

# Vacancies on School District Governing Boards

## **What Causes a Vacancy**

Vacancies on school district governing boards or community college district boards are caused by any of the events specified in Section 1770 of the Government Code (see Vacancies – Definition), or by a failure to elect. A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district. A deferred effective date not to exceed 60 days may be specified by the incumbent, in which case, the resignation becomes effective on that date. Upon being filed with the County Superintendent of Schools, the written resignation is irrevocable.

Education Code §5090, 5091(a)

When any vacancy exists on the county board of education of any county on or after December 1, 1978, the vacancy shall be filled in the manner prescribed in Article 3 (commencing with Section 5090) of Chapter 1 of Part 4.

Education Code §1008

## **Action Required by the Governing Board**

Whenever a vacancy occurs, the school district or community college district governing board has one of two options available to it. Either of these two options must be exercised within 60 days of the date a vacancy occurs or the date of a deferred resignation is filed with County Superintendent of Schools:

1. Immediately call an election to fill the vacancy; or
2. Make a provisional appointment pursuant to §5091 of the Education Code.

In the event that the governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the County Superintendent of Schools shall call an election to fill the vacancy.

Education Code §5091(a)

Although not required by law, as a matter of practice, a copy of the resignation, and copies of any notices, appointments, resolutions calling election, etc. should be sent to the Santa Cruz County Elections Department as soon as possible.

## **Election Ordered**

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

Education Code §5091(b)

A regular election as defined by Elections Code §1000 is:

- (a) The second Tuesday of April in each even-numbered year.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The first Tuesday after the first Monday in June of each year.
- (d) The first Tuesday after the first Monday in November of each year.

Vacancy elections shall be conducted in as nearly the same manner as practicable as other governing board member elections.

## **Provisional Appointment**

If the Governing Board makes a provisional appointment, the appointee is immediately

conferred with all powers and duties of a governing board member.

Education Code §5091(d)

**Public Notice**

Within 10 days of making the provisional appointment to fill a vacancy the school district governing board must:

1. Post a notice described below in at least three public places in the district; and
2. Publish the notice at least once in a newspaper of general circulation published within the district (Gov. Code §6061). If there is no newspaper of general circulation published in the district, notice need not be published.

Education Code §5092

A copy of the notice should be sent to the Santa Cruz County Elections Department.

**Contents of Public Notice**

The notice to be posted and published must state the following:

1. 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, and
2. The full name of the provisional appointee to the board and the date of his/her appointment, and
3. 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.

Education Code §5092

Excerpted from “How to Fill a Vacancy” by the Santa Cruz Elections Department 4/16

**PACIFIC SCHOOL DISTRICT**  
**BOARD OF TRUSTEES MEETING**  
**Thursday, September 15, 2016 @ 4:00 PM**  
**PACIFIC ELEMENTARY SCHOOL, Davenport, CA**

**Pacific School Mission Statement**

Pacific School's mission is to prepare children for life through experiential learning that addresses the needs of the whole child. We create a safe and secure school environment that promotes social and academic growth and develops an enthusiasm for learning, a positive self-image, and cross-cultural understanding.

PLEASE NOTE: All persons are encouraged to attend and, where appropriate, to participate in meetings of the Pacific School Board of Trustees. Persons wishing to address the Board are asked to state their names for the record. Consideration of all matters is conducted in open session except for those relating to litigation, personnel, and employee negotiations, which, by law, may be considered in executive (closed) session.

Meeting facilities are accessible to persons with disabilities. By request alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please provide a written request to: Eric Gross, Superintendent/Principal at the Pacific School District Office at least three working days prior to any public meeting.

**Board Meeting Agenda**

**1. OPENING PROCEDURES FOR OPEN SESSION**

- 1.1. Call to Order, Roll Call, Establishment of Quorum
  - 1.1.1. Gwyan Rhabyt, Board President
  - 1.1.2. Don Croll, Board Trustee
- 1.2. Approval of the agenda for September 15<sup>th</sup>, 2016
  - 1.2.1. Agenda deletions, additions, or changes of sequence

**2. PUBLIC COMMENTS**

- 2.1. For items not on the agenda, this is an opportunity for the public to address the board directly related to school business. The Board President may allot time to those wishing to speak, but no action will be taken on matters presented (EC §35145.5).
- 2.2. For items on the agenda, the public will have the opportunity to speak at the time the agenda item is discussed. Please address the Board President.

**3. REPORTS**

- 3.1. Superintendent's Report
- 3.2. Board Member Reports
- 3.3. School Site Council Report -- None
- 3.4. Parents' Club Report -- None
- 3.5. Citizen Oversight Committee Report -- None

- 4. **CONSENT AGENDA:** These matters may be passed by one roll call motion. Board

Members may remove items from the agenda for a separate discussion and vote.

4.1. Approval of Minutes of the Board Meetings on August 18<sup>th</sup>

4.2. Approval of Warrant Register

**5. PUBLIC HEARING -- None**

**6. BOARD RESOLUTIONS -- None**

**7. ITEMS TO BE TRANSACTED AND/OR DISCUSSED**

7.1. Facilities – Staff will report on various summer projects

7.1.1. Construction Update. Review of progress on the Measure M Bond projects and discussion of next steps.

7.1.1.1. Fire alarm system

7.1.1.2. Furniture

7.2. Enrollment – Staff will report on enrollment numbers for the start of 2016-17.

7.3. Provisional appointment of Interim Trustee to fill vacancy created by resignation of Trustee Knapp. Two candidates will be interviewed and a selection will be made at this meeting. (Ed Code 5091)

**8. SCHEDULE OF COMING EVENTS**

8.1. Next Regular Board Meeting: September 29<sup>th</sup>, 2016

**9. CLOSED SESSION**

9.1. None required

**10. REPORT OF ACTIONS TAKEN IN CLOSED SESSION**

**11. ADJOURNMENT**

If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by section 202 of the Americans with Disabilities Act (42 U.S.C. section 12132) and the federal rules and regulations implementing the Act. Individuals requesting a disability-related modification or accommodation may contact the District Office.

The board book for this meeting, including this agenda and any back-up materials, may be viewed or downloaded online: <http://www.pacificesd.org/governance.html> or may be viewed at the school: 50 Ocean St. Davenport CA.

**Public Participation:** All persons are encouraged to attend and, when appropriate, to participate in meetings of the Pacific Board of Education. If you wish to speak to an item on the agenda, please be present at the beginning of the meeting as any item, upon motion, may be moved to the beginning of the agenda. Consideration of all matters is conducted in open session except those relating to litigation, personnel and employee negotiations, which, by law, may be considered in closed session.

**Translation Requests:** Spanish language translation is available on an as-needed basis.

**Solicitudes de Traducción:** Traducciones del inglés al español y del español al inglés están disponibles en las sesiones de la mesa directiva.

**Payables Prelist**

**8/19/2016 ()**

**PSD**

<b>Check</b>		
161 - Alta Coffee PO 17-00087-supplies	01-0000-0-0000-2700-4350-200-2801	\$24.00
		<b>\$24.00</b>
92 - Elizabeth Andrews PO 17-00085-reimbursement	01-0000-0-0000-2700-5802-200-2801	\$75.00
		<b>\$75.00</b>
18 - ASSOC. OF CAL. SCHOOL ADMIN. PO 17-00093-8/9/16	01-0000-0-0000-2700-5300-200-2801	\$1,050.00
		<b>\$1,050.00</b>
255 - Central Coast System PO 17-00095-firealarm monitoring	01-0000-0-0000-8100-5563-200-2801	\$105.00
		<b>\$105.00</b>
69 - CIT TECHNOLOGY FIN SERV INC PO 17-00091-service contract	01-0000-0-0000-7200-5650-200-2801	\$203.51
		<b>\$203.51</b>
17 - EPS / Educators Publishing Service PO 17-00075-consumable textbooks	01-6300-0-1110-1000-4100-200-3000	\$1,171.07
		<b>\$1,171.07</b>
91 - Fisher, John PO 17-00067-reimbursement landscaping	21-9716-0-0000-8500-5800-200-9003	\$1,776.41
		<b>\$1,776.41</b>
181 - Houghton Mifflin Harcourt PO 17-00077-consumable textbooks	01-6300-0-1110-1000-4100-200-3000	\$1,272.34
		<b>\$1,272.34</b>
47 - PEARSON EDUCATION PO 17-00069-consumable textbooks PO 17-00071-consumable textbooks	01-6300-0-1110-1000-4100-200-3000 01-6300-0-1110-1000-4100-200-3000	\$617.01 \$431.28
		<b>\$1,048.29</b>
64 - Stacey Reynolds PO 17-00089-reimbursement	12-9010-0-8500-1000-4300-200-3020	\$139.78
		<b>\$139.78</b>
10 - SANTA CRUZ FIRE EQUIPMENT CO. PO 17-00081-Annual Maint.	01-0000-0-0000-8100-5563-200-2801	\$224.01
		<b>\$224.01</b>
82 - SISC - SELF-INSURED SCHOOLS PO 17-00073-catch up payment PO 17-00073-catch up payment PO 17-00073-catch up payment	01-0000-0-0000-0000-9514-000-0000 12-0000-0-0000-0000-9514-000-0000 13-0000-0-0000-0000-9514-000-0000	\$68,627.48 \$11,100.00 \$2,775.00
		<b>\$82,502.48</b>
203 - Sonoma County Office of Education PO 17-00079-professional services	01-0000-0-0000-2700-5801-200-2801	\$215.00
		<b>\$215.00</b>
2 - Candace Tanner PO 17-00083-reimbursement PO 17-00083-reimbursement	01-0000-0-0000-2700-5915-200-2801 01-6300-0-1110-1000-4100-200-3000	\$53.45 \$877.61

**Payables Prelist****8/19/2016 ()****PSD**

---

PO 17-00083-reimbursement	01-0000-0-0000-8100-4370-200-2801	\$6.53
PO 17-00083-reimbursement	01-1400-0-1110-1000-4300-200-2801	\$196.45
PO 17-00083-reimbursement	01-1100-0-1110-1000-4300-202-3000	\$55.90
PO 17-00083-reimbursement	01-0000-0-0000-2700-4350-200-2801	\$31.45
		<hr/>
		\$1,221.39
		<hr/>
	<b>Payment Type Check Total</b>	<b>\$91,028.28</b>

---

**Grand Total :** **\$91,028.28**

**Amount**

Fund 01	\$75,237.09
Fund 12	\$11,239.78
Fund 13	\$2,775.00
Fund 21	\$1,776.41

**Grand Total :** **\$91,028.28**

-----  
PRESIDENT

-----  
SECRETARY

PREPARED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

<b>Check</b>		
<b>92 - Elizabeth Andrews</b>		
PO 17-00109-reimburse postage	01-0000-0-0000-2700-5915-200-2801	\$22.95
		<b>\$22.95</b>
<b>85 - COMCAST</b>		
PO 17-00111-Service Aug - Sept	01-0000-0-0000-2700-5900-200-2801	\$115.67
		<b>\$115.67</b>
<b>5 - CSBA</b>		
PO 17-00101-Membership CSBA and ELA	01-0000-0-0000-7100-5300-200-2801	\$1,039.00
PO 17-00103-Manual Maintenance and Gamut Online	01-0000-0-0000-7100-5800-200-2801	\$2,930.00
		<b>\$3,969.00</b>
<b>59 - GEO. H. WILSON INC</b>		
PO 17-00117-HVAC Maintenance	01-0000-0-0000-8100-5620-200-2801	\$553.98
		<b>\$553.98</b>
<b>123 - James Gross</b>		
PO 17-00105-Staff development	13-5310-0-0000-3700-5215-200-3101	\$428.00
PO 17-00105-Staff development	01-1100-0-1110-1000-4100-200-3000	\$364.41
		<b>\$792.41</b>
<b>38 - INC TRIAD ELECTRIC</b>		
PO 17-00119-Fiber and Data Run	01-6230-0-0000-8500-6200-200-6230	\$5,135.00
		<b>\$5,135.00</b>
<b>66 - Emelia Miguel</b>		
PO 17-00107-Food and office supplies	13-5310-0-0000-3700-4700-200-3101	\$86.21
PO 17-00107-Food and office supplies	13-5310-0-0000-3700-4390-200-3101	\$35.18
PO 17-00107-Food and office supplies	13-9055-0-0000-3700-4700-200-9055	\$34.79
PO 17-00107-Food and office supplies	01-0000-0-0000-2700-4350-200-2801	\$28.88
		<b>\$185.06</b>
<b>88 - NUTRIKIDS-HEARTLAND PAYMENT</b>		
PO 17-00115-program fee	13-5310-0-0000-3700-4390-200-3101	\$338.50
		<b>\$338.50</b>
<b>164 - PACIFIC GAS &amp; ELECTRIC COMPANY</b>		
PO 17-00113-Utilities	01-0000-0-0000-8100-5511-200-2801	\$474.15
PO 17-00113-Utilities	12-9010-0-8500-8100-5511-200-3020	\$39.48
		<b>\$513.63</b>
<b>166 - PALACE ART &amp; STATIONERY</b>		
PO 17-00121-back to school resupply	01-1100-0-1110-1000-4300-201-3000	\$54.03
PO 17-00121-back to school resupply	01-1100-0-1110-1000-4300-202-3000	\$47.53
PO 17-00121-back to school resupply	01-1400-0-1110-1000-4300-200-2801	\$598.40
PO 17-00121-back to school resupply	01-0000-0-0000-2700-4350-200-2801	\$53.75
		<b>\$753.71</b>
<b>2 - Candace Tanner</b>		
PO 17-00099-back to school materials for classrooms etc.	01-1400-0-1110-1000-4300-200-2801	\$472.69
PO 17-00099-back to school materials for classrooms etc.	01-1100-0-1110-1000-4300-202-3000	\$146.34
PO 17-00099-back to school materials for classrooms etc.	01-1100-0-1110-1000-4100-200-3000	\$135.52



---

	\$754.55
<b>Payment Type Check Total</b>	<b>\$13,134.46</b>

---

---

**Grand Total :** **\$13,134.46**

**Amount**

Fund 01 \$12,172.30  
Fund 12 \$39.48  
Fund 13 \$922.68

**Grand Total :** **\$13,134.46**

-----  
PRESIDENT

-----  
SECRETARY

PREPARED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

8/24/16

Dear Eric,

It is with some sadness that I must resign from the Board of Trustees at Pacific School. Our family has made a decision to move to Santa Cruz and my change of address precludes me from continuing to serve. It has been a pleasure to meet and work with you and the member of the board. Though I have only served 2 years and you and I have worked together for less than a year, I feel certain that I am leaving the school in good hands and that you and the other board members can continue to work together to keep a great and unique educational institution. I wish you all the best in finding a suitable replacement on the board and if I can be of any assistance with any information or matters that come before you or the board, I am happy to help. As I am still a property owner in the district, I will look to returning to the district at some point in the future and I have a keen interest in the ongoing success and prosperity of Pacific School. I feel certain that you all share my vision and will continue to fight the good fight.

Sincerely,  
Roger Knapp