



San Juan Unified School District
Special Meeting of the Board of Education
3738 Walnut Avenue, Carmichael, California 95608

Zima Creason, President
Pam Costa, Vice President
Vacant, Clerk
Ben Avey, Member
Paula Villescraz, Member
Tanya Kravchuk, Member
Saul Hernandez, Member

PUBLIC PARTICIPATION GUIDELINES

Board of Education meetings are held in person in the board room located at 3738 Walnut Avenue, Carmichael, California. Alternatively, you can view the board meeting on YouTube from a computer, mobile device or tablet. The YouTube link can be found on the district's [YouTube channel](#) or by visiting <https://www.sanjuan.edu/boardmeeting> where the link will be posted approximately 15 minutes prior to the start of the meeting. The district has taken the following steps to assist the public in offering public comment:

1. **In Person Public Comment.** Public comment may be offered in person during the board meeting at the district office located at 3738 Walnut Avenue, Carmichael, California. Board Bylaw 9323 limits visitor comments to two (2) minutes per speaker, with no more than 30 minutes per single topic. Time will be extended for any speaker who uses an interpreter. Please be aware that public comments, including your name, become part of the public record.

During this special meeting, public comment will only be permitted on the item(s) described in this notice prior to consideration of the item. Comments regarding other items should be submitted during the next regular board meeting scheduled for April 11, 2023.

2. **Online Submission of Public Comment.** Members of the public may submit written comments by using the comment form located on the district website at <http://www.sanjuan.edu/boardmeeting>. If you wish to submit a written comment on more than one agenda item, please submit a separate form for each item on which you are commenting. Written comments are limited to 1,500 characters. Comments will be provided to the members of the board.

Notice of Teleconferencing: Government Code section 54953 permits the Board of Education to conduct its meeting from a different location via teleconference provided that at least a quorum of the board members participate from a location within district boundaries. This meeting shall be conducted using teleconferencing at the following location, which shall be accessible to the public: San Juan Unified School District, 3738 Walnut Avenue, Conference Room K, Carmichael, California 95608. Members of the public shall be afforded the opportunity to address the Board of Education as permitted under Government Code section 54954.3 at the teleconference location. Voting at this meeting shall be by roll call.

The business to be considered at this board meeting is on the following agenda:

Board of Education Agenda March 31, 2023

**Special Meeting
Board of Education
4:00 p.m.**

A. OPEN SESSION/CALL TO ORDER/PLEDGE OF ALLEGIANCE – 4:00 p.m.

B. BUSINESS ITEMS

1. Election of Clerk – 4:05 p.m.

(Board)

Material provided.

Action: The superintendent is recommending that the board nominate and elect a clerk to serve the remainder of 2023.

2. Process to Fill Area 7 Trustee Vacancy – 4:10 p.m.

(Allen/Simlick)

Material provided.

Discussion/Action: The superintendent is recommending that the board discuss and take action to approve a process to fill the area 7 trustee vacancy.

C. ADJOURNMENT – 5:30 p.m.

The Board of Education welcomes and encourages the public's participation at the board meetings and has devoted time throughout the meeting for that purpose. You may comment on items included on this agenda; however, we ask that you limit your comments to two (2) minutes, so that as many people as possible may be heard (Education Code section 35145.5, Government Code section 54954.3). When an item indicates "material provided," the additional information is available prior to the meeting in the Information and Communication Office, 3738 Walnut Avenue, Carmichael, (916) 979-8281, or on the district website at www.sanjuan.edu.

A person with a disability may contact the Board of Education office at (916) 971-7111, or email stephanie.cunningham@sanjuan.edu at least 48 hours before the scheduled board meeting to request receipt of an agenda and other distributed writings in an appropriate alternative format, or to request disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public board meeting.

Translation and interpretation services will be made available upon request with advance notice. If you wish to utilize these services, please notify the Board of Education office at (916) 971-7111, or email stephanie.cunningham@sanjuan.edu at least 24 hours before the scheduled board meeting to allow for the scheduling of appropriate translation staff and other resources.

NOTE: The times indicated are approximate.

Mission Statement

Valuing diversity and excellence, the San Juan Unified School District's mission is to educate and inspire each student to succeed and responsibly contribute to a radically evolving world by providing innovative, rigorous, student-focused instruction and programs in a safe, caring and collaborative learning community.

**SAN JUAN UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

AGENDA ITEM: B-1

MEETING DATE: 03/31/2023

SUBJECT: Election of Clerk

DEPARTMENT: Administration

CHECK ONE:

For Discussion: ☐
For Action: ☒
Report: ☐
Workshop: ☐
Recognition: ☐
Emergency Action: ☐

ACTION REQUESTED:

The superintendent is recommending that the board nominate and elect a clerk to serve the remainder of 2023.

RATIONALE/BACKGROUND:

Nominate and elect Clerk of the Board of Education for the remainder of 2023.

ATTACHMENT(S):

N/A

BOARD COMMITTEE ACTION/COMMENT:

N/A

FISCAL IMPACT:

Current Budget: \$ N/A

Additional Budget: \$ N/A

Funding Source: N/A

(Unrestricted base, supplemental, other restricted, etc.)

Current Year Only: ☐ Ongoing: ☐

LCAP/STRATEGIC PLAN:

Goal: N/A

Focus: N/A

Action: N/A

Strategic Plan: N/A

APPROVED BY: Melissa Bassanelli, Superintendent of Schools *MB*

:SC

**SAN JUAN UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

AGENDA ITEM: B-2

MEETING DATE: 03/31/2023

SUBJECT: Process to fill area 7 trustee vacancy

DEPARTMENT: Administration

CHECK ONE:

For Discussion: ☐
For Action: ☒
Report: ☐
Workshop: ☐
Recognition: ☐
Emergency Action: ☐

ACTION REQUESTED:

The superintendent is recommending that the board discuss and take action to select a process to fill the area 7 trustee vacancy.

Action anticipated: 03/31/2023

RATIONALE/BACKGROUND:

State law requires that a vacancy on the Board of Education be filled within 60 days through either a provisional appointment or by calling a special election.

If a special election is selected it would be administered by the Sacramento County Elections Office at an estimated cost of \$154,842. This compares to \$36,058 paid by the district when the seat was filled in the November 2022. The seat would remain vacant until the special election results are final and the elected board member would complete the existing term which runs through November of 2026.

A provisional appointment process has no direct cost to the district outside of advertising. If selected, the district would advertise and solicit applications for the board seat from interested and qualified members of the public. A subcommittee of the board would verify eligibility of applicants and interviews would be held in open session allowing for public input. The appointed board member would serve a term through the next regular board election in November of 2024 at which time the seat would be placed on the ballot.

ATTACHMENTS:

A: Presentation
B: Board Bylaw 9223
C: CSBA Sample Documents
D: Education Code/Government Code References

BOARD COMMITTEE ACTION/COMMENT:

N/A

FISCAL IMPACT:

Current Budget: \$ _____
Additional Budget: \$ Up to \$154,842
Funding Source: Base
(Unrestricted Base, Supplemental, other restricted, etc.)
Current Year Only ☒ On-going ☐

PREPARED BY: Trent Allen, APR, Chief of Staff
Linda Simlick, General Counsel

APPROVED BY: Melissa Bassanelli, Superintendent of Schools *mb*

Filling a Board of Education Vacancy

San Juan Unified School District
Board of Education
Special Meeting
March 31, 2023

1



Filling a Board Vacancy

Within 60 days the board shall:

- Make a provisional appointment, or
- Call for a special election

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Special Election

- Sacramento County Elections Office estimates the cost to hold a special election in area 7 would be \$154,842.
- 27,877 current registered voter count in area 7 as of 2/28/2023
- San Juan Unified would pay the full cost since no other jurisdictions would be participating in a special election.
- The election can be held not less than 130 days after the decision.
- Election would be held on November 7, 2023.
- The board seat would remain vacant until the special election.
- Elected board member would hold office for the remainder of the term (November 2026).
- San Juan Unified spent \$36,058 to cover the cost of the area 7 election in November 2022.

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Provisional Appointment

- No cost to the district
- Requires an affirmative vote of at least four board members
- Appointee must be selected by May 24, 2023
- Appointee would hold office until the next regular board election in November 2024
- A board subcommittee ensures applicants meet eligibility criteria per education code section 35107:
 - Must be 18 years of age or older
 - Must reside and be a registered voter in trustee area 7
 - A citizen of California
 - Not legally disqualified from holding a civil office

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Proposed Timeline for Provisional Appointment

- March 25, 2023
 - Sixty day vacancy timeline begins (March 25 – May 24, 2023)
- March 31, 2023
 - Special board meeting for board to discuss and take action on selecting a process to fill area 7 board vacancy
- April 4, 2023 – April 19, 2023
 - Solicit/advertise vacancy for 15 days: post on San Juan Unified website, mail to Sacramento County libraries for posting, advertise in Citrus Heights Sentinel
- April 19, 2023
 - Deadline by 4:00 p.m., for receipt of applications
- April 20, 2023
 - Subcommittee reviews applications for legal eligibility requirements; send applicant list and application materials to board members
- April 25, 2023
 - Regular board meeting; board selects applicants to interview
- April 26, 2023
 - Eligible applicants notified of May 2, 2023, Special Board Meeting to interview applicants, select and make a provisional appointment

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Proposed Timeline for Provisional Appointment (continued)

- May 2, 2023
 - Special board meeting to interview applicants and make provisional appointment to San Juan Unified board
- May 3, 2023
 - Post notice of appointment to voters at three locations and in local newspaper and San Juan Unified website
- May 9, 2023
 - Regular board meeting; oath of office administered to appointee
- June 9, 2023
 - Thirty day deadline for voters to file a petition to nullify appointment and call for a special election

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If Vacancy is Not Filled Within 60 days by San Juan Unified board

- If no appointment is made by the board then the Sacramento County Superintendent of Schools must order an election to fill the vacancy.
- The election, when ordered, shall be at the next established election date not less than 130 days after the order of the election. The next established election date is Nov. 7, 2023.

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Action Needed

A) Provisional Appointment

- Feedback on application
- Identification of subcommittee

B) Special Election

- Sign election order form

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Questions and Board Discussion

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Bylaw 9223: Filling Vacancies

Status: ADOPTED

Original Adopted Date: 06/09/1992 | **Last Revised Date:** 10/25/2022 | **Last****Reviewed Date:** 10/25/2022

A vacancy on the Governing Board may occur for any of the following events, as specified in Government Code section 1770:

1. The death of an incumbent
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of their office for the remainder of their term
3. A board member's resignation

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A board member may not defer the effective date of their resignation for more than 60 days after they file the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code sections 5090, 5091)

4. A board member's removal from office, including by recall (Elections Code section 11384, Government Code section 1770)
5. A board member's ceasing to be a resident of the district

A vacancy on the board also occurs when a board member ceases to inhabit the trustee area which they represent on the board (50 Ops. Cal.Atty.Gen. 888 (1975))

6. A board member's absence from the state for more than 60 days, except in the following situations (Government Code sections 1064, 1770):
 - a. Upon district business with the approval of the board
 - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the board.
 - c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard. If the absence of the board member for this purpose exceeds six months, the board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the board may appoint an interim member to serve in their absence. If two or more members of the board are absent by reason of these circumstances and those absences result in the inability to establish a quorum at a regular meeting, the board may immediately appoint one or more interim members as necessary to enable the board to conduct business and discharge its responsibility. The term of an interim member

appointed in these circumstances shall not extend beyond the term of the absent board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A board member's ceasing to discharge the duties of their office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law.
8. A board member's conviction of a felony or any offense involving a violation of their official duties or conviction of a designated crime resulting in a forfeiture of office. (Government Code sections 1770, 3000 – 3003)
9. A board member's refusal or neglect to file their required oath within the time prescribed
10. The decision of a competent tribunal declaring void a board member's election or appointment
11. A board member's commitment to a hospital or sanitarium as a drug addict, alcoholic, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final
12. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a board seat(s) (Education Code sections 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a board member's term, the board shall take no action . (Education Code section 5093)
2. When a vacancy occurs longer than four months before the end of a board member's term, the board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in section 3, below. (Education Code sections 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled board meeting following the certification of the election and shall serve only until the end of the term of the position which they were elected to fill. (Education Code section 5093)

Eligibility

In order to be appointed or elected to fill a vacancy on the board, a person must meet the eligibility requirements specified in Education Code section 35107.

Provisional Appointment

When authorized by law to make a provisional appointment to fill a vacancy on the board, the board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the board shall ensure that applicants are eligible for board membership and announce the names of the eligible candidates. The board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within ten days after the appointment is made, the board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code section 6061, and posted in at least three public places within the district. (Education Code section 5092)

The notice shall contain: (Education Code section 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code section 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment.

The person appointed shall hold office until the next regularly scheduled election for district board members and shall be afforded all the powers and duties of a board member upon appointment. (Education Code section 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code section 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code section 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

The person appointed shall hold office until the next regularly scheduled election for district board members and shall be afforded all the powers and duties of a board member upon appointment. (Education Code section 5091)

SAMPLE LETTER

(from your school district governing board)

Date _____

Dear _____:

You have been named as a possible candidate to fill the vacancy on the Governing Board of the (name) School District created by the _____ of (Mr./Ms.). If you would like to be considered as one who would be interested and willing to serve, we would appreciate your completing the enclosed information sheet. We are asking each candidate to do this in order to make our selection as carefully and objectively as possible.

Regular board meetings are held the _____ of each month, with occasional special meetings called. Some personal time is **required** individually for study and growth, such as attending district, state, and/or national meetings. If you have any questions about what being a member of the school board might require of you in terms of additional time and responsibility, please contact me or any board member.

Please return the enclosed form to (address) by (date).

When all forms are submitted, the board will then review them. Individual interviews will take place following this process before a final selection is made.

Thank you very much for your interest.

Sincerely,

CANDIDATE INFORMATION SHEET
_____ **School District**

*Please fill out and return by _____ to
_____, or leave at the superintendent's office.*

Date: _____

(Last Name) (First Name) (Initial)

Business Address: _____ Phone: _____

Home Address: _____ Phone: _____

E-mail: _____

Occupation and Employer: _____

No. of Years Residing in District: _____

Do you have children in the district's schools? Yes _____ No _____

If yes, what schools? _____

1. Do you have prior experience serving on a governing board, specifically a school district board? Please list such prior experience.

2. Have you worked on any school committees or participated in any school activities recently? Please list them.

3. Describe any other community or business activities in which you have participated. describe your role, and whether your work was volunteer or employment-related

4. Why do you want to be a school board member?

Candidate Information Sheet - Board Vacancy
Page Two

5. What do you see as the basic purpose of the public schools?

6. What is the role of the school board in the fulfillment of that purpose?

7. How does the board's role differ from that of the superintendent?

8. What should be the relationship between the board members and the administration in the handling of school concerns?

9. Briefly describe your commitment to public education and our local school district.

10. What do you see as the strengths of the school district?

11. What do you see as the area(s) most needing improvement in the school district?

SUGGESTED CANDIDATE INTERVIEW QUESTIONS

1. What do you see as the basic purpose of the public schools? What is the role of the board of trustees in the fulfillment of that purpose?
2. What are you proud of in this district? What would you like to accomplish as a board member? Which is your highest priority, and why?
3. As a trustee, what do you see as your primary purpose or primary role? How would you fulfill that role, both as an individual and as a member of the governing board?
4. Describe a good board meeting. What are the objectives of a good board meeting?
5. What would you do if you believed administrators had not provided you with accurate and complete information for making a decision?
6. Describe your response if a parent cornered you in the grocery store and asked for your support on a particularly hot issue.
7. How does an effective school board ensure opportunities for parents and community members to express their diverse range of views to inform board deliberations on important policy issues?
8. Please summarize the strengths you would bring as a member of the board.
9. What will you do to become more effective as a board member?
10. Identify a recent board decision that you felt strongly about, and describe how you would balance community concerns, student needs, state and federal law, staff considerations, and your personal value and beliefs to determine how to vote on the issue.
11. What questions do you have for the board to help you prepare to take on this commitment if chosen?

Note: Interviews or discussions of potential board members may not be held in closed session. The California Attorney General ruled that local office holders, whether elected or appointed, are excluded from the "personnel exception" (Government Code §54957) to the open meeting requirements of the Brown Act (Government Code §54950 et seq.) See also 59 Ops. Cal. Atty.Gen. 266 (1976)

EVALUATING THE CANDIDATE

Does the candidate:

- Know the political boundary and physical geography of the school district?
- Have the courage and ability to explain and enforce a role which might not be popular, but which is proper?
- Have a lay person's relationship to public education?
- Have personal interests that would be in conflict with his/her service to the board?
- Have a sense of humor?
- Make a habit of withholding judgment on critical issues until the facts are available?

Is the candidate:

- Seeking the position for personal prestige or political gain (personal agenda)?
- A leader in his/her own occupation or community group?
- A known quantity in the community?
- Able to think independently and objectively about a problem?
- Capable of recognizing and distinguishing the jurisdictional power and functions of the board and administration?
- Aware of the cross-currents of thinking pertaining to the basic concepts of public education?
- Able to carry on cheerfully when public appreciation of his/her efforts seem to be lacking?

Will the candidate:

- Remain loyal to his/her fellow trustees under stress?
- Work to develop unity among the members of the board, contributing to harmonious development of the program?
- Give the necessary time to this important position?

Has the candidate:

- An interest in the public schools, the community, and in every child?
- Arrived at a position of recognized leadership in the community?

EDUCATION CODE SECTION 5091**60 days to order election or make provisional appointment**

(a) (1) If a vacancy occurs, or if a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of the member's resignation for more than 60 days after the member files the resignation with the county superintendent of schools.

(2) In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to $1\frac{1}{2}$ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with less than 2,000 registered voters, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

(2) (A) The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted not less than 88, nor more than 125, days following the order of the election.

(B) Notwithstanding subparagraph (A), the election may be conducted within 180 days after the issuance of the order so that the election may be consolidated with a regularly scheduled election.

(3) For purposes of this section, "registered voters" means the following:

(A) If the district uses the at-large method of election, as defined in subdivision (a) of Section 14026 of the Elections Code, registered voters of the entire school district or community college district.

(B) If the district uses district-based elections, as defined in subdivision (b) of Section 14026 of the Elections Code, registered voters of the election district.

(d) A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following that appointment.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members that is scheduled 130 or more days after the effective date of the vacancy, whereupon 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.

(f) (1) If a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

(A) The petition shall contain the election official's estimate of the cost of conducting the special election and those estimated costs expressed on a per-pupil or per-student basis.

(B) The name and residence address of at least one, but not more than five, of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.

(C) None of the text or other language of the petition shall appear in less than six-point type.

(D) The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

(2) If any of the requirements of this subdivision are not met as to any petition calling for a special election, the county superintendent of schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.

(3) No person shall permit the list of names on petitions prescribed by this section to be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this section.

(4) The petition filed with the county superintendent of schools shall be subject to the restrictions in Article 2 (commencing with Section 7924.100) of Chapter 2 of Part 5 of Division 10 of Title 1 of the Government Code.

(g) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.

(Amended (as amended by Stats. 2021, Ch. 615, Sec. 60) by Stats. 2022, Ch. 831, Sec. 1. (SB 1061) Effective January 1, 2023.)

EDUCATION CODE SECTION 5092
Provisional appointment; notice

Whenever a provisional appointment is made to the governing board of a school district pursuant to Section 5091, the board shall, within 10 days of the provisional appointment of a person to fill a vacancy which occurs or will occur, post notices of both the actual vacancy or the filing of a deferred resignation and also the provisional appointment in three public places in the district and shall publish a notice pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

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. The notice shall also contain the full name of the provisional appointee to the board and the date of his 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.

(Enacted by Stats. 1976, Ch. 1010.)

EDUCATION CODE SECTION 5325
Posting of notice of election

Any school district election or community college district election, except a bond measure election, ordered to be held in accordance with this code shall be called by the county superintendent of schools having jurisdiction of the election by doing both of the following:

- (a) Posting or publication of notices of election.
- (b) Delivery of a copy of the formal notice of election to the county elections official at least 120 days prior to the date of the election in the case of an election for governing board members.

(Amended by Stats. 2002, Ch. 221, Sec. 7. Effective January 1, 2003.)

EDUCATION CODE SECTION 5328
Nominee seated at organizational meeting

If pursuant to Section 5326 a district election is not held, the qualified person or persons nominated shall be seated at the organizational meeting of the board, or if no person has been nominated or if an insufficient number is nominated, the governing board shall appoint a qualified person or persons, as the case may be, at a meeting prior to the day fixed for the election, and such appointee or appointees shall be seated at the organizational meeting of the board as if elected at a district election.

(Amended by Stats. 1978, Ch. 22.)

EDUCATION CODE SECTION 5328.5
Notification of intent to make appointment

If no one has been nominated to an office, prior to making an appointment to that office pursuant to Section 5328, the governing board shall cause to be published a notice once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district, stating that the board intends to make an appointment and informing persons of the procedure available for applying for the office.

(Added by Stats. 1982, Ch. 428, Sec. 10.5.)

EDUCATION CODE SECTION 5420
Article 8: Cost of Elections

The cost of any school district or community college district election may include, but need not be limited to:

- (a) Compensation of precinct election officers.
- (b) Publication of notices.
- (c) The cost of printing official ballots, sample ballots, indexes, arguments, statements, official notices, and card notices.
- (d) Mailing charges for card notices, arguments, recommendations, statements, and sample ballots.
- (e) Forms for rosters, tally sheets, certificates, envelopes, declaration of results forms, and legal forms required for bond elections.
- (f) Precinct maps.
- (g) The actual cost of supplies such as flags, ballot boxes, chairs and tables, booths, ink pads and stamps, and pencils; provided, that if any such can be borrowed from any state or county office, no charge for rental shall be included in the cost of elections.

(Enacted by Stats. 1976, Ch. 1010.)

EDUCATION CODE SECTION 5421
Election costs; single district election

The cost of any election held within a single district shall be borne by the entire district, and shall be paid out of its funds. Election costs shall be determined by the county elections official and approved by the county board of supervisors.

(Amended by Stats. 2002, Ch. 221, Sec. 9. Effective January 1, 2003.)

EDUCATION CODE SECTION 35107
Eligibility for governing board members

(a) Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district without further qualifications.

(b) (1) An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office.

(2) For any individual who is an employee of a school district and an elected or appointed member of that school district's governing board prior to January 1, 1992, this subdivision shall apply when he or she is reelected or reappointed, on or after January 1, 1992, as a member of the school district's governing board.

(c) Notwithstanding any other provision of law, the governing board of a school district may adopt or the residents of the school district may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the governing board of the school district may serve on the governing board of the school district. Any proposal to limit the number of terms a member of the governing board of the school district may serve on the governing board of the school district shall apply prospectively only and shall not become operative unless it is submitted to the electors of the school district at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(d) (1) An initiative measure proposed pursuant to subdivision (c) shall be subject to the procedures set forth in Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.

(2) A proposal submitted to the electors by the governing board pursuant to subdivision (c) shall be subject to the procedures set forth in Chapter 6 (commencing with Section 9500) of Division 9 of the Elections Code.

(e) A member of the governing board of a school district shall abstain from voting on personnel matters that uniquely affect a relative of the member but may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. For purposes of this section, "relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.

(Amended by Stats. 1995, Ch. 879, Sec. 6. Effective January 1, 1996.)

Government Code Section 1770
Vacancies; Public Offices

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent.
- (b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.
- (c) His or her resignation.
- (d) His or her removal from office.
- (e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.
- (f) His or her absence from the state without the permission required by law beyond the period allowed by law.
- (g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.
- (h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- (i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.
- (j) The decision of a competent tribunal declaring void his or her election or appointment.
- (k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.
- (l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that

event the office shall not be deemed vacant until the order of commitment has become final.

(m) [not applicable to elective office.]

(Amended by Stats. 2011, Ch. 543, Sec. 2.)