

## 1.02 Organization of the Board

### 1. Authority of the Board

- a. The Board of Trustees (hereinafter referred to as the Board) derives its authority from the Education Code of the State of California. The Board is subject to the provisions of the Constitution of the State of California, the Education Code, the California Administrative Code, its own Rules and Regulations, and the expressed will of the electorate.
- b. Board members have authority only when acting as a Board legally in session. The Board shall not be bound by any statement or action of any individual Board member or employee, except when such statement or action is in pursuance of specific instructions by the Board. No member of the Board shall speak for the Board unless specifically authorized to do so.
- c. The Board may appoint ad hoc advisory committees to study and report on issues. Such committees shall be composed of less than a quorum of the Board and have no power to act on behalf of the Board. These committees are not subject to open meeting laws. Ad hoc advisory committees shall report their findings and/or recommendations to the full Board for action.

### 2. Membership of the Board

- a. Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.
- b. An employee of the District may not be sworn into office as an elected or appointed member of the Board unless he or she resigns as an employee.
- c. No member of the Board shall, during the term for which he or she is elected, hold an incompatible office.

### 3. Election and Term of Office

- a. The Board consists of five (5) members elected at large for terms of four (4) years. Terms of Board members are staggered with biennial elections as provided by the Education Code. Elections are held in accordance with provisions of the California Elections Code. In addition to the five Board members, a nonvoting Student Trustee is elected by students to serve on the Board for a one-year term. (See Policy 1.05)
- b. Although the Board encourages Board candidate statements in the sample ballot package, the District will not pay the cost of such statements.
- c. The candidate's statement for the Board election shall contain no more than 200 words.
- d. In case of a tie vote among the candidates for the Board, the Board will determine the winner by lot.

### 4. Vacancies

- a. Vacancies in the membership of the Board may be filled by appointment or by special election as determined by the Board and in accordance with provisions of the Education Code.
  - i. Within sixty (60) days of the vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy.
  - ii. If an election is ordered, it shall be held on the next regular election date not less than one hundred thirty (130) days after the occurrence of the vacancy.
  - iii. If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 5091. The person appointed to the position shall hold office

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only until the next regularly scheduled election for Board members, when an election shall be held to fill the vacancy for the remainder of the unexpired term.

- iv. The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

**References:** Education Code Sections 5000, et seq, 5090, et seq., 72023, 72103, 72104

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