

**Board of Trustees**

**BP 2010 BOARD MEMBERSHIP**

**Reference:**

Education Code Sections 72023, 72103, 72104

The seven elected members plus the two non-voting student members subject to the requirements and limitations of the Education Code shall constitute the Board of Trustees for the District. Board members shall be elected by Trustee area as defined in BP 2100 titled Board Elections.

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the District may not be sworn into office as an elected or appointed member of the Board unless he/she resigns as an employee.

No member of the Board of Trustees shall, during the term for which he/she is elected, hold an incompatible office.

The State of California and the citizens of the Chabot-Las Positas Community College District vest the authority for the development, management, control, and operation of all properties, programs, and policies of the District and the colleges in the Board of Trustees. Board members shall have authority only when acting as a Board of Trustees legally in session.

The Board of Trustees may initiate and carry on any program or activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which the District was established.

Attorney General Opinion 01-112 (8/3/01) clarified employment of a Board member as a part-time or substitute instructor. Education Code Section 72103(b)(2) makes an exception for individuals who are usually employed in an occupation other than teaching and who are employed by the District to teach no more than one course per semester or quarter in the subject matter of the individual's occupation. The AG Opinion states that this exception applies only when the contract to teach has already been executed

at the time of the election to the Board. Government Code Sections 1090 and 87100 and common law principles of conflict of interest prohibit such office-holding, and inclusion of this exception is not recommended.

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**Adopted:** April 16, 2013