
Board of Trustees

AP 2110 VACANCIES ON THE BOARD

References:

Education Code Sections 5090 et seq.;
Government Code Sections 1770 and 6061

Filling a Vacancy

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

(NOTE: This publication, which is required by Government Code Section 6061, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.)

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.

Applying for an Appointment

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

Interviewing and Selecting Candidates

The Board may 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.

(NOTE: This publication, which is required by Government Code Section 6061, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.)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. It shall also contain the full name of the provisional appointee to the board, the date of 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.

Term and Powers of Office

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.

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

Date Approved: March 19, 2013

(This is a new procedure recommended by the League and the League's Legal Counsel)