
FILLING VACANCIES

Events Causing a Vacancy

A vacancy on the Board of Directors (Board) may occur for any of the following events:

1. The death of an incumbent
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 their office for the remainder of their term
3. A Board member's resignation

A vacancy resulting from resignation occurs when the written resignation is filed with the Superintendent/CEO and board president. A Board member may not defer the effective date of their resignation for more than 60 days after he/she files the resignation with the Superintendent/CEO and board president.

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

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 their absence and adhere to The Uniformed Services Employment and Reemployment Rights Act (USERRA), guidelines. 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.

5. A board member will be dismissed if:
 - a. A Board member's ceasing to discharge the duties of their office for the period of three consecutive months, except when prevented by illness
 - b. A Board member's conviction of a felony or any offense involving a violation of their official duties or conviction of a designated crime resulting in a forfeiture of office

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- c. A Board member's refusal or neglect to file their required oath within the time prescribed
- d. The decision of a competent tribunal declaring void a Board member's appointment
- e. 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

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.
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, make a provisional appointment.

Provisional Appointments

When making a provisional appointment to fill a vacancy on the Board, the Board may advertise in the local media or other social media resources to solicit candidate applications or nominations.

The Board Secretary shall ensure the applicants are eligible for Board membership. The Board may interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.