



**CHAFFEY COMMUNITY COLLEGE DISTRICT
SPECIAL MEETING OF THE GOVERNING BOARD
Tuesday, October 6, 2020, 2:00 p.m.**

Pursuant to Governor Newsom's Executive Order N-29-20, dated March 17, 2020, members of the Governing Board of the Chaffey Community College District, staff, and the public will participate in the October 6, 2020 Special Board meeting via videoconference. To avoid exposure to COVID-19, this meeting will be held via videoconference and can be accessed at the following link:

<https://www.chaffey.edu/leadership/governingboard.php>

Public comments for this meeting will only be accessible via email and should be sent to presidents.office@chaffey.edu. Submissions must be received prior to the posted start time of the Board meeting. Please include in the email subject line: *Public Comments for the Special Governing Board Meeting of October 6, 2020*. Please indicate in your email if you are addressing a specific agenda item or if you are making a comment regarding an item not on the agenda. All submissions received will be considered a public record under the Public Records Act and are therefore subject to public disclosure. Submissions will be read into the record at the Board meeting and must comply with the three-minute time limit.

I. REGULAR SESSION OF THE SPECIAL BOARD MEETING

- A. CALL TO ORDER (2:00 P.M.)
- B. PUBLIC COMMENTS
- C. ACTION AGENDA
 - 1. Organization
 - a. Process for Filling Board Seat Vacancy in District 2
(Education Code section 5091)

II. ADJOURNMENT

The next regular meeting of the Governing Board will be Thursday, October 22, 2020.

[Complete agenda may be viewed at www.chaffey.edu/leadership/governingboard.php](http://www.chaffey.edu/leadership/governingboard.php)

AGENDA ITEM

Chaffey Community College District

GOVERNING BOARD

October 6, 2020

Board Meeting Date

TOPIC **PROCESS FOR FILLING BOARD SEAT VACANCY IN DISTRICT 2 (EDUCATION CODE SECTION 5091)**

Communication No. I.C.1.a

SUPPORTS BOARD POLICY

Chaffey Community College District Board Policies 2010, 2100, 2110, and 2200; Chaffey Community College District Administrative Procedures 2110 and 2200.

PROPOSAL

To consider and decide on whether to order a special election or proceed with the provisional appointment process for filling the Board vacancy in District 2.

BACKGROUND

Effective October 1, 2020, the District 2 Board Seat will be vacant due to Governing Board Member Katie Roberts retiring. Within sixty days (60) of the Board Seat becoming vacant, the Governing Board must complete one of the two options to fill the District 2 Seat:

Order a Special Election: California Education Code section 5091 requires that “when an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.” The person elected will remain in the District 2 Seat until March 8, 2022, which is the next Board election. The District bears the cost of the special election, and that cost would likely exceed three-hundred thousand (\$300,000.00) dollars.

Make a Provisional Appointment: The Board can make a provision appointment to fill the District 2 vacancy by following a number of procedural steps. Steps include the District publishing notices regarding the vacancy and accepting applications for the vacancy. The Board may interview finalist, in open session, to fill the Board Seat. The Board will make the provisional appointment for the District 2 vacancy by taking a vote in open session at a regular or a special meeting. This would likely take place towards the latter part of November. The person appointed will remain in the District 2 Seat until March 8, 2022, which is the next Board election.

Within 10 days after making the provisional appointment, the District will post notices that include:

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation;
2. The full name of the provisional appointee;
3. The date of appointment; and
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

PROCESS FOR FILLING BOARD SEAT VACANCY IN DISTRICT 2

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Voters from District 2 may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to 1 ½ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with less than 2,000 registered voters, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members. (Education Code section 5091) If the voters do not petition in the timeframe noted above, the “provisional appointment” becomes an “effective appointment.”

BUDGET IMPLICATIONS

Funding Source – Unrestricted General fund (cost of special election, if selected to proceed with that option)

Status of Funds – Transfer from the unrestricted general fund reserve and increase the 2020-2021 unrestricted general fund budget by \$300,000 to fund the cost of an election as indicated below, if that option is selected.

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| 55xxx | Other Services | \$300,000 |
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Future Implications – N/A

RECOMMENDATION

To vote on whether to order a special election or proceed with the provisional appointment process for filling the Board vacancy in District 2. If the special election option is selected, to approve the transfer from the unrestricted general fund reserve and increase the 2020-2021 unrestricted general fund budget by \$300,000.

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| Prepared by: | Ryan Church, General Counsel |
| Reviewed by: | Lisa Bailey, Associate Superintendent, Business Services and Economic Development |
| Recommended by: | Henry D. Shannon, Superintendent/President |