

**FONTANA UNIFIED SCHOOL DISTRICT**

November 22, 2021

**RESOLUTION NO. 21-29**

**RESOLUTION OF INTENT TO COMPLY WITH  
THE CALIFORNIA VOTING RIGHTS ACT**

**WHEREAS**, the Board believes the current at-large method of election has served the needs of the District and, as the District's policy-making body, the Board continues to adapt to ensure the District provides a high-quality educational experience to its students in accordance with the desires of the community, and federal and state laws; and

**WHEREAS**, the Fontana Unified School District ("District") does not have trustee areas for the members of its Board of Trustees ("Board"), and the District currently utilizes an "at-large" method of election to select Board members; and

**WHEREAS**, the Board is aware that under state law an at-large method of election may be subject to challenge under the California Voting Rights Act of 2001 ("CVRA"), California Elections Code § 14025, et seq.; and

**WHEREAS**, on or about October 11, 2021, the District received a letter from the law offices of Carlos R. Perez, which stated its belief that the at-large election system for Board members in the District has resulted in minority vote dilution in violation of the CVRA; and

**WHEREAS**, by-trustee area electoral systems are not vulnerable to challenge under the CVRA; and

**WHEREAS**, in a by-trustee area system of election, candidates for the Board must reside within a trustee area, and candidates are elected only by the voters of that trustee area; and

**WHEREAS**, transitioning to use of trustee areas and changing the election method is a time-consuming process, which provides for public input and the involvement of the County Committee on School District Organization; and

**WHEREAS**, the Board intends to comply with the CVRA, and if necessary for such compliance, will complete the process of transitioning to trustee areas, and election of Board members by trustee area, commencing with the November 2022 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 his designee to ensure the District is in compliance with the CVRA; and


**BE IT FURTHER RESOLVED** that the Board directs the Superintendent or his designee to 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 2022 election of members of the Board; and

**BE IT FURTHER RESOLVED** that the Board directs the Superintendent or his 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 2022 election.

**APPROVED, PASSED AND ADOPTED** by the Board of Trustees of the Fontana Unified School District this 22 day of November, 2021 at Fontana, in the County of San Bernardino, State of California, the by the vote of:

AYES: 4  
NOES: 1  
ABSTAIN: -  
ABSENT: -

The below-signed attests that he was present at the open session meeting of the Board of Trustees on November 22, 2021, and that a majority of the members approved this Resolution.

BY:   
Marcelino "Mars" J Serna  
President, Board of Trustees  
Fontana Unified School District

DATED: 11/22/21

ATTEST:   
Secretary, Board of Education