

3
4 BOARD VACANCIES
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- 6 A. Vacancies are created on the Board for a regular Board Member when a written
7 resignation or deferred resignation is filed with the County Superintendent of Schools.
8 Once the written resignation or deferred resignation has been accepted by the County
9 Superintendent of Schools, it is irrevocable.
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11 B. An office becomes vacant on the happening of any of the following events before the
12 expiration of the term:
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14 1. The death of the incumbent.
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16 2. An adjudication pursuant to a quo warranto proceeding declaring that the
17 incumbent is physically or mentally incapacitated due to disease, illness, or
18 accident and that there is reasonable cause to believe that the incumbent will not
19 be able to perform the duties of his or her office for the remainder of his or her
20 term. This subdivision shall not apply to offices created by the California
21 Constitution or to federal or state legislators.
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23 3. His or her resignation.
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25 4. His or her removal from office.
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27 5. His or her ceasing to be an inhabitant of the state, or if the office be local and one
28 for which local residence is required by law, of the district, county, or city for
29 which the officer was chosen or appointed, or within which the duties of his or her
30 office are required to be discharged.
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32 6. His or her absence from the state without the permission required by law beyond
33 the period allowed by law.
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35 7. His or her ceasing to discharge the duties of his or her office for the period of
36 three consecutive months, except when prevented by sickness, or when absent
37 from the state with the permission required by law.
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39 8. His or her conviction of a felony or of any offense involving a violation of his or
40 her official duties. An officer shall be deemed to have been convicted under this
41 subdivision when trial court judgment is entered. For the purposes of this
42 subdivision, "trial court judgment" means a judgment by the trial court either
43 sentencing the officer or otherwise upholding and implementing the plea, verdict,
44 or finding.
- 45
46 9. His or her refusal or neglect to file his or her required oath or bond within the time
47 prescribed.
- 48
49 10. The decision of a competent tribunal declaring void his or her election or
50 appointment.
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52 11. The making of an order vacating his or her office or declaring the office vacant
53 when the officer fails to furnish an additional or supplemental bond.
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55 12. His or her commitment to a hospital or sanitarium by a court of competent
56 jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in

that event the office shall not be deemed vacant until the order of commitment has become final.

C. Whenever a vacancy occurs, or whenever a resignation has been filed with the County Superintendent of Schools containing a deferred effective date the Board of Trustees shall within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the County Superintendent of Schools.

1. When an election is ordered, it shall be held on the next regular election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the occurrence of the vacancy or after the written resignation is filed with the County Superintendent of Schools.
2. If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. The petition list shall meet the requirements of Education Code § 5091.
3. A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.
4. A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, where upon an election shall be held to fill the vacancy for the remainder of the unexpired term.
5. There shall be no special election or appointment to fill a vacancy on a governing board if the vacancy occurs within four months of the end of the term of that position.

D. Short-term appointments shall constitute a vacancy in excess of four months but with not more than ten months remaining until the next election. The Governing Board shall have the option of appointing a person to fill the vacancy. All vacancies in excess of ten months of the next general election shall be selected through a special election.

Reference:

Education Code §§ 5090 - 5095

Approved: April, 2004