

LOWELL JOINT SCHOOL DISTRICT

RESOLUTION 2017/18 NO. 711

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
LOWELL JOINT SCHOOL DISTRICT OF LOS ANGELES
AND ORANGE COUNTIES, CALIFORNIA,
ESTABLISHING CRITERIA FOR DEVELOPING TRUSTEE AREA BOUNDARIES**

WHEREAS, the Lowell Joint 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, by Resolution 2017/18 No. 703, the Board has expressed its intent to change to the "by-trustee area" election methodology, pursuant to which each trustee must reside within a designated trustee area and is elected only by the voters in that trustee area in time for the Board's November 2018 election; and

WHEREAS, the Federal Voting Rights Act of 1965 § 2; 52 U.S.C. § 10301 (formerly 42 U.S.C. section 1973) prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure, in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color; and

WHEREAS, federal law and the Equal Protection Clause require that each trustee area be equal in population to ensure compliance with the "one person, one vote" rule; however, deviations (less than five percent [5%] greater than or less than the average sized area, for a total of ten percent [10%] deviation) are presumptively constitutional under the Equal Protection Clause; and

WHEREAS, the Board has retained an experienced demographic consulting firm, National Demographics Corporation ("NDC") and experienced legal counsel to advise it on the process of preparing a trustee area plan for submission to the County Committee; and

WHEREAS, the Board now wishes to adopt criteria to guide the establishment of trustee areas consistent with legal requirements, including reasonably equal population and Section 2 of the Federal Voting Rights Act, and which address other concerns and considerations important to the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Lowell Joint School District hereby finds the foregoing recitals to be true and correct; and

BE IT FURTHER RESOLVED that the Board hereby adopts the following criteria to guide the establishment of trustee areas for the elections of members of Board:

1. Each trustee area shall contain a nearly equal number of inhabitants;
2. Trustee area borders shall be drawn in a manner that complies with the Federal Voting Rights Act;
3. Trustee areas shall consist of contiguous territory in as compact a form as possible given the other criteria set forth herein;
4. Trustee area borders shall respect communities of interest as much as possible;
5. The boundaries of the trustee areas shall observe topography and geography, such as man-made geographical features including freeways, highways and major streets, etc. as natural divisions between trustee areas, insofar as practicable;
6. Trustee area borders shall consider school attendance zone boundaries;
7. Trustee area borders shall consider jurisdictional boundaries as much as possible;
8. Trustee area borders shall attempt to avoid head-to-head contests between incumbent members of the Board insofar as this does not conflict with federal or state law; and
9. Trustee areas known to be areas of higher-than-average population growth in the two to five years following the establishment of trustee areas may be underpopulated within the population deviation amounts allowed by law.

BE IT FURTHER RESOLVED that the Superintendent or his designee is hereby authorized and directed to instruct the professional demographer to formulate two or more trustee area plan scenarios based upon the criteria specified above for review by the public at public hearings and for consideration by the Board at future meetings.

BE IT FURTHER RESOLVED, that the Superintendent or his designee shall be authorized to take any additional acts needed to effectuate the purpose and intent of this resolution.

APPROVED AND ADOPTED this 2nd day of October, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Jim Coombs, Secretary to the Board of Trustees of the Lowell Joint School District of Los Angeles and Orange Counties, California, hereby certify that the above and foregoing