



BOARD OF EDUCATION  
REGULAR MEETING  
2309 TULARE STREET  
BOARD ROOM, SECOND FLOOR  
FRESNO, CA 93721-2287  
[board.fresnounified.org](http://board.fresnounified.org)

## **MINUTES - BOARD OF EDUCATION SPECIAL MEETING**

**Fresno, California**

**August 03, 2021**

Fresno Unified School District, Education Center, 2309 Tulare Street, Fresno, CA 93721.

At a Special Meeting of the Board of Education of Fresno Unified School District, held on August 03, 2021, there were present Board Members Cazares, Islas, Jonasson Rosas, Major Slatic, Thomas, and Board President Davis. Superintendent Dr. Nelson was also present. Trustee Area 5 is vacant.

Board President Davis CONVENED the Special Board Meeting at 5:05 p.m.

### **DISCUSS Options and DESIGNATE the Method for Filling the Board of Education's Trustee Area 5 Vacancy**

As a result of Carol Mills' death on July 21, 2021, a vacancy exists on the Board of Education for Trustee Area 5. In addition to discussing the options specified in Ed. Code § 5091 and Board Bylaw 9223 of either a provisional appointment or an election order to fill the Trustee Area 5 vacancy, the Board will designate whether to fill the vacancy using the provisional appointment method or that of ordering an election.

### **Opportunity for Public Comment**

For the record, the Board received three submissions of public comment for this agenda. The names of the individuals with a summary of topic are as follows:

**Andrew Fabela:** Requested an election be held to fill Trustee Area 5 vacancy.

**Eric Rollins:** Requested an election be held to fill Trustee Area 5 vacancy.

**Michele Asadoorian:** Requested an election be held to fill Trustee Area 5 vacancy.

For the record, Legal Counsel Mary Beth de Goede provided a process overview of filling a vacant seat on the Board of Education. Ms. De Goede walked the Board through Education Code and Board Bylaw requirements pertaining to making a provisional appointment or in lieu of a provisional appointment, calling for an election.

For the record, Board Members had questions/comments. A summary is as follows: Requested clarity as to Fresno County statutory requirements. Requested clarity as to next steps if appointment process is completed and no appointment is made. Requested clarity as to age requirement, citizenship, and what constitutes a disqualification of an applicant. Requested clarity as to election code provisions pertaining to authenticity of

signatures Requested clarity as to cost difference between a provisional appointment and a special election. Requested clarity as to how many petition signatures would be needed to challenge an appointment. Requested clarity as to the interview process for a provisional appointment. Requested clarity as to if the quorum has changed since there is a vacant seat. Requested clarity as to when the 30 days will begin in order to petition for a special election. Shared concern if provisional appointment is not made and seat is left vacant, trustee area 5 will be left with no board member until an election is held. Legal Counsel de Goede and Chief of Staff Chavez were available to provide clarity.

For the record Legal Counsel de Goede offered to provide the Board with examples of what constitutes a disqualification of an applicant and election code provisions pertaining to signatures.

On a motion by Board Clerk Thomas, seconded by Board Member Jonasson Rosas, the Board approved to designate the method to fill the Trustee Area 5 vacancy by provisional appointment, on a roll call vote of 4-2-0-0, as follow: AYES: Board Members: Cazares, Jonasson Rosas, Thomas, and Board President Davis. NOES: Board Members: Islas, and Major Slatic.

For the record, the Board received zero submissions for unscheduled oral communications.

Board President Davis ADJOURNED the meeting at 5:55 p.m.