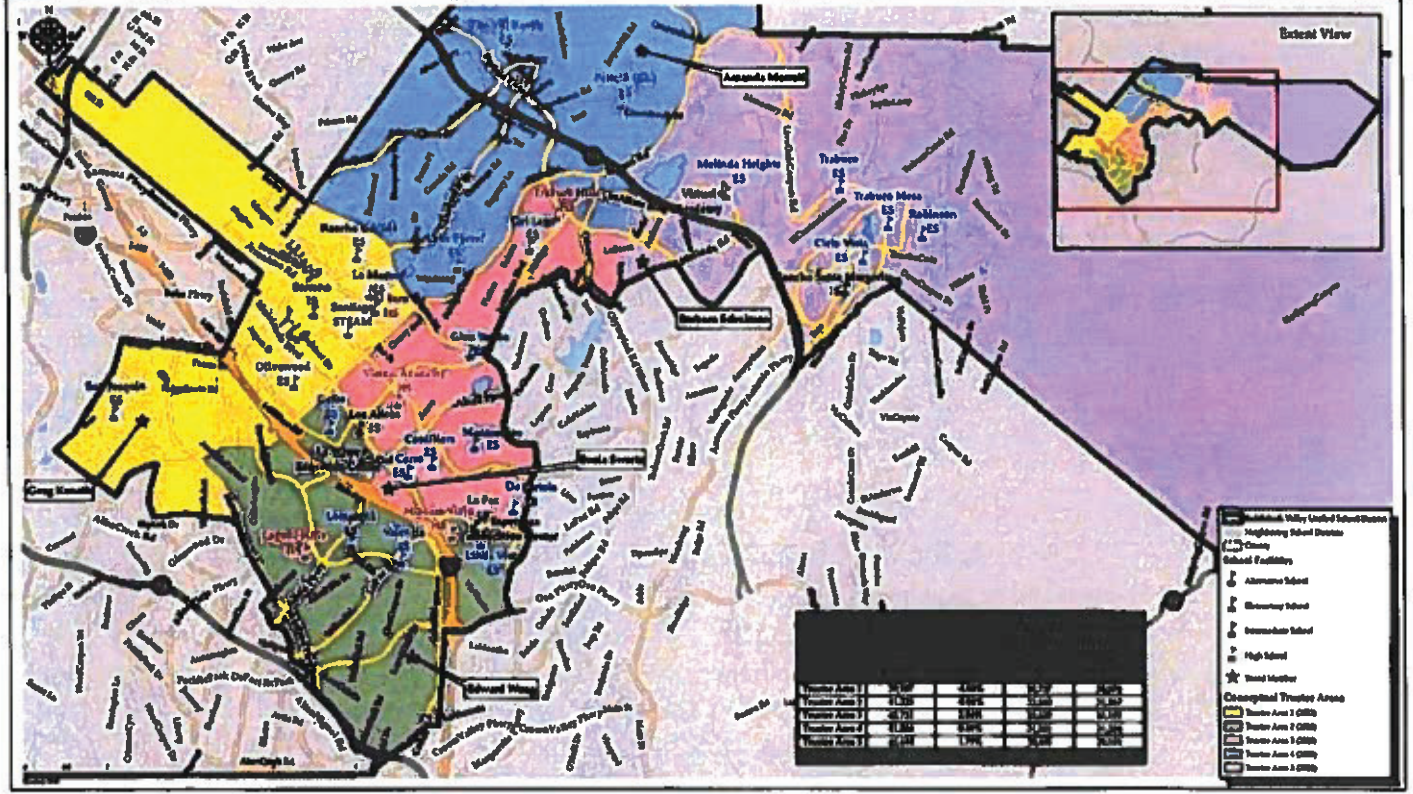


**EXHIBIT "A"**

**(Final Trustee Area Plan and Demographic Information)**

**SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT**

**CONCEPTUAL TRUSTEE AREA - SCENARIO 1**



**SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT**  
**CONCEPTUAL TRUSTEE AREAS - SCENARIO 1**

Total Population (Scenario 1)						
	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
<b>Population</b>	39,997	41,325	42,721	41,866	42,410	
<b>Population Variance</b>	-1,667	-399	1,057	202	746	6.54%
<b>Hispanic/Latino</b>	9,070	8,119	10,460	7,538	7,972	
	22.68%	19.65%	24.49%	18.01%	18.80%	
<b>White</b>	24,803	26,812	25,942	25,789	28,465	
	62.01%	64.88%	60.72%	61.60%	67.12%	
<b>Black/</b>	518	411	535	748	660	
<b>African American</b>	1.30%	0.99%	1.25%	1.79%	1.56%	
<b>American Indian/</b>	103	59	105	96	83	
<b>Alaska Native</b>	0.26%	0.14%	0.25%	0.23%	0.20%	
<b>Asian</b>	4,441	4,597	4,139	5,858	3,709	
	11.10%	11.12%	9.69%	13.99%	8.75%	
<b>Native Hawaiian/</b>	77	51	76	89	84	
<b>Other Pacific Islander</b>	0.19%	0.12%	0.18%	0.21%	0.20%	
<b>Other</b>	67	94	77	108	87	
	0.17%	0.23%	0.18%	0.26%	0.21%	
<b>Two or More Races</b>	918	1,182	1,187	1,640	1,350	
	2.30%	2.86%	2.78%	3.92%	3.18%	

Total Population (Scenario 2)						
	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
<b>Population</b>	32,737	33,660	32,639	31,001	30,605	
<b>Population Variance</b>	609	1,532	511	-1,127	-1,523	
	1.89%	4.77%	1.59%	-3.51%	-4.74%	
<b>Hispanic/Latino</b>	6,200	5,673	7,100	5,076	5,098	
	18.94%	16.85%	21.75%	16.37%	16.66%	
<b>White</b>	21,642	22,861	20,912	19,738	21,287	
	66.11%	67.92%	64.07%	63.66%	69.55%	
<b>Black/</b>	417	343	418	603	538	
<b>African American</b>	1.27%	1.02%	1.28%	1.95%	1.76%	
<b>American Indian/</b>	75	51	87	77	66	
<b>Alaska Native</b>	0.23%	0.15%	0.27%	0.25%	0.22%	
<b>Asian</b>	3,755	3,918	3,360	4,565	2,864	
	11.47%	11.64%	10.29%	14.73%	9.36%	
<b>Native Hawaiian/</b>	68	46	68	68	61	
<b>Other Pacific Islander</b>	0.21%	0.14%	0.21%	0.22%	0.20%	
<b>Other</b>	39	61	53	81	59	
	0.12%	0.18%	0.16%	0.26%	0.19%	
<b>Two or More Races</b>	541	707	641	796	632	
	1.65%	2.10%	1.96%	2.57%	2.07%	

Total Population (Scenario 3)						
	Trustee Area 1	Trustee Area 2	Trustee Area 3	Trustee Area 4	Trustee Area 5	Variance
<b>Population</b>	33,576	31,267	31,101	31,304	29,556	
<b>Population Variance</b>	2,215	-94	-260	-57	-1,805	
	7.06%	-0.30%	-0.83%	-0.18%	-5.75%	
<b>Hispanic/Latino</b>	4,921	4,310	5,339	4,232	4,385	
	14.66%	13.78%	17.17%	13.52%	14.84%	
<b>White</b>	22,493	21,633	21,050	20,857	20,689	
	66.99%	69.19%	67.68%	66.63%	70.00%	
<b>Black/</b>	451	560	399	625	611	
<b>African American</b>	1.34%	1.79%	1.15%	2.00%	2.07%	
<b>American Indian/</b>	69	140	150	68	10	
<b>Alaska Native</b>	0.21%	0.45%	0.48%	0.22%	0.03%	
<b>Asian</b>	4,968	4,080	3,516	4,638	3,012	
	14.80%	13.05%	11.31%	14.82%	10.19%	
<b>Native Hawaiian/</b>	47	38	119	10	39	
<b>Other Pacific Islander</b>	0.14%	0.12%	0.38%	0.03%	0.13%	
<b>Other</b>	0	0	0	0	0	
	0.00%	0.00%	0.00%	0.00%	0.00%	
<b>Two or More Races</b>	627	506	568	874	810	
	1.87%	1.62%	1.83%	2.79%	2.74%	



**RESOLUTION OF THE GOVERNING BOARD  
OF THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT  
Resolution No. 19:19-20**

**RESOLUTION AUTHORIZING THE SUBMISSION OF A GENERAL WAIVER REQUEST  
TO BE APPROVED BY THE STATE BOARD OF EDUCATION CONCERNING THE  
DISTRICT'S TRANSITION TO A BY-TRUSTEE AREA ELECTION SYSTEM**

A. On September 12, 2019, the Saddleback Valley Unified School District Governing Board ("Board") passed Resolution No. 09:19-20 initiating the process for the Saddleback Valley Unified School District ("District") to transition from an "at-large" election system to a "by-trustee area" election system commencing with the 2020 Board elections.

B. The Board believes that a transition to a by-trustee area election system will reduce the District's risk of costly litigation, especially since a successful plaintiff under the California Voting Rights Act ("CVRA") is entitled to reasonable attorneys' fees and experts' fees, creating great financial risk to any jurisdiction sued.

C. Although Education Code section 5020 normally requires a resolution approved by the local county committee on school district organization authorizing a change in the method of electing governing board members be submitted to the electorate for its approval at the District's next regular election, the State Board of Education is authorized to waive section 5020(a) and portions of sections 5019, 5021, and 5030 of the Education Code related to such election requirement.

D. Further, in passing Resolution No. 09:19-20, the Board expressed its intention to seek a waiver of the ballot requirement from the State Board of Education as permitted under Education Code sections 33050-33053. By seeking a waiver from the election requirement, the District will make sure the new by-trustee area election system is implemented by the 2020 Governing Board election, thereby reducing the risk of any potential liability to the District under the CVRA, in addition to reducing costs for the District associated with placing an item on the ballot.

E. In order to obtain a waiver from the State Board of Education, the District must comply with Education Code sections 33050 and 33051 and State Board of Education and California Department of Education regulations and requirements. Such requirements include conducting a noticed public hearing whereby the public may testify on the merits of obtaining a waiver from the State Board of Education and submitting a completed General Waiver Request form to the California Department of Education to be approved by the State Board of Education. Such requirements further include contacting the District bargaining units, advisory committees and councils.

F. On December 12, 2019, during a meeting of the Board, the Board convened a duly-noticed public hearing to solicit public testimony on the merits of obtaining a waiver of the election requirement from the State Board of Education.

**NOW, THEREFORE**, the Governing Board of the Saddleback Valley Unified School District does hereby resolve, order, and determine as follows:

1. The above recitals are true and correct.
2. That after receiving and considering public testimony at a duly-noticed public hearing, the Board hereby approves the application of a General Waiver Request, to be approved by the State Board of Education, seeking waiver of Education Code Section 5020 and portions of Sections 5019, 5021, and 5030, pertaining to the requirement that a change in the District's election system from an "at large" election system to a "by-trustee area" election system be presented to the electorate of the District.
3. That the District has consulted all collective bargaining units and shall note the collective bargaining units' positions regarding the waiver in the District's General Waiver Request.
4. That the District has consulted with all applicable advisory committees and councils regarding the waiver and shall note such consultation in the District's General Waiver Request.
5. The Board hereby authorizes and directs the Superintendent, or her designee, to submit a General Waiver Request to the California Department of Education, to be approved by the State Board of Education, seeking a waiver from the election requirement imposed by the Education Code sections noted herein, so as to ensure the timely implementation of the District's by-trustee area election system for the 2020 Governing Board elections, and to take all actions necessary to effect the intent of this resolution.
6. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on December 12, 2019, at a duly noticed meeting by the following vote:

AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 0

  
\_\_\_\_\_  
President of the Saddleback Valley USD Board of Education

STATE OF CALIFORNIA )  
 ) ss  
ORANGE COUNTY )

I, Suzie R. Swartz, Clerk of the Governing Board of the Saddleback Valley Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on December 12, 2019, by a vote of 5 to 0. IN WITNESS THEREOF, I have hereto set my hand this 12<sup>th</sup> day of December, 2019.

  
Clerk of the Saddleback Valley USD Board of Education

713-101/4599228.1