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Options to Fill Vacancy On Alameda Unified School District Board of Education



Alameda USD Board Meeting
September 14, 2021
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Board Options to Fill Board Vacancy

- Vacancy arose on September 7, 2021, when former Trustee Bonta assumed office in her Assembly seat.
- The Board may fill this vacancy by either:
 - Ordering an election within 60 days of the vacancy; or
 - Making a provisional appointment of a new member within 60 days of the vacancy (November 6, 2021). (Educ. Code, § 5091(a)(1).)
- If no Board action by November 6, 2021, County Superintendent of Schools will order an election. (Educ. Code, § 5091(a)(2).)
- Note: Board Bylaw 9223 tracks the statutory procedures.



Ordering An Election

- If the Board were to call for an election:
 - Board must order the election by November 6, 2021, to occur at next established election date at least 130 days out. (April 12, 2022.)
 - Election in same manner as other Board elections.
 - District would incur cost of the election.
 - Person elected holds office for the remainder of the term. (November 2022.)



Provisional Appointment Process

- If the Board were to make a provisional appointment, it normally involves a four-step process:
 - Applications - After notice to the public of vacancy
 - Initial Review – Screening of Candidates for legal eligibility*
 - Interview – By Board in public meeting
 - Selection – By Board in public meeting
- These appointments are called “provisional” because a special election could still be called by public petition.



Application – Provisional Appointment

- District develops and advertises the Board vacancy in local media and procedure for application, which should include:
 - Legal qualifications to serve*
 - How to apply
 - Deadline to apply
 - Selection process.

- Any citizen meeting the following legal qualifications is eligible to serve:
 - Over 18 years old
 - Resident of Alameda
 - Registered voter in California
 - Not an employee of the District at the time of appointment
 - Not otherwise disqualified (e.g., by certain criminal convictions)



Initial Review – Provisional Appointment

- After application window closes, an initial review – screening – is recommended limited to only:
 - Ensuring all required information was provided; and
 - Verifying that candidates meet the minimum qualifications to serve.
- This initial review is not conducted at a public meeting and may be delegated to the Superintendent, as Secretary to the Board under the law, or to a Board “ad hoc” committee.
- Applicants meeting the minimum qualifications with complete applications are forwarded to the Board.
- Note: Some Board’s post a list of all who applied.



Interview – Provisional Appointment

- The Board may choose to interview all candidates eligible to serve.
- If the Board chooses to conduct interviews, we recommend this step be included in the materials announcing the provisional appointment process.
- If interviews occur, the Board must follow its normal procedures to give the public notice of the meeting at which interviews will occur.
- The interviews must occur in open session at a meeting of the Board.
- Board may receive public input (verbal or written) at meeting.



Selection – Provisional Appointment

- Following the interviews, the Board may vote at the same meeting to select an applicant to fill the vacant seat.
- All deliberations of the Board regarding the provisional appointment must occur in public. (Close session deliberations are not permitted.)
- Provisional appointee must be selected from pool of nominees by Board majority vote in a meeting.
- Individual appointed shall serve until the end of former Trustee Bonta's term (November 2022), unless a successful petition is submitted that requires a special election.
- The appointment process must be complete by November 6, 2021.



Petition - Provisional Appointment

- 10 days after appointment, Board must post notices of the appointment in local papers and 3 public places.
- Any Alameda resident can file petition within 30 days of notice of the appointment to request an election.
- If a petition is legally sufficient (e.g., signatures of 1.5% of registered voters request an election, etc.), County Superintendent must order special election to occur within 130 days.
- If County Superintendent called an election, it would occur on April 12, 2022. Winner would serve remainder of the term. (November 2022.)



Legal and Practical Considerations

- If there is no Board Action to appoint *or* call for an election, County Superintendent shall order an election to fill the vacancy.
- Seat would be filled at next election date, April 12, 2022.

Board Member Questions?

Thank you and Good Luck





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