



BEFORE THE LINDEN UNIFIED SCHOOL DISTRICT GOVERNING BOARD:

**RESOLUTION TO THE SAN JOAQUIN COUNTY COMMITTEE ON  
SCHOOL DISTRICT ORGANIZATION TO APPROVE AND  
ESTABLISH TRUSTEE AREAS AND AN ALTERNATE METHOD  
OF ELECTION IN THE  
LINDEN UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 101613-R8**

**WHEREAS**, the Linden Unified School District (“District”) currently uses the Education Code §5030 (c) election process, i.e., each governing board member is elected by the registered voters of the entire school district but resides in the trustee area which he or she represents, to elect its governing board members; and,

**WHEREAS**, at-large electoral systems as described above are subject to challenge under the California Voting Rights Act of 2001 (“CVRA”), codified at sections 14025 – 14032 of the California Elections Code; and,

**WHEREAS**, several school districts in California have been sued or threatened with lawsuits for alleged violations of the CVRA by groups that have filed several such lawsuits over the past few years as a result of such districts’ at-large election systems; and,

**WHEREAS**, by-trustee area electoral systems, i.e., one member residing in a trustee area and elected by the registered voters of that particular trustee area, are not vulnerable to challenge under the CVRA; and

**WHEREAS**, one method of transitioning from an at-large electoral system to a by-trustee area electoral system is for the school district governing board to petition the local county committee on school district organization by resolution to initiate the transition under Education Code §5019 (c)(1); and,

**WHEREAS**, the San Joaquin County on School District Organization (“Committee”) has indicated it will initiate this process on behalf of the District at the District’s request and will consider any recommendation on specific trustee areas made by the District; and,

**WHEREAS**, in an effort to avoid the potential cost, expense, and uncertainty inherent in such litigation, the District desires to proceed to change its current at-large election system; and,

**WHEREAS**, the County Superintendent commissioned a demographic study based on 2010 decennial census data and provided to the Board draft adjusted trustee area boundary plans for the Board’s consideration; and,

**WHEREAS**, the Board has presented and considered all public input and comment on the trustee area boundary plans on February 13, 2013, March 20, 2013, April 17, 2013, May 15, 2013, June 19, 2013, July 17, 2013, August 21, 2013, and September 18, 2013 at the Governing Board’s regularly scheduled meetings; and,

**WHEREAS**, the Board desires to adopt Exhibit "A" and hereby recommends Exhibit "A" to the Committee for its consideration based on the findings and analysis incorporated herein as Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the Linden Unified School District hereby finds the foregoing recitals to be true and correct; and,

**BE IT FURTHER RESOLVED**, that the Board hereby adopts a by-trustee area electoral system; and,

**BE IT FURTHER RESOLVED**, that the Board hereby adopts the proposed trustee voting areas and recommends Exhibit "A" to the Committee for consideration and adoption; and,

**BE IT FURTHER RESOLVED**, that the Board requests that the revised trustee areas be implemented for the 2014 election; and,

**BE IT FURTHER RESOLVED**, that the Superintendent and/or his designee take all actions necessary to notify the Committee of the Board's determination forthwith and provide whatever assistance may be required by the Committee to complete the process.

**APPROVED, PASSED, and ADOPTED** by the Governing Board of the Linden Unified School District hereby in the County of San Joaquin, State of California, this 16th\_ day of October 2013, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
President, Linden Unified School District

**CERTIFICATE OF THE CLERK**

I, Leo Zuber, Secretary to the Governing Board of the Linden Unified School District, hereby certify that the foregoing is a full, true and correct copy of Resolution No. 101613-R8 duly adopted at a meeting of the Linden Unified School District hereby duly held at the meeting place thereof on the 16<sup>th</sup> day of October, 2013, of which meeting all of the members of such Governing Board of the Linden Unified School District hereby had due notice and at which a majority thereof were present; and that at such meeting this Resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

I further certify that I have carefully compared the same with the original minutes of such meeting on file and of record in my office; the foregoing Resolution is a full, true and correct copy of the original Resolution adopted at such meeting and entered in such minutes; and that such Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: October 16, 2013

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Clerk, Linden Unified School District

**Exhibit "A"**

**Trustee Area Plan and Map**

**TO BE DETERMINED**