



Policy

2110 Vacancies on the Board

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect.

A vacancy on the Board of Trustees shall be filled by governing Board provisional appointment or by an election of the registered voters of the District called by the governing Board, except when the vacancy occurs near the end of the term of the incumbent, as provided by law.

Within 60 days of the vacancy or filing of a deferred resignation, the Board shall determine whether to order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date no less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for Board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

Resignations from the Board shall be governed by Education Code Section 5090.

The Chancellor shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

References:

Education Code Sections [5090 et seq.](#); Government Code Section [1770](#)

Adopted: May 7, 2002

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Last Reviewed: February 10, 2016

Administrative Procedure

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When the Board determines to fill the vacancy by election or appointment, the Chancellor shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting the announcement in three public places in the District and publication in a newspaper of general circulation.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board.

Persons applying for appointment to the Board shall receive a letter from the Chancellor containing information about the District and the Board, and including a candidate information sheet to be completed and returned by a specific date.

If the Board elects to fill a vacancy by appointment, the Board shall request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all Candidate information sheets, with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Board shall, within 10 days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the Board, the date of the appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a governing Board member upon the appointee immediately following her or his appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for governing Board members. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

References:

Education Code Section [5090 et seq.](#); Government Code Sections [1770](#) and [6061](#)

Procedure Last Revised: April 11, 2007, February 10, 2016

Last Reviewed: February 10, 2016