



**Board of Education
Special Meeting**

August 3, 2021

**FILLING TRUSTEE AREA 5
VACANCY**

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VACANT SEAT ON BOARD OF EDUCATION

Education Code Requirements to Fill Vacant Seat

- Effective as of Carol Mills' death on July 21, 2021, a vacancy occurred on the Board of Education for Trustee Area 5.
- Education Code § 5091 requires that within 60 days of the occurrence of the vacancy, the Board either:
 - Make a Provisional Appointment to fill the vacancy; or
 - Order an Election to fill the vacant seat
- If the Board fails to make a provisional appointment or order an election within the 60-day period, the County Superintendent must order a special election.

VACANCY FILLING PROCEDURES

Board Bylaws on Filling Vacancy

- Provisional Appointment Requirements
 - Board to advertise in local media to solicit candidate applications
 - Ad Hoc Committee of the Board reviews applicants for eligibility:
 - 18 years of age or older
 - Citizen of California
 - Resident of District Trustee Area 5 as it existed on November 3, 2020
 - Registered Voter
 - Not Disqualified from Holding Public Office
 - Board interviews eligible candidates in open session, takes public input and votes to select a candidate.
 - If there is a majority vote on a candidate for provisional appointment, a Notice of Vacancy and Appointment is publicly posted and published within 10 days of the appointment.

VACANCY FILLING PROCEDURES

Board Bylaws on Filling Vacancy

- Challenging a Provisional Appointment with a Petition for Special Election
 - The provisional appointment may be challenged by filing a Petition for a Special Election within 30 days which must be signed by 1.5% of the registered voters in Trustee Area 5 as it existed on November 3, 2020.
 - If a petition is filed bearing the required number registered voters' signatures and determined to be legally sufficient, the Board's provisional appointment is terminated and the County Superintendent must order a special election to be conducted within 130 days. A candidate who is elected to fill the vacancy shall hold office for the remainder of the Trustee Area 5 term.
 - If no petition is filed challenging the provisional appointment, the person appointed shall hold office only until the next regularly scheduled Board election (i.e., November 8, 2022), when an election shall be held to fill the vacancy for the remainder of the unexpired term.
 - The Fresno County Elections Office estimates a special election will cost the District between \$110,000 and \$120,000.

(Board Bylaw 9223 & Education Code §§ 5091-5092.)



VACANCY FILLING PROCEDURES

Board Bylaws on Filling Vacancy

- Board of Education Orders an Election:
 - In lieu of making a provisional appointment within sixty (60) days following the date the vacancy occurred, the Board may order an election to fill the vacancy.
 - The election must be held at the next established election date that is not less than 130 days after the order of the election. Pursuant to Elections Code section 1000, the next established election date is April 12, 2022.
 - Any person elected to fill the vacancy at an election ordered by the Board shall serve until the end of the Trustee Area 5 term, i.e. until December 2024.
 - The Fresno County Elections Office estimates an election in April will cost the District between \$140,000 and \$150,000.



VACANCY FILLING PROCEDURES

Trustee Area Representation Timing Through Election or Provisional Appointment

- Board Approves Provisional Appointment
 - If Board Makes a Provisional Appointment, the Provisional Appointee will be sworn in immediately
- Board Orders Election
 - If Board Orders Election, the Trustee Area 5 vacancy will be filled at the April 12, 2022
- Petition Filed Challenging Board's Provisional Appointment
 - If a Petition is filed challenging the provisional appointment and is deemed sufficient by the County Superintendent, the provisional appointment is immediately terminated and the Trustee Area 5 vacancy will be filled no later than 130 days after the County Superintendent's determination, i.e. no later than April 12, 2022
(Education Code § 5091)