



# Board of Trustees Provisional Appointment Process

Presentation to the Board of Trustees  
April 6, 2022



# What we will cover tonight

- Review the legal requirements of the provisional appointment process.
- Discuss the proposed process for the Board to interview eligible candidates.
- Review the proposed timeline and application.



# Replacing a Vacancy on the Board Due to Resignation

Education Code section 5091 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 resignation will often dictate the process.
- Education Code section 5091(a)(1) provides that in the case of resignation or vacancy, the board has 60 calendar days to decide whether to elect or appoint.
- The resignation is irrevocable once its has been submitted to the county superintendent of schools and may not be deferred beyond the 60 days.



# Term of the Appointed Board Member

- Education Code section 5091(e) provides that the appointed person “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 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:

- Draft timeline for consideration (in board packet)
- Provide sufficient public notice and board deliberation
- Applicants required to fill out questionnaire (draft in board packet)
- Board to set a special meeting to review, interview, appoint
- Special meeting in June
- Establish interview process and protocols for the special meeting





# Appointee announcement and term

- The District will announce the appointee per Education Code section 5092 requirements within 10 days of the appointment.
- Per law, voters have the ability to contest the appointment via petition calling for a special election pursuant to specific conditions.
- The appointee will serve until November 2022 and must run for election to fill the remaining two years of the current term



# Questions and Answers

