

RESOLUTION NO. 10-11-46

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
VISALIA UNIFIED SCHOOL DISTRICT APPROVING THE ADOPTION OF A
TRUSTEE-AREA PLAN, BASED ON THE 2010 CENSUS, FOR USE AT THE
DISTRICT'S NOVEMBER 2011 ELECTION AND SUBSEQUENT ELECTIONS**

WHEREAS, Visalia Unified School District ("VUSD" or "District") has historically elected members of its Board of Trustees using a "from-trustee area" electoral system, in which a candidate must reside within a given trustee area, but the candidate is elected by all the voters of the entire VUSD, rather than just by the voters of the trustee area in question; and

WHEREAS, the District currently has five trustee areas: one, corresponding to the boundaries of the former Visalia City School District, is a multi-member trustee area in which three trustees are elected, and four areas from each of which only one trustee is elected; and

WHEREAS, every ten years, following the release of the decennial Census, school districts that use trustee areas are required to evaluate the population of those trustee areas to determine whether they must redraw those areas to ensure compliance with constitutional one-person, one-vote requirements, *see* Cal. Educ. Code § 5019.5; Cal. Elec. Code § 22000; *Reynolds v. Sims*, 377 U.S. 533, 579 (1964); and

WHEREAS, in recent years Tulare County has been a focus of litigation activity under the California Voting Rights Act (Cal. Elec. Code §§ 14025-14032), which seeks to make it easier for minority voters to challenge "at large" voting systems, including "from-trustee area" voting systems like VUSD's; and

WHEREAS, though VUSD has not been threatened with litigation under the CVRA, it determined to proactively change its "from-trustee area" electoral system and adopt a "by-trustee area" electoral system, in which trustees are elected only by the voters in trustee area in which they reside, in conjunction with the rebalancing of the trustee areas' population following the release of the 2010 Census; and

WHEREAS, the VUSD initially adopted a resolution in early 2009, applying to the Tulare County Committee on School District Organization under Education-Code § 5019, to have its electoral system changed from "from-trustee area" elections to "by-trustee area" elections, beginning with the District's November 2013 election; and

WHEREAS, on December 14, 2010, following a duly-noticed public hearing, the Board of Trustees adopted a new resolution seeking to have the County Committee approve the use of the new electoral system for the November 2011 election, rather than waiting until 2013; and

WHEREAS, the County Committee approved the application for November 2011, following a duly-noticed public hearing, on December 16, 2010; and

WHEREAS, the Board of Trustees also adopted a resolution on December 14, 2010, following a duly-noticed public hearing and the required consultations, to seek a waiver from the State Board of Education of (1) the requirement that the change in electoral system be submitted to the voters and (2) the requirement that the County Committee approve the newly-adopted post-Censal trustee area plan; and

WHEREAS, those waivers were approved by the State Board of Education at its April 21, 2011 meeting; and

WHEREAS, the Tulare County Elections Department has indicated that it must have the final, adopted trustee areas by June 1 to implement them for the November 2011 election; and

WHEREAS, in 2009, in anticipation of redrawing its trustee area boundaries, the VUSD appointed a 27-member Citizens Advisory Committee (20 members and seven alternates), charged with the task of proposing criteria to the Board of Trustees to govern the process of redrawing the trustee area boundaries; and

WHEREAS, the Advisory Committee met numerous times over the course of nearly two years, and considered a multitude of criteria to govern the redistricting process; and

WHEREAS, at the Committee's request, the District's independent demographer, National Demographics Corporation ("NDC"), prepared three sample plans in 2010, based on then-available Census estimates (the 2010 Census data were not released until March 8, 2011); and

WHEREAS, one sample plan focused on using elementary school attendance areas as the basis of the new trustee areas; a second sample plan took the existing trustee areas as its starting point and attempted to preserve as much of the existing trustee area plan as possible while still complying with constitutional equal population requirements and the federal Voting Rights Act; and the third sample plan focused on creating a single, predominantly rural trustee area in the northern part of the VUSD; and

WHEREAS, these three sample plans, adjusted in light of the 2010 Census, formed the basis of the three draft plans initially proposed by NDC to the Board of Trustees at its April 26, 2011 meeting, incorporated herein; and

WHEREAS, on May 10, 2011, the Board of Trustees held a duly-noticed public hearing to solicit public testimony regarding the three draft plans presented by NDC; and

WHEREAS, Superintendent Wheaton also presented the three draft plans to a number of community groups in the weeks following NDC's April 26 presentation; and

WHEREAS, following the May 10 public hearing Superintendent Wheaton spoke to several individuals who expressed the view that each of the three draft plans was vulnerable to litigation under the federal Voting Rights Act; and

WHEREAS, on May 19, 2011, the Board held an additional, duly-noticed public “study session” to receive additional input regarding the plans with particular attention to the perceived basis of this risk of litigation; and

WHEREAS, representatives of the minority advocacy groups who had raised the possibility of litigation were specifically invited to attend the May 19 study session and present their concerns; and

WHEREAS, at that study session the president of the local chapter of the League of United Latin American Citizens (“LULAC”), Chapter 3124, made a presentation to the Board, urging that: (1) based on total population, proportional representation would result in three majority-Hispanic trustee areas in a fair redistricting plan; (2) evaluation of citizen voting age percentages should be based on data from the American Community Survey; and (3) to be an effective opportunity district/trustee area for Hispanic voters, there must be a spread of at least 10% between the Hispanic citizen voting age population and the non-Hispanic White citizen voting age population; and

WHEREAS, on May 20, in response to the commentary at the May 19 public study session and other comments throughout the process, NDC released two additional draft trustee area plans to the public, at Superintendent Wheaton’s request; and

WHEREAS, on May 23, 2011, a member of the public, Robert Quiroz, submitted a proposal for an additional redistricting plan; and

WHEREAS, NDC created an additional plan using the changes proposed by Mr. Quiroz, and met with Mr. Quiroz on May 24 to receive additional input from him regarding those proposed changes; and

WHEREAS, on May 24, 2011, the Board held an additional, duly-noticed public hearing to receive public testimony regarding each of the six proposed plans; and

WHEREAS, at the May 24 public hearing several members of the public again suggested the possibility of litigation if any of the proposed plans were adopted; and

WHEREAS, those individuals indicated that they could and would prepare a plan that they viewed to be legally sufficient; and

WHEREAS, the Board wished to have this additional input from members of the public and therefore continued the public hearing to May 31, 2011, to permit submission of an alternative map; and

WHEREAS, to comply with open meeting laws and to give the District sufficient time to analyze any additional proposals that were submitted to the District by members of the public the District asked that any additional maps be submitted no later than Friday, May 27, 2011; and

WHEREAS, to facilitate the drawing of this map the Board directed NDC to provide its demographic and geographic database to members of the public who requested it; and

WHEREAS, at 10:00 a.m. on May 25, 2011, the District provided NDC's demographic database and mapping files to Robert Quiroz, as requested; and

WHEREAS, Staff's analysis of the Plan submitted by Mr. Quiroz on May 23, and all plans submitted by the public following the May 24 public hearing, is contained in the supplemental staff report incorporated into Exhibit "A" hereto; and

WHEREAS, the Board reconvened the public hearing on May 31, 2011, to receive and consider any additional trustee area maps submitted by members of the public; and

WHEREAS, the Board has considered all public comment on the Plans; and

WHEREAS, the Board desires to adopt Plan E based upon the findings, analysis and recommendations contained in the May 20, 2011 staff report and the May 27, 2011, supplemental staff report, attached hereto and incorporated herein as Exhibit "A";

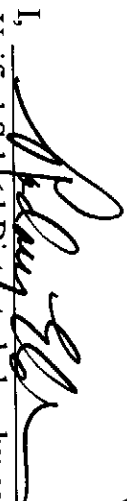
NOW THEREFORE, be it resolved by the Board of Education of the Visalia Unified School District as follows:

1. That the above recitals are true and correct.
2. That the Board hereby proposes a revision to its current trustee area boundaries and adopts Plan E, attached hereto as Exhibit "B" and incorporated herein by this reference, for use at the District's November 2011 election and subsequent elections until a further re-alignment is required pursuant to Education Code § 5019.5, following the release of the 2020 Census.
3. That the Superintendent and/or his designee take all actions necessary to to permit implementation of these changes at the November 2011 Board election.

ADOPTED, SIGNED AND APPROVED this 31st day of May, 2011.



President of the Governing Board for the
Visalia Unified School District

I, , Clerk of the Governing Board of the Visalia Unified School District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of said Board held on the 31st day of May, 2011, and that it was so adopted by the following vote:

AYES: Elder, Fulmer, Jones, Martin, Qualls, and Umschneider
NOES: Chaney
ABSTAIN: None
ABSENT: None



Clerk of the Governing Board of the Visalia Unified
School District

EXHIBIT “A”

**ORIGINAL MAY 20, 2011 STAFF REPORT ON TRUSTEE AREAS
AND MAY 27, 2011 SUPPLEMENTAL STAFF REPORT**