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6 **Attorneys for Petitioner/Contestant Jennifer Estrada and Petitioner  
Greenfield Union School District**

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF KERN

10 JENNIFER ESTRADA,  
11 Petitioner/Contestant,  
12 vs.  
13 MERCY PEÑA,  
14 Respondent/Defendant

15 \_\_\_\_\_  
16 JENNIFER ESTRADA and GREENFIELD  
UNION SCHOOL DISTRICT,  
17 Petitioners,  
18 vs.  
19 KERN COUNTY ELECTIONS DIVISION,  
20 Respondent.

21 \_\_\_\_\_  
22 RICARDO HERRERA,  
23  
24 Real Party in Interest.

*Expedited Hearing Requested  
(Elections Code Section 16500)*

Case No.: BCV-24-104155

[Hon. Bernard C. Barmann, Jr.]

**DECLARATION OF SUPERINTENDENT  
RAMÓN HENDRIX IN SUPPORT OF  
PETITIONERS' EX PARTE APPLICATION  
RE: PETITIONERS' REQUEST FOR  
EXPEDITED HEARING ON SECOND  
AMENDED PETITION FOR WRIT**

Ex Parte on Expedited Hearing:

Date: January 10, 2025  
Time: 8:30 a.m.  
Division: H  
Location: Metro Justice Building  
1215 Truxtun Avenue  
Bakersfield, California 93301

Case Management Conference:

Date: February 7, 2025  
Time: 8:30 a.m.  
Division: H  
Location: Metro Justice Building  
1215 Truxtun Avenue  
Bakersfield, California 93301

Date Action Filed: December 4, 2024

Trial Date: TBD

1 I, RAMÓN HENDRIX, declare as follows:

2 1. I have personal knowledge of the facts set forth in this Declaration and, if called  
3 as a witness, could competently testify regarding its contents.

4 2. I am Superintendent for the Greenfield Union School District (“District”).

5 3. The attached (**Exhibit A**) Resolution No. 12-1, contains the governing resolution  
6 for the Greenfield Union School District of Kern County election system since November of  
7 2012. On August 24, 2011, pursuant to Education Code 5019(c) and 5030(b), the Board of  
8 Trustees of the GUSD approved Resolution 12-1, which changed its system for electing  
9 trustees or governing board members from an “at-large” district to a “by-trustee” district.

10 4. In 2016, GUSD Trustee Area C voters elected Mr. Ricardo Herrera as the Trustee  
11 for Area C of the District. He has served continually and been reelected since that time. Mr.  
12 Herrera ran for reelection in the recent November 5, 2024 election against Ms. Peña for the  
13 GUSD Trustee Area C position.

14 5. According to the final, erroneous vote count from the Kern County Elections  
15 Division, Mercy Peña won the election by just 8 votes over incumbent Ricardo Herrera.

16 6. Citing the Elections Code section 15372 deadline to certify the results by  
17 December 5, 2024, Respondent Elections Division certified improper election results for  
18 Petitioner GUSD’s governing board on December 5, 2024.

19 7. This election error and certification has impacted the accuracy and integrity of the  
20 election, including throwing into doubt which candidate may have actual won and  
21 disenfranchising voters in the affected area.

22 8. Prior to certification, Respondent Elections Division’s counsel made clear to  
23 counsel for Petitioner GUSD’s counsel that the County would certify the results regardless of  
24 this issue “without a Court order” and Respondent Elections Division has confirmed that even  
25 now they will not act to correct the election issues until a Court order ensues.

26 9. Per the District’s bylaws, the District is required to seat the certified winner of the  
27 election at an organizational meeting following the certification of a new Trustee election.

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10. As a result of the Respondent Elections Division’s certification of the results, I am informed that the District seated the County-certified candidate Ms. Peña and replaced Mr. Herrera at its Board meeting on December 18, 2024.

11. As it currently stands, many of the District’s constituents have been undisputedly disenfranchised and the Board is forced to operate without knowing the true outcome of the Area C Trustee election, casting doubt and complicating District operations which has scheduled Board meetings on January 8, 2025 and February 5, 2025 that directly affect local families and children and impact the community as a whole.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed day, January 8, 2025, at Bakersfield, California.

DocuSigned by:  
*Ramon Hendrix*  
07528098CC20490...  
\_\_\_\_\_  
RAMÓN HENDRIX

# **EXHIBIT A**

**BEFORE THE GOVERNING BOARD OF THE  
GREENFIELD UNION SCHOOL DISTRICT OF KERN COUNTY**

In the Matter of the Establishment  
of Trustee Areas

RESOLUTION NO. 12-1

A Resolution by the Governing Board  
Regarding Change in Election System  
and Approval of the Adoption of a  
Trustee Area Plan Based on the 2010  
Census for Use at the November 2012  
and Subsequent Governing Board  
Elections

**RECITALS**

1. California Education Code sections 5019(a) & (c)(l) and 5030 authorize the Kern County Committee on School District Organization ("County Committee"), upon application of a school district's governing board, to change the method of election in a school district under its jurisdiction; and
2. Members of the Board of Trustees of the Greenfield Union School District of Kern County, California ("School District" or "District") are currently elected in "at-large" elections, i.e., elections in which "each governing board member [is] elected by the registered voters of the entire school district" [Education Code section 5030(a)]; and
3. It is, however, the considered view of the Board of Trustees that the public interest may be well-served by election of its governing board members in "by- trustee area" elections, i.e., elections in which "one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area" [Education Code section 5030(b)]; and
4. The Board of Trustees held a public hearing on June 8, 2011 to receive comment from the public about the criteria that should guide the establishment of trustee areas, including identification of communities of interest; and
5. The Board of Trustees adopted a resolution on June 8, 2011 specifying criteria to guide the establishment of trustee areas, including compliance with the requirements of the United States Constitution concerning reasonable equality in population among trustee areas, and compliance with Section 2 of the federal Voting Rights Act, 42 U.S.C. section 1973, prohibiting the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure, including establishing trustee areas, 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,

6. The Board's June 8, 2011 resolution further authorized the Superintendent to request the District's independent demographer, National Demographics Corporation ("NDC"), to prepare multiple sample trustee area plans based on 2010 Census data and the adopted criteria; and

7. National Demographics Corporation prepared four sample trustee area plans based upon 2010 Census data and the adopted criteria, which were presented to the Board at its June 22, 2011 meeting and posted on the District's web site; and

8. At its June 22, 2011 meeting, the Board held a duly-noticed public hearing to solicit public testimony regarding the draft plans presented by NDC; and

9. At its July 27, 2011 meeting, the Board again considered the trustee area plans prepared by NDC, with opportunity for public comment; and

10. At the July 27, 2011 meeting, the Board identified Plan 2 as its preferred scenario; and

11. At its July 27, 2011 meeting, the Board held an additional public hearing for the purpose of soliciting public testimony regarding the draft plans presented by NDC, and in particular, the plan identified by the Board as its preferred scenario; and

12. After discussion and consideration of all input, the Board desires to adopt Plan 2;

13. Among others, the Board considered the following factors in considering the selection of a trustee area plan: Plan 2 met legal requirements with respect to equality of population, containing of a deviation of 4.29 percent in total population among the five trustee areas. Only Plans 1, 2 and 4 met legal requirements with respect to compliance with section 2 of the Federal Voting Rights Act. Plan 2 contains two majority Hispanic citizen voting age population trustee areas, and all five trustee areas reflect a majority of Hispanic voting age population. Plan 2 also met the following Board-adopted criteria: the plan used geography and topography within the District in determining boundaries, while respecting whole census geography. No communities of interest came forward seeking special treatment; however, the plan does feature two trustee areas reflecting African-American citizen voting age population in excess of 16 percent, while African-American citizen voting age population District-wide is only 10.8 percent. Plan 2 meets the requirements for cohesiveness, integrity, compactness, contiguity of territory. The plan also took into account jurisdictional boundaries and the location of public facilities, specifically school attendance zones, to the extent possible. Plan 2 did not meet the criterion calling for avoidance of head-to-head election contests due in part to

the fact that three incumbents reside in very close proximity to one another. Two of the trustee areas contain the residences of two trustees each; two trustee areas do not incorporate the residences of any incumbents.

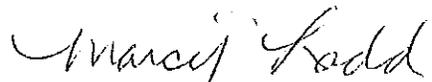
NOW, THEREFORE, BE IT RESOLVED as follows:

- A. The above recitals are true and correct.
- B. The Board resolves to change its election system to a "by-trustee area" election system as authorized by Education Code sections 5019(c) and 5030(b).
- C. The Board adopts Plan 2, attached hereto as Exhibit "A" and incorporated by reference, as the trustee area plan for use at the District's November 2012 and subsequent governing board elections, until a realignment is required pursuant to Education Code section 5019.5, following the release of the 2020 Census.
- D. The Superintendent is authorized and directed to take all actions necessary to permit implementation of these changes at the November 2012 governing board election, including filing the resolution to change election systems and trustee area plan with the Kern County Committee on School District Organization for approval.
- E. The Superintendent shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

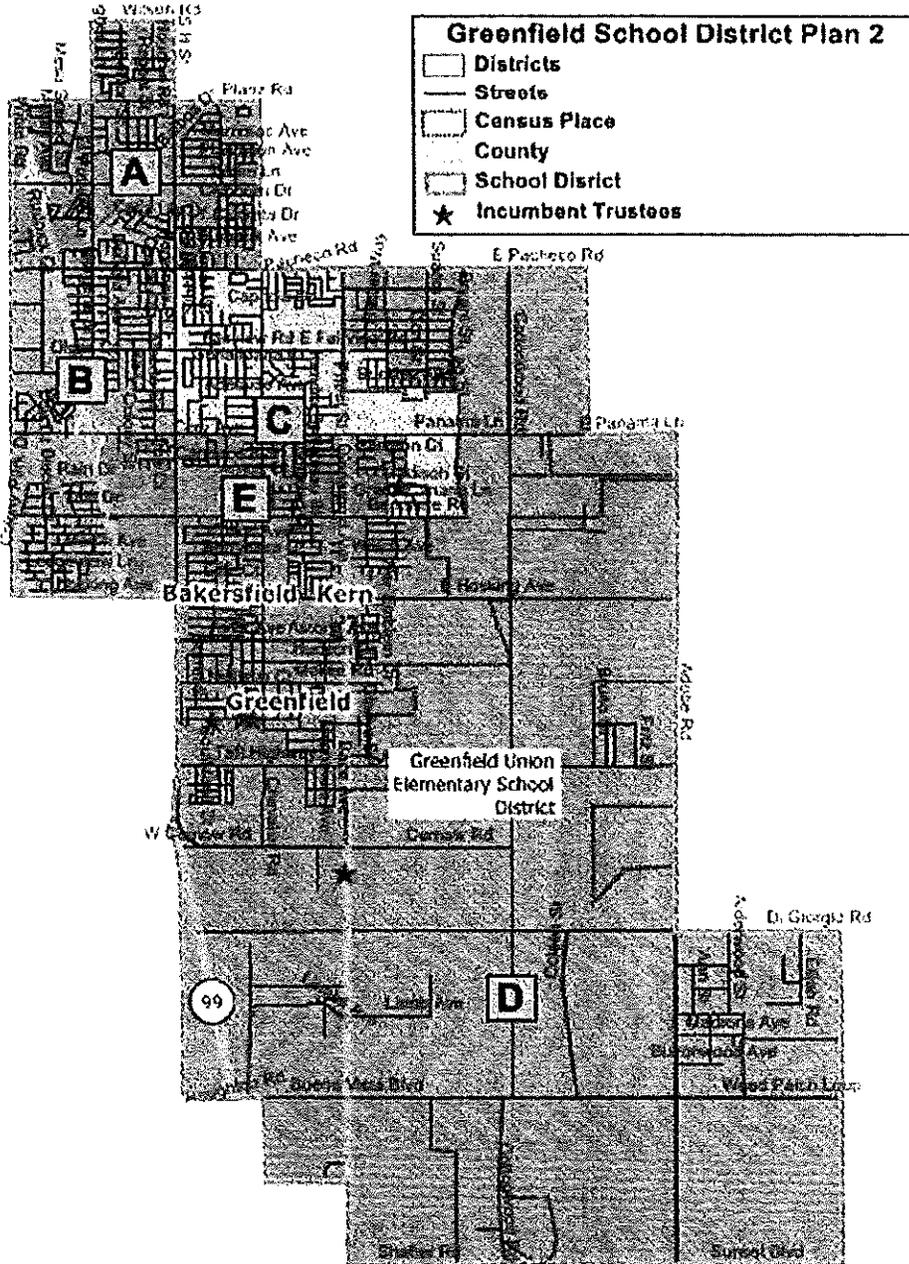
THE FOREGOING RESOLUTION was adopted upon motion by Trustee Shaw, seconded by Trustee Bowman, at a regular meeting held on July 27, 2011, by the following vote:

AYES: 4  
NOES: 1  
ABSENT: 0

DATED: July 27, 2011

  
\_\_\_\_\_  
President, Board of Trustees  
Greenfield Union School District

# EXHIBIT A



# Plan 2 Statistics

Abbreviations:  
 Dev. = Deviation  
 Hisp = Hispanic  
 NH = "Non-Hispanic"  
 Wht = White  
 Blk = Black / African American  
 Ind = Native American  
 Asn = Asian American  
 Haw or Hwn = Hawaiian and Pacific Islander  
 Oth = Other  
 OthMR or MR = Multi-Race  
 \*DOJ\* = Aggregated according to U.S. Department of Justice guidance  
 CVAP = Citizen Voting Age Population

Dist	Tot. Pop.	Dev.	% Dev.	NH										
				Hisp	Wht	Blk	Ind	Asn	Hwn	Oth	MR	DOJ	DOJ	
A	9,823	-17	-0.17%	5,773	2,273	1,103	87	473	4	46	64			
B	10,039	199	2.02%	6,359	1,942	902	75	629	9	34	89			
C	9,989	149	1.51%	7,344	1,418	845	74	239	15	22	32			
D	9,617	-223	-2.27%	6,535	2,332	316	130	251	8	22	23			
E	9,732	-108	-1.10%	7,317	1,185	466	50	621	4	54	35			
Total	49,200	422	4.29%	33,328	9,150	3,632	416	2,213	40	178	243			
Ideal	9,844													

Dist	18+ Pop	NH18+										Asn +							
		Hisp	Wht	Blk	Ind	Asn	Hwn	Oth	MR	DOJ	DOJ	DOJ	DOJ	DOJ	DOJ	DOJ			
A	6,693	3,529	1,940	709	73	371	4	26	41	3,088	1,047	49	42	91	1,367	382	15	21	36
B	6,488	3,747	1,560	562	59	482	6	19	53	3,044	1,371	78	35	113	1,317	517	25	8	33
C	6,234	4,345	1,119	487	52	184	10	18	19	2,726	1,400	31	36	67	1,082	491	15	13	28
D	6,337	3,924	1,905	180	98	194	8	14	14	2,646	1,160	36	21	57	1,129	405	15	6	21
E	6,065	4,303	923	275	30	471	3	38	22	2,441	1,364	93	27	126	1,038	523	37	11	48
Total	31,817	19,848	7,447	2,213	312	1,702	31	115	149	13,865	6,342	287	161	448	5,933	2,318	107	59	166

Dist	Special Tabulation										American Community Survey (ACS)									
	Total	Hisp	NH Wht	NH Blk	NH Ind	NH Asn	NH Ind	NH Hwn	NH MR	Total	Hisp	NH Wht	NH Blk	NH Asn	NH Ind	NH Hwn	NH MR	NH Oth		
A	5,156	1,744	2,169	851	107	67	0	215	5,329	1,965	2,232	681	136	133	0	368	1,108			
B	4,786	1,858	2,056	512	191	41	1	120	4,643	1,804	1,941	472	205	86	1	281	972			
C	3,311	1,312	1,288	533	137	10	0	32	3,364	1,340	1,249	526	121	15	0	129	667			
D	3,492	1,753	1,430	101	106	18	0	76	3,475	1,743	1,390	109	107	30	0	149	868			
E	3,349	1,683	1,300	168	116	1	0	82	3,350	1,684	1,286	177	116	10	0	158	845			
Total	20,095	8,351	8,243	2,165	658	137	1	525	20,161	8,536	8,098	1,965	684	273	1	1,085	4,460			

# Plan 2 Percentages

Abbreviations:  
 Dev. = Deviation  
 Hisp = Hispanic  
 NH = "Non-Hispanic"  
 Wht = White  
 Blk = Black / African American  
 Ind = Native American  
 Asn = Asian American  
 Haw or Hwn = Hawaiian and Pacific Islander  
 Oth = Other  
 OthMR or MR = Multi-Race  
 \*OOJ\* = Aggregated according to U.S. Department of Justice guidance  
 CVAP = Citizen Voting Age Population

Dist	% Hisp	% NH						
		Wht	Blk	Ind	Asn	Hwn	Oth	OthMR
A	58.8%	23.1%	11.2%	0.9%	4.8%	0.0%	0.5%	0.7%
B	63.3%	19.3%	9.0%	0.7%	6.3%	0.1%	0.3%	0.9%
C	73.5%	14.2%	8.5%	0.7%	2.4%	0.2%	0.2%	0.3%
D	68.0%	24.2%	3.3%	1.4%	2.6%	0.1%	0.2%	0.2%
E	75.2%	12.2%	4.8%	0.5%	6.4%	0.0%	0.6%	0.4%
Total	67.7%	18.6%	7.4%	0.8%	4.5%	0.1%	0.4%	0.5%

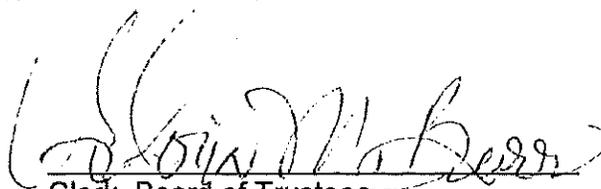
Dist	% NH18+									% Asn				Asn +			
	Pop	Wht	Blk	Ind	Asn	Hwn	Oth	OthMR	Reg	Reg	Reg	Reg	Vote	Vote	Vote	Vote	
A	52.7%	29.1%	10.6%	1.1%	5.5%	0.1%	0.4%	0.6%	34.8%	1.6%	1.4%	3.0%	27.9%	1.1%	1.5%	2.6%	
B	57.8%	24.0%	8.7%	0.9%	7.4%	0.1%	0.3%	0.8%	45.0%	2.6%	1.1%	3.7%	39.3%	1.9%	0.6%	2.5%	
C	69.7%	17.9%	7.8%	0.8%	3.0%	0.2%	0.3%	0.3%	51.4%	1.1%	1.3%	2.5%	45.4%	1.4%	1.2%	2.6%	
D	61.9%	30.1%	2.8%	1.5%	3.1%	0.1%	0.2%	0.2%	43.8%	1.4%	0.8%	2.2%	35.9%	1.3%	0.5%	1.9%	
E	70.9%	13.2%	4.5%	0.5%	7.8%	0.0%	0.6%	0.4%	55.9%	3.8%	1.1%	4.9%	50.4%	3.6%	1.1%	4.6%	
Total	62.4%	23.4%	7.0%	1.0%	5.3%	0.1%	0.4%	0.5%	45.7%	2.1%	1.2%	3.2%	39.1%	1.8%	1.0%	2.8%	

Dist	Special Tabulation							American Community Survey (ACS)							
	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Atn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Oth CVAP
A	33.8%	42.1%	16.5%	2.1%	1.3%	0.0%	4.2%	36.9%	41.9%	12.8%	2.6%	2.5%	0.0%	6.9%	20.8%
B	38.8%	43.0%	10.7%	4.0%	0.9%	0.0%	2.5%	38.8%	41.8%	10.2%	4.4%	1.9%	0.0%	6.1%	20.9%
C	39.6%	38.9%	16.1%	4.1%	0.3%	0.0%	1.0%	39.8%	37.1%	15.6%	3.6%	0.5%	0.0%	3.8%	19.8%
D	50.2%	41.0%	2.9%	3.0%	0.5%	0.0%	2.2%	50.2%	40.0%	3.1%	3.1%	0.9%	0.0%	4.3%	25.0%
E	50.3%	38.8%	5.0%	3.5%	0.0%	0.0%	2.4%	50.3%	38.4%	5.3%	3.5%	0.3%	0.0%	4.7%	25.2%
Total	41.6%	41.0%	10.8%	3.3%	0.7%	0.0%	2.6%	42.3%	40.2%	9.7%	3.4%	1.4%	0.0%	5.4%	22.1%

## CERTIFICATION

I, Gloria M. Burr, Clerk to the Board of Trustees of the Greenfield Union School District, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on July 27, 2011.

DATED: August 24, 2011

A handwritten signature in cursive script, appearing to read "Gloria M. Burr", written over a horizontal line.

Clerk, Board of Trustees  
Greenfield Union School District