

FILLING VACANCIES**Events causing a vacancy on the Humboldt County Board of Education before expiration of a Board member's term**

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent
- (b) The adjudication pursuant to a quo warrant proceeding declaring that the 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 his/her office for the remainder of his/her term
- (c) His/her resignation
- (d) His/her removal from office
- (e) His/her ceasing to be an inhabitant of the trustee area for which the Board member was chosen or appointed
- (f) His/her absence from the state without the permission required by law beyond the period allowed by law
- (g) His/her ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law
- (h) His/her conviction of a felony or any offense involving a violation of his/her official duties. A Board member shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict or finding.
- (i) His/her refusal or neglect to file his/her required oath within the time prescribed
- (j) The decision of a competent tribunal declaring void his/her election or appointment
- (k) His/her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; in

this event, the office shall not be deemed vacant until the order of commitment has become final.

- (l) A “failure to elect” in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s).

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, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below.
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill.

Eligibility

In order to be appointed or elected to fill a vacancy on the County Board of Education, a person must meet the eligibility requirements specified in Education Code 1006.

Absence from state; conditions

No member of the Board of Education shall be absent from the state for more than 60 days, except in any of the following situations:

- (a) Upon business of the Board of Education with the approval of the Board
- (b) With the consent of the Board of Education for an additional period not to exceed a total absence of 90 days

For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board of Education for an additional period not to exceed 30 days.

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 his/her absence. 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. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a County Board election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the County Board election.

When an appointment is being made because of a failure to elect, the Office of Education shall publish a notice once in a newspaper of general circulation published in the Trustee area with the Board vacancy. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment.

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified in Board Bylaw 9223 Filling Vacancies.