

## SOLANO COMMUNITY COLLEGE DISTRICT

### VACANCY PROCEDURES

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According to Education Code Section 5091(a), within sixty (60) days of the vacancy, the remaining members of the SCC Board may make a provisional appointment or order an election to be held to fill the vacancy.

#### Provisional Appointments

When the Governing Board votes to fill the vacancy by appointment, the Superintendent-President 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 for general circulation.

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

Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the vacant Trustee area; a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed as a member of a county governing board. All candidates interested in eligibility for the vacant position in the vacant trustee area must be a registered voter and a resident of the city where the vacant seat exists. The Solano County Registrar of Voters will verify eligibility.

#### Candidate Information for Provisional Appointments

All applicants will be required to submit the following materials/information:

1. Current résumé.
2. A written statement of qualifications for the Governing Board seat. The statement, not to exceed five double-spaced, typewritten pages, to include the following information:
  - a. Why the applicant is interested in Solano Community College.
  - b. Why the applicant is interested in being appointed to the Governing Board.
  - c. What the applicant considers to be five major issues confronting the District/College.
  - d. Information on past and current public/civic involvement and service to the community.

3. List of three references with current addresses and current phone numbers should be sent to the Office of the Superintendent-President or designee.

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

Applicants will be given three minutes for an opening statement to include a presentation of interest and qualifications, followed by ten minutes to answer questions from the Board. At the conclusion of the interviews, the Board will make a decision and swear in the provisional Board member.

The appointed person shall hold office until the next regularly scheduled election for governing board members (Education Code §5091[e]). The individual appointed to fill the vacancy ~~would~~ shall hold office until the first meeting in December of the election year when the Trustee's term would have ended.

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

Whenever a provisional appointment is made, the Board 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.

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, 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.

#### Order an Election to be Held on the Next Established Election Date –

Per Education Code §5093(c), "If a special election pursuant to Education Code §5091(e) could be consolidated with the next regular election for governing board members, and the vacant position is scheduled to be filled at such regular election, there shall be no special election." The next established election for governing board members is November of a given year when the Trustee's seat would be scheduled to be filled in that election. Under this option, the Board would operate with only six members until the first meeting in December of a given year when the Trustee's term would have ended.

#### Failure to Make an Appointment ~~for~~ or Call for an Election –

If the Board fails to appoint or call an election within the required 60-day period, the

County Superintendent of Schools shall call an election to fill the position and the matter will be placed on the ballot of the next established election date, which would be in November of a given year. The Governing Board would operate with only six members until the first meeting in December of a given year when the Trustee's term would have ended.

**REFERENCES/**

**AUTHORITY:** Government Code Sections 1770 and 6061

Education Code Sections 5091 et seq

**REVIEWED:** May 21, 2014

**REVISED:** March 1, 2017