

Draft #4 – June 1, 2020

**CCSD Policy and Procedures for Filling Vacancies on Board of Directors by Appointment****Policy XXXX:**

The CCSD shall notify the San Luis Obispo County Registrar of Voters' office of the vacancy no later than **15 days** following either the date on which the District Board is notified of the vacancy or the effective date of the vacancy, whichever is later.

**Government Code § 1780(b)**

The remaining CCSD Board members have **60 days** immediately subsequent to either the date on which the District Board is notified of the vacancy or the effective date of the vacancy, whichever is later, to either fill the vacancy by appointment or by calling a special election. **Government Code § 1780(c)(d)(1)**

**Appointment to Fill Vacancies:**

If the Board decides to appoint someone to fill the vacancy, the Board first must post a notice of the vacancy in **three or more** conspicuous places in the District at least **15 days** before the appointment is made. **Government Code § 1780(d)(1)**

The Board must notify the San Luis Obispo County Registrar of Voters' office of the appointment no later than **15 days** after the appointment is made. **Government Code § 1780(d)(1)**

If the vacancy occurs in the first half of a term of office and at least **130 days** prior to the next general District election, the person appointed to fill the vacancy shall hold office until the next general District election that is scheduled **130 or more days** after the date the District Board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

**Government Code § 1780(d)(2)**

If the vacancy occurs in the first half of a term of office, but less than **130 days** prior to the next general district election, or if the vacancy occurs in the second half of the term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office. **Government Code § 1780(d)(3)**

Notwithstanding any other provision of this section, if the number of remaining members of the District Board falls below a quorum, then, at the request of the District Board President or a remaining member of the District Board, the San Luis Obispo County Board of Supervisors shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy. **Government Code § 1780(h)(1)**

The Board of Supervisors shall only fill enough vacancies by appointment or by election to provide the District Board with a quorum. **Government Code § 1780(h)(2)**

**Procedures (to supplement Policy XXXX):**

Notwithstanding any provisions of CCSD Policy XXXX, the following procedures shall direct the process of filling vacancies on the Board of Directors by appointment.

**Procedure to appoint using voting results from last scheduled election:**

Should a vacancy occur no later than **12 months** past the last scheduled election of Directors, CCSD Directors shall **(may elect by a majority vote to)** fill a vacancy by appointing the candidate from the last scheduled election who had received the greatest number of votes behind the candidate(s) who won the election. **The Board may decide, based on a threshold difference of at least 30% of votes between the last candidate to win the election and the candidate who lost the election (first runner-up), not to appoint using results from the last election and instead use the following procedures. (Should the Board of Directors not elect to appoint using results from the last scheduled election, or, if)** If this method is not available because a vacancy occurs after **12 months** since the last scheduled election, or if the candidate **no longer meets minimum qualifications** or **is no longer** available, the following procedures shall apply.

**Procedures to apply for appointment:**

CCSD shall adopt a uniform application form that presents minimum requirements for serving on the Board of Directors and the process the Board will use to make an appointment. Applications will be available to residents at the time a vacancy is announced publicly, and applicants shall return completed applications to the CCSD Office no later than 30 days following the public announcement of a vacancy.

**Procedures for Board interviews of eligible applicants:**

All applicants who meet minimum requirements, as determined by CCSD staff review of submitted applications, shall be eligible for consideration of appointment and for interviews by the Board of Directors at a special meeting of the Board. In advance of the special meeting, the Board shall prepare and agree upon a single set of questions that shall be asked of each applicant. Applicants waiting for interview shall be sequestered. Board members may ask only follow-up questions of applicants for clarification of responses to the uniform set of questions. Members of the public in attendance at the special meeting may address the Board only during the public comment section of the agenda.

**Procedures for Board selection of appointee(s):**

Following interviews of the applicants, the Board shall select the applicant for appointment using a ranked order method of selection, followed by motion and action by the Board to confirm the appointment. For the ranked order process of selection, each Board member shall designate by secret ballot their individual, single choice for selection. Unless an applicant

receives at least three votes (majority) for selection, the process is repeated with only those applicants who received votes for selection available for additional rounds of voting, until one applicant receives three votes (majority). Following the ranked order selection of an applicant for appointment, The Board, through motion and action, shall vote to confirm the appointment. **If, however, after the second, repeated vote no applicant receives three votes (majority), the Board shall declare a stalemate and refer action and decision for filling the vacancy to the San Luis Obispo County Board of Supervisors, who may either appoint to fill the vacancy or call for a special election, per Government Code 1780 (F) (G) (H).**

(Another option for voting to select an applicant could be a variation of “score voting,” briefly explained, as follows)

Score voting uses a ratings ballot; that is, each voter rates each candidate with a number within a specified score, such as 0 to 9<sup>(17)</sup> or 1 to 5. In the simplest system, all candidates must be rated. The scores for each candidate are then summed, and the candidate with the highest sum is the winner. (This is simpler for voters than cumulative voting, where they are not permitted to provide scores for more than some number of candidates.)

(If “score voting” becomes the chosen option, the explanatory paragraph above would be translated into appropriate procedural language.)