

FILLING VACANCIES

A vacancy on the County Board may occur for any of the events specified in Government Code 1770 or by a failure to elect. (Education Code 5090) Removal by recall election shall also create a vacancy on the Board. (Elections Code 27344)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops. Cal. Atty. Gen. 888 (1975))

If a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)

If a vacancy occurs four or more 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 below. (Education Code 5091)

Mandated Special Election

If 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 he/she was elected to fill. (Education Code 5093)

Provisional Appointments

When the special election described above is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

In order to draw from the largest possible number of candidates, 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.

Legal Reference:

EDUCATION CODE

1008 Vacancies

1017 Terms of office and vacancies . . .

5012 Declaration candidacy or nomination; withdrawal

5019-5019.5 Trustee areas

5090 Definition (vacancy)

5091 Special election or provisional appointment

5092 Public notice of vacancy and provisional appointment

5093 Re vacancies occurring near end of term and incumbent not reelected

5094 Power of president of county board of education when majority of offices vacant

5095 Powers of remaining board members and new electees or appointees

5200 Districts governed by boards of education

5304 Duties of the governing board (re school district elections)

5325 Publication of information regarding district elections

5420-5426 Cost of elections, especially:

5424 Expenses of conducting legal recall election

35107 Eligibility

35178 *Resignation with deferred effective date*
ELECTIONS CODE
27344 *Vacancy in office if majority vote for recall*
GOVERNMENT CODE
1064 *Absence from state*
1770 *Vacancies: definition*
3060-3074 *Removal other than by impeachment*
6061 *One time*
54950-54962 *The Ralph M. Brown Act, especially*
54953 *Meetings open and public; secret ballots*
58 *Ops. Cal. Atty. Gen. 888 (1975)*

Bylaw adopted: September 16, 1991
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