



Board of Trustees Board Vacancy Process

Presentation to the Board of Trustees
January 11, 2023





Presentation Topics

- Board Bylaw 9223 - *Filling Vacancies*
- Legal requirements of the provisional appointment process.
- Review of proposed timeline, application, and interview process.



Replacing a Vacancy Due to Resignation

Education Code 5091/5092 and Board Bylaw 9223

Generally authorizes governing boards to fill vacancies due to resignation using one of two methods:

1. Making a provisional appointment, or
2. Ordering and paying for an election.



Timing Considerations

The timing of the vacancy impacts the process.

1. If the vacancy exists within four months of the end of the member's term, no action is taken.
2. If the vacancy exists six months to 30 days prior to a regular election, it shall be filled by special election, consolidated within the regular election.
3. If the vacancy occurs longer than four months before the end of a member's term, **the Board shall either order an election or make a provisional appointment.** The board has 60 days to either order an election, or make a provisional appointment.



Term of an Appointed Board Member

- Education Code section 5091(e) provides that a newly appointed member “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 term in which the vacancy occurs or will occur.”



Candidate/Appointee Eligibility

Prospective candidates/appointees must be:

- Over the age of 18 at the time of appointment
- Citizen of the State of California
- Legal residency in NJUHSD jurisdiction
- Legal residency in the Trustee Area
- Not be prohibited for constitutional reasons (i.e. committed a crime)
- Must not be an employee of the district

All applicants will be screened for these requirements before being invited to interview



Interview and Provisional Appointment Process

Candidate interview must be conducted in open session:

- Robert's Rules of order apply
- Any Board member may propose a motion to appoint
- The vacating Board member may not vote on the replacement
- Three (3) yeas are required to appoint
- Multiple votes can be taken in order to finalize selection



Staff Recommendations

Recommendations for the upcoming process:

- Adopt Resolution #16-22-23 and the timeline it entails.
- Provide sufficient public notice of appointment process, per ed code.
- Require application and questionnaire process for prospective applicants. (draft in board packet).
- Establish interview process and protocols.
- Interview all qualified applicants and make a provisional appointment at the next Regular Board meeting on February 8th.



Appointee Announcement and Term

- Within 10 days of the provisional appointment, the District shall publicly announce the appointee per Education Code section 5092 and Board Bylaw 9223.
- Voters have the right to contest the provisional appointment and call for a special election within 30 days of the appointment, via petition to the county office of education (Ed Code 5091).
- The appointee will serve until November 2024 and must run for re-election at that time, if so desired.



Questions or Discussion

