

RESOLUTION NO. 2021202207

**RESOLUTION OF THE BOARD OF EDUCATION OF
THE KNIGHTS FERRY ELEMENTARY SCHOOL DISTRICT
AUTHORIZING REQUEST FOR WAIVER OF THE REQUIREMENT
THAT THE REDUCTION OF THE NUMBER OF
GOVERNING BOARD MEMBERS BE SUBMITTED TO
THE ELECTORS AS SET FORTH IN EDUCATION CODE SECTION 5020**

WHEREAS, the Knights Ferry Elementary School District (“District”) currently elects five (5) Governing Board Members; and

WHEREAS, pursuant to Education Code sections 5019 and 5020, a District may reduce the number of its Governing Board Members from five (5) members to three (3) members; and

WHEREAS, on September 9, 2021, the District Governing Board adopted a resolution initiating the process of reducing the number of Governing Board Members from five (5) members to (3) members due to an established inability of the District to appoint or elected a sufficient number of Board members to allow the District Governing Board to lawfully perform its’ duties; and

WHEREAS, under the provisions of Education Code section 5020, the reduction of governing board members must be put to a vote by the electors of the District; and

WHEREAS, to avoid the cost, expense and uncertainty of result of such an election and to insure a timely reduction in the number of Governing Board Members in time for the District’s next regularly-scheduled governing board member election, the District must obtain a waiver of the election process of Education Code section 5020 from the State Board of Education; and

WHEREAS, Education Code section 33050 *et seq.* allows the governing board of a school district to request the State Board of Education to waive all or part of any section of the Education Code or any regulation adopted by the State Board of Education that implements a provision of the Education Code, subject to certain exceptions; and

WHEREAS, Education Code section 5020 are not listed as exceptions in Education Code section 33050 *et seq.* and can thus be waived; and

WHEREAS, to obtain a waiver, the District must comply with Education Code and California Department of Education and State Board of Education regulations; and

WHEREAS, the District must consult with all collective bargaining units; and

WHEREAS, the District must consult with any advisory and other committees or councils with an interest in the waiver; and

WHEREAS, the District must conduct a properly noticed public hearing, at which time the public may testify on the merits of obtaining a waiver from the State Board of Education; and

WHEREAS, the District must submit a complete General Waiver Request form to the California Department of Education; and

NOW THEREFORE, be it resolved by the Board of Education of the Knights Ferry Elementary School District as follows:

1. That the above recitals are true and correct.
2. That the Board hereby declares the Board's intention to seek a waiver of Education Code section 5020 pertaining to the requirement that the reduction of Governing Board Members be put to a vote by the electors of the District.
3. That the District has consulted all collective bargaining units, made every effort to include them as a participant in the waiver process and shall note the collective bargaining units' position regarding the waiver in the District's General Waiver Request.
4. That the District has consulted all committees and councils with an interest in the waiver, and shall note the position of such groups regarding the waiver in the District's General Waiver Request.
5. That the District distributed a notice specifically inviting public testimony regarding the waiver, and said notice was printed in a newspaper of general circulation and included the date, time, location and subject of the hearing.
6. That on November 18, 2021, the District conducted a properly noticed public hearing held during a board meeting at which time the public was able to testify on the waiver proposal.
7. That the District's Superintendent/Superintendent and/or her designee, is authorized and directed to submit a General Waiver Request to the California Department of Education, seeking a waiver of the requirement that the reduction of Governing Board Members be put to a vote by the electors of the District under Education Code section 5020 in order to insure the timely reduction of the District's Governing Board Membership.

ADOPTED, SIGNED AND APPROVED this 18th day of November, 2021.

President of the Governing Board for the
Knights Ferry Elementary School District

I, _____, Clerk of the Governing Board of the Knights Ferry Elementary 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 ____ day of November, 2021, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Clerk of the Governing Board of the
Knights Ferry Elementary School District