

NAPA VALLEY UNIFIED SCHOOL DISTRICT RESOLUTION NO. 20-26

RESOLUTION OF THE GOVERNING BOARD OF THE NAPA VALLEY UNIFIED SCHOOL DISTRICT OF INTENT TO TRANSITION FROM TO BY-DISTRICT TRUSTEE ELECTIONS FOR THE NOVEMBER 2020 ELECTION

WHEREAS, the Napa Valley Unified School District (“District”) is governed by a seven member Board of Trustees (“Board”); and

WHEREAS, members of the Board are currently elected under an “at large” system, in which each member of the Board must reside within the trustee area that they represent but is elected by the registered voters of the entire District; and

WHEREAS, the District is committed to structures that most effectively and equitably involve all community members in the democratic process of elections; and

WHEREAS, the California Voting Rights Act (CVRA) found at Elections Code, §§ 14025-14032, prohibits the use of “at large” elections where its use impairs the ability of a protected class to elect candidates of its choice, or its ability to influence the outcome of elections; and

WHEREAS, the District received a certified letter on January 16, 2020 from attorney Scott J. Rafferty, on behalf of “residents of the City of Napa, including members of the Napa County Progressive Alliance,” asserting that the District’s at-large electoral system may violate the CVRA, including some supporting evidence for that assertion, and stating that the District could be subject to litigation if it did not voluntarily make such change; and

WHEREAS, a violation of the CVRA may be established if it is shown that “racially polarized voting” occurs in elections in which the voters of the District vote, meaning voting in which there is a difference between: (a) the choice of candidates or other electoral choices that are preferred by voters in a protected class, and (b) the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (*see* California Elections Code §§ 14026(e), 14028); and

WHEREAS, the potential remedies in litigation brought under CVRA include a judicial order compelling a public entity to transition to district-based elections, and an award of the prevailing plaintiff’s attorneys’ fees and costs (*see* California Elections Code §§ 14029, 14030); and

WHEREAS, the California Legislature, in amendments to Elections Code section 10010, has provided a method whereby a public entity can expeditiously change to a by-district election system and cap any required payments of attorneys’ fees and costs to no more than \$30,000; and

WHEREAS, the cap under Elections Code section 10010 requires that a resolution of intent to transition to district-based elections be passed within 45 days of a public entity’s receipt of a demand letter, and that the transition be effectuated within 90 days thereafter; and

WHEREAS, while several public entities throughout the State have attempted to challenge similar legal efforts to change their elections, no such challenges have been successful, and such efforts have cost those public entities from tens of thousands to millions of dollars in attorneys’ fee awards and settlements; and

WHEREAS, the Board is cognizant of the financial impact which would result from any litigation to defend its current at-large election system and seeks to address this matter in a way which safeguards District funds for District students while supporting a re-examination of its trustee areas with a focus on equity and empowerment of communities of interest; and

WHEREAS, prior to any decision to establish trustee areas, Elections Code section 10010 requires a series of public hearings; and

WHEREAS, a voluntary change to the method of electing trustee members must be made by the County Committee on School District Organization (CCSD) at least 120 days prior to the first election to be conducted under the new method, and may be initiated by a resolution of the Governing Board of the District (see Education Code §§ 5019(c), 5019(d)); and

WHEREAS, upon approval of a voluntary change to the method of electing trustee members by CCSDO, either the change must be approved by voters at the next general election, or a waiver of voter approval must be granted by the State Board of Education at least 6 months prior to the date of the first election to be held under the new system (see: Education Code §§ 5019, 5021, 5030, 33050); and

WHEREAS, the transition to by-district area elections will not affect the current terms of any Board members,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- Part 1.** This Resolution indicates the District's intention to transition from at-large to by-district trustee elections.
- Part 2.** The Board directs the Superintendent and District staff to utilize the services of a demographer, and other consultants as needed, to provide an analysis of the District's current demographics and any other information or data necessary to prepare a draft map that divides the District into voting districts in a manner consistent with the intent and purpose of the California Voting Rights Act and the Federal Voting Rights Act.
- Part 3.** The Board will seek public input on the trustee area boundaries and will employ the steps in the attached timeline to effectuate this transition.

ADOPTED, SIGNED, AND APPROVED by the Governing Board of the Napa Valley Unified School District on ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
President, Board of Education, Napa Valley Unified School District

ATTEST:

By: _____
Secretary of the Board of Education, Napa Valley Unified School District