

**BP 1110 VACANCIES ON THE BOARD****References:**

Education Code Sections 5090 et seq.;  
Government Code Section 1770

Vacancies on the Board of Trustees may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Board of Trustees shall be governed by Education Code Section 5090.

Within sixty (60) days of the vacancy or filing of a deferred resignation, the Board of Trustees shall either order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for Board of Trustees members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Board of Trustees members at a public meeting.

The Chancellor shall establish administrative procedures to solicit applications for provisional appointments that assure ample publicity to and information for prospective candidates. The Board of Trustees will determine the schedule and appointment process, which may include interviews at a public meeting.

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**Date Adopted:** September 16, 2008

**Revised:** September 20, 2022

**Formerly:** 2110

## **AP 1110 VACANCIES ON THE BOARD**

### **References:**

Education Code Sections 5090 et seq.;  
Government Code Sections 1770 and 6061

When the Board of Trustees determines to fill the vacancy by appointment, the Chancellor shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation pursuant to the provisions of Government Code section 6061.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board.

Persons applying for appointment to the Board of Trustees shall receive a letter from the Chancellor containing information about the District and the Board, and include a candidate information sheet to be completed and returned by a specific date.

The Board of Trustees may request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all candidate information sheets, with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Board of Trustees shall, within 10 days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation pursuant to the provisions of Government Code section 6061.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the Board of Trustees, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a Board member upon the appointee immediately following the appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for Board members. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

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**Date Approved:** September 16, 2008

**Revised:** June 17, 2025

**Formerly:** 2110