

Bylaws of the Board

FILLING VACANCIES

A vacancy on the Board occurs on the happening of any of the following events or conditions before the expiration of the term:

1. The death of a Board Member.
2. The adjudication pursuant to a quo warranto proceeding declaring that a Board member is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term.
3. A Board Member's resignation.
4. A Board Members' removal from office, including by recall.
5. A Board Member's ceasing to be a resident of the state or trustee area.
6. A Board Member's absence from the state for more than 60 days, except in the following situations:
 - a. Upon business of the Board with the approval of the Board.
 - b. With the consent of the Board for an additional period not exceed a total absence of 90 days.
 - c. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limit for absence from the state may be extended by the Board for an additional period not to exceed 30 days.
 - d. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard. If the absence of the Board Member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to reestablish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibility. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.
7. A Board Member's ceasing to discharge the duties of his/her office for the period of three (3) consecutive months, except when prevented by illness or when absent from the state with the permission required by law. (Procedures for consideration of failure to fulfill duties are contained in Board Bylaw 9200(b) Meeting Attendance.)

Board Bylaw 9223(b)

8. A Board Member's conviction of a felony or any offense involving a violation of his/her official duties.
9. A Board Member's refusal or neglect to file his/her required oath, written notice or agreement within the time prescribed.
10. The decision of a competent tribunal declaring void a Board Member's election or appointment.
11. The making of an order vacating a Board Member's office or declaring the office vacant when the Board Member fails to furnish an additional written notice or agreement.
12. A Board Member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final.
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filled to run for a Board seat(s).

Within 60 days of the date of the vacancy or the filing of the Board member's deferred resignation, the Board shall either order an election for the next regular election date or make a provisional appointment. (Education Code 5091)

If the vacancy occurs within four months of the end of the Board member's term, the Board shall not fill the vacancy. (Education Code 5093)

Provisional Appointment

When making a provisional appointment, the Board desires to draw from the widest possible number of candidates. The Board shall:

1. Advertise the vacancy in suitable local media.
2. Solicit applications or nominations of any legally qualified citizen interested in serving on the Board
3. Provide candidates with appropriate information regarding Board member responsibilities.
4. Announce names of candidates and accept public input either in writing or at a public meeting.
5. Interview the candidates at a public meeting.
6. Select the provisional appointee by majority vote at a public meeting.

Board Bylaw 9223(c)

Within ten days after the appointment is made, the Board shall post notices of the vacancy or dated resignation and the provisional appointment. The notice shall be published in the local newspaper and posted in at least three public places. (Education code 5092)

The notice shall contain: (Education Code 5092)

1. The full name of the appointee.
2. The date of appointment.
3. A statement notifying the voters that the provisional appointment shall become effective immediately and shall continue unless a petition calling for an election is filed in the office of the County Superintendent of Schools.

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Legal Reference:

EDUCATION CODE

5012 Declaration candidacy or nomination; withdrawal

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

5424 Expenses of conducting legal recall election

35107 Eligibility

ELECTIONS CODE

27344 Vacancy in office if majority vote for recall

GOVERNMENT CODE

1770 Vacancies: definition

3060-3074 Removal other than by impeachment

Bylaw

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WEST SONOMA COUNTY UHSD

Sebastopol, CA