

AGENDA

◆ 7:30 AM

◆ CALL TO ORDER

◆ ROLL CALL

◆ PLEDGE OF ALLEGIANCE

◆ COMMUNICATIONS

◆ AUDIENCE TO VISITORS

Members of the audience may address the Board on matters not on the regular agenda. Brown Act regulations restrict the Board from taking action on any subject presented that is not on the agenda.

◆ ACTION MATTERS, REGULAR AGENDA

17-008 PROCEDURES FOR FILLING A GOVERNING BOARD VACANCY – Staff will present Board Bylaw 9223, Filling a Vacancy and request direction.

◆ PENDING AGENDA

NONE

◆ COMMENTS FROM BOARD AND STAFF

◆ ADJOURNMENT

THE NEXT REGULAR BOARD MEETING WILL BE HELD  
TUESDAY, JANUARY 24, 2017 – DISTRICT ADMINISTRATION CENTER  
CLOSED SESSION 6:30/OPEN SESSION 7:00 PM

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the Roseville Joint Union High School District encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact Barbara Huber at (916) 782-8882, at least 48 hours in advance of the meeting you wish to attend, so that we may make every reasonable effort to accommodate you, including auxiliary aids or services. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at the Roseville Joint Union High School District Office, 1750 Cirby Way, Roseville, California.

# ROSEVILLE JOINT UNION HIGH SCHOOL DISTRICT

## BOARD AGENDA BRIEFING

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**Subject:** PROCEDURES FOR FILLING GOVERNING  
BOARD VACANCY

**Item Number:** 17-008

**Enclosures:** 12

**Consideration:** Action

**Category:** Superintendent

**Date:** January 13, 2017

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### Purpose:

To fill the vacancy on the Governing Board caused by the resignation of Linda M. Park on January 11, 2017.

### Background:

According to Board Bylaw 9223, Filling Vacancies, within sixty (60) days of the date of the vacancy, the Board shall either **order an election for the next regular election date** which would be June 2018 (this would then only serve until the November 2018 election) **or make a provisional appointment.** The cost of the 2014 election was \$110,047.

The following documents are included:

- Timeline
- Board Bylaw 9223 – Filling Vacancies
- Notice of Vacancy
- Sample Candidate Information Sheet/Application
- Sample Letter, Invitation to Interview
- CSBA Suggested Board Interview Questions
- CSBA Sample Evaluation Suggestions

### Recommendation:

The Board has the option to approve either ordering an election for the next regular election date or approve making a provisional appointment following Board Bylaw 9223 procedures. Due to the fact the next regular election is not until June 2018, and the unknown cost of that election, it is recommended that the Board direct staff to proceed with the provisional appointment option.

## Timeline for Appointment

Jan. 13	Board Mtg. determine "order election or prov. appointment"
Jan. 14 – Jan. 29	Solicit/advertise vacancy for 15 days <ul style="list-style-type: none"> <li>- Press Tribune (1 time)</li> <li>- Antelope News (1 time)</li> <li>- 3 locations reqmnt. – Libraries: Antelope, GB, Maidu, Roseville, DO</li> <li>- District Website</li> </ul>
Feb. 7	Deadline to apply
Feb. 8-10	Review applications (determine who will be interviewed)
Feb. 14, 2017	Board meeting (60 day deadline to appoint from date position was vacant) <ul style="list-style-type: none"> <li>- Interview candidates</li> <li>- Select</li> <li>- Majority Vote – Resolution</li> <li>- Swearing in</li> </ul>
Feb. 15- Feb. 24	Post Notice of Vacancy/Appointment include fact of vacancy, date of occurrence and full name of prov. appt and date of appt and statement that unless calling for a spec elect...(1 time per Ed Code 5091) <ul style="list-style-type: none"> <li>- 3 locations (10 days) - Public Libraries: Antelope, GB, Maidu, Roseville, D.O</li> <li>- Press Tribune (1 time)</li> <li>- District Website (10 days)</li> </ul>
Feb. 15 - March 16	30 day deadline for voters to file a petition for special election

SUBJECT: FILLING VACANCIES  
ORIGINATING OFFICE: SUPERINTENDENT  
EFFECTIVE: OCTOBER 13, 2015  
REVISED:

### Events Causing a Vacancy

A vacancy on the Board of Trustees may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent 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 (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)
6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
  - a. Upon district business with the approval of the Board
  - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- c. 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 establish 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 responsibilities. 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 consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)
8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)
10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
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 or supplemental bond (Government Code 1770)
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 (Government Code 1770)
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

### **Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

### **Eligibility**

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

### **Provisional Appointments**

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment

4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

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)

### **Appointment Due to Failure to Elect**

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

### *Legal Reference:*

#### EDUCATION CODE

5000-5033 Elections  
 5090-5095 Vacancies  
 5200-5208 Districts governed by boards of education  
 5300-5304 Elections  
 5320-5329 Order and call of election  
 5340-5345 Consolidation of elections  
 5360-5363 Election notice  
 5420-5426 Cost of elections  
 5440-5442 Miscellaneous provisions, elections  
 35107 Eligibility of board members  
 35178 Resignation with deferred effective date

#### ELECTIONS CODE

10600-10604 School district elections  
 11381-11386 Candidates for recall

#### GOVERNMENT CODE

1064 Absence from state  
 1770 Vacancies: definition

3000-3003 *Forfeiture of office*  
3060-3075 *Removal other than by impeachment*  
6061 *One time notice*  
54950-54963 *The Ralph M. Brown Act*

PENAL CODE

88 *Bribery, forfeiture from office*

UNITED STATES CODE, TITLE 18

704 *Military medals or decorations*

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

CSBA: <http://www.csba.org>

California State Attorney General's Office, Quo Warranto Applications:  
[http://ag.ca.gov/opinions/quo\\_warranto.php](http://ag.ca.gov/opinions/quo_warranto.php)





**Roseville Joint Union High School District**  
1750 Cirby Way ♦ Roseville, CA 95661 ♦ Phone: 916-782-8882 ♦ Fax: 916-786-2681

RON SEVERSON, SUPERINTENDENT

BOARD OF TRUSTEES  
Julie K. Hirota  
Scott E. Huber  
Gary T. Johnson  
Paige K. Stauss

## **PUBLIC NOTICE OF GOVERNING BOARD VACANCY AND CANDIDATE INFORMATION**

The Roseville Joint Union High School District (*pursuant to Education Codes 5090-5903*) will make a provisional appointment to fill a vacancy. The provisional appointee will hold office until the next regularly scheduled election (November 2018), whereupon an election will be held to fill the vacancy.

Interested citizens who would like to be considered as a candidate for appointment should request an application from the Office of the Superintendent, Roseville Joint Union High School District, located at 1750 Cirby Way, Roseville, telephone (916) 782-8882, email Barbara Huber (bhuber@rjuhsd.us) or on our website at: [www.rjuhsd.us](http://www.rjuhsd.us) (Announcements).

### **Requirements for Appointment** (*pursuant to Education Code 35107*):

1. A registered voter residing within the Roseville Joint Union High School District
2. Not disqualified by the Constitution or laws of the state from holding a civil office
3. 18 years or older
4. A citizen of the State of California
5. Cannot serve as a Board member and be an employee of the school district.

The Board of Trustees sets the policies that guide the Roseville Joint Union High School District. The Board meets at 6:30 PM on the second and fourth Tuesdays of each month and quarterly on the second Thursday of each month at 4:00 PM at 1750 Cirby Way, Roseville. Additional special meetings and committee meetings are scheduled throughout the year.

Further information regarding functions of the Board can be found in Board Bylaws on the district website at:  
<http://www.rjuhsd.k12.ca.us/board/boardpolicies/9000series/9000index.html>

**Applications will be accepted until 4:00 PM, Tuesday, February 7, 2017.** Postmarks will not be accepted. Submit applications to the Office of the Superintendent, Roseville Joint Union High School District.

The Board of Education will interview qualified candidates, select, and take action on the provisional appointment at a Board meeting no later than Tuesday, February 14, 2017.



**Roseville Joint Union High School District**  
 1750 Cirby Way • Roseville, CA 95661 • Phone: 916-782-8882 • Fax: 916-786-2681

RON SEVERSON, SUPERINTENDENT

BOARD OF TRUSTEES

Julie K. Hirota  
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**GOVERNING BOARD VACANCY PROVISIONAL CANDIDATE APPLICATION**

(Application to be completed and returned to the address above no later than February 7, 2017)

Last Name	First Name	Initial
Business Address		Phone
Home Address		Phone
Occupation	No. of Years Residing in District	
Do you have children in the District's schools?	___ Yes	___ No
If yes, ages and schools are:		
_____		
_____		
Have you worked on any school or District committees or participated in any school or District activities recently? Please list them.		
_____		
_____		
_____		
Other community or business activities?		
_____		
_____		
_____		
Why do you feel you want to be a school board member?		
_____		
_____		
_____		

What do you see as the basic purpose of the public schools?

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What is the role of the school board in the fulfillment of that purpose?

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What could be done to help improve communications and relationships among the board, staff, students, parents, and community?

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What should the relationship between the board members and the administration in the handling of school concerns?

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In what area of function as a board member would you have a particular interest or skill (i.e., public relations, budget, negotiations, evaluation, long-range planning, facilities, policy, etc.)?

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What do you see as the strengths of the Roseville Joint Union High School District?

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What do you see as the area most needing improvement in the school district?

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February 10, 2017

«AddressBlock»

«GreetingLine»

Thank you for applying to fill the vacancy as a Provisional Board Member of the Roseville Joint Union High School District. The Board will be provided with your application materials and will conduct interviews on Tuesday, February 14 during our regularly scheduled Board meeting. The meeting begins at 7:00 pm here at the district office at 1750 Cirby Way.

Applicants (#?) will have up to ten minutes each to make a presentation on why they want to be a Board member. Enclosed you will find eight questions the Board has requested you respond to during your presentation. Please be aware the Board may ask clarifying or additional questions of any candidate prior to making a decision. This interview process will occur during the open session portion of our board meeting.

The applicant selected will be sworn in and seated that evening (pending clearance of "requirements of appointment" as described in the Public Notice of Vacancy). Also please be aware that the voters of the District may file a petition within thirty days of the appointment requesting that a special election be held.

I look forward to seeing you on the 14<sup>th</sup>.

Sincerely,

Ron Severson  
Superintendent

RS/brh  
Enclosures



## Roseville Joint Union High School District

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RON SEVERSON, SUPERINTENDENT

### BOARD OF TRUSTEES

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## PROVISIONAL BOARD MEMBER INTERVIEW QUESTIONS

- 1) Why do you believe you would be a good board member?
- 2) What do you see as the basic purpose of public schools? What is the role of the board in the fulfillment of that purpose?
- 3) What should be the objective of a good board meeting?
- 4) What would you do when you believe administrators have not provided you with accurate and complete information for making a decision?
- 5) How do you go about finding out what parents and community members are thinking? If you hear a recurring theme, what would you do to follow up?
- 6) What are your goals as a board member?
- 7) If a parent cornered you in the grocery store and asked for your support on a particularly hot issue, you would...
- 8) Do you anticipate attending school functions as part of your job as a board member?

## EVALUATING THE CANDIDATE

Does the candidate:

- Know the political boundary and physical geography of the school district?
- Have the courage and ability to explain and enforce a role which might not be popular, but which is proper?
- Have a lay person's relationship to public education?
- Have personal interests that would be in conflict with his/her service to the board?
- Have a sense of humor?
- Make a habit of withholding judgment on critical issues until the facts are available?

Is the candidate:

- Seeking the position for personal prestige or political gain (personal agenda)?
- A leader in his/her own occupation or community group?
- A known quantity in the community?
- Able to think independently and objectively about a problem?
- Capable of recognizing and distinguishing the jurisdictional power and functions of the board and administration?
- Aware of the cross-currents of thinking pertaining to the basic concepts of public education?
- Able to carry on cheerfully when public appreciation of his/her efforts seem to be lacking?

Will the candidate:

- Remain loyal to his/her fellow trustees under stress?
- Work to develop unity among the members of the board, contributing to harmonious development of the program?
- Give the necessary time to this important position?

Has the candidate:

- An interest in the public schools, the community, and in every child?
- Arrived at a position of recognized leadership in the community?