

Mr. Speck also clarified that the general rule established by California case law in filling board vacancies where there has been a mid-term redistricting is that the boundaries in effect at the beginning of the present term, in 2009, must be used to fill the vacancy. Although a new trustee will fill the position, the term is still in effect through the 2013 election. The trustee area boundaries need to remain the same for the duration of the term. In other words, the old trustee area is entitled to representation for a full term of office.

In order for the Board to make the most informed decision, Mr. Speck presented the available options along with special considerations for each option. Candidate qualifications are found in Education Code section 35107.

- Make No Decision: If the Board fails to take action within the 60-day timeframe, the County Superintendent will call for an election at the next regularly scheduled election for board members on November 5, 2013, and the Board will operate with only six members until that time. The Board will have no tie-breaking vote in decisions where the vote is equally split.
 - The seat will be up for election in nine months, and the cost to fill the vacancy in the November 2013 regular election is estimated at \$5 per voter, or \$150,000.
- Special Election: The Solano County Registrar of Voters provided cost estimates of holding a special election. There are approximately 30,000 registered voters in Trustee Area 3.
 - It would cost an estimated \$15 per voter, or \$450,000, to hold a special election in which voters go to the polls to vote on this single ballot item.
 - Costs for a mail-in only ballot are approximately \$10 per voter, or \$300,000.
- Provisional Appointment: Historically, the Board has filled its vacancies using this method. Research shows that since 1958, there have been 13 provisional appointments to fill vacancies; 7 of those were the result of a resignation. The Board would need to decide the method to use to fill this vacancy.
 - Nomination: A member would nominate an eligible, interested individual, and the Board votes on whether to appoint that person.
 - Solicit Applications: Eligible members of the public submit applications and are interviewed by the Board prior to selection.
 - Voters will have the opportunity to participate in electing their own representative in November.
 - The cost of advertising for candidates, printing application packets, staff time, etc., will likely be around \$1,000-\$2,000.

Mr. Speck distributed copies of the application packet used in the last Board vacancy in 2011. The packet has been updated for the present situation in the event the Board decides to proceed with the public application process. He reviewed the draft timeline highlighting the activities that would need to be completed within the 60-day period, one of which is a special meeting on March 6th to interview candidates and make the appointment.

He suggested a few other changes to the process to reduce the chance of impasse when the Board members vote on their top candidate.

- Interview Questions: In the past, the interview questions were provided to the candidates in advance giving them a chance to prepare their answers. Typically when someone is applying for a position, they do not know what the interview questions will be. This allows the interview panel to see the applicant think quickly, use their own

words to answer, and respond under pressure; all of which are attributes common to serving on the Board.

- *Tie-Breaker Questions:* If the Board should reach a voting impasse, the candidates' answers to these questions could help break the tie. The Board President and Vice President will develop the questions.
- *Individual Interviews:* Although interviews will be held during an open meeting, candidates could be asked to leave the room when others are interviewing. Under the Brown Act, candidates cannot be required to leave the meeting room but can be requested to do so in an effort to be fair to all candidates and not give undue advantage to subsequent applicants.

Mr. Speck reviewed the draft information packets that would be provided to interested, eligible applicants:

- Cover Letter containing submittal deadlines
- Board Policies #9223 regarding vacancies and #9005 on governance standards
- Education Code sections 1008, 5090-5095 pertaining to filling board vacancies
- Timeline for a provisional appointment
- Process for selecting a candidate to fill the vacancy
- Map of all Solano County Board of Education trustee areas and one of Trustee Area 3 alone
- Description of Trustee Area 3 boundaries, as were in place in 2009 at the start of the present term, as well as the census tracts and population per tract
- Application containing preliminary candidate questions and seeking contact information to identify possible conflicts of interest and determine that residency requirements are met

Mr. Asera said he was sorry he had missed the Board's meeting on January 9th during which Mr. Galvan submitted his resignation, and he inquired about the possibility of a board member withdrawing his/her resignation. Mr. Speck called attention to Education Code section 5090 stating that a written resignation is irrevocable once it has been filed with the county superintendent. Mr. Galvan added that his was not a snap decision, and he felt this would be the most opportune time to depart because personal matters prevented him from giving his full effort to the Board. He is pleased to be able to help the board fill the vacancy.

Mrs. Coleman asked about the effective date of the new trustee area boundaries that the Board decided upon in 2012 through redistricting resulting from the 2010 Census. Mr. Speck said that the new boundaries for Areas 3, 4, and 6 will become effective with the November 2013 election, and Areas 1, 2, 5, and 7 will become effective in November 2015 when those members' terms expire. This means that an individual who lives within the existing boundaries of Trustee Area 3 may be appointed, but s/he might not be able to run for the office in the upcoming November election unless his/her residence is within the new boundaries.

Motion was made by Mr. Silva for the Board to make a nomination and direct appointment. There was no second.

Dr. Verder-Aliga said she would like for the residents of Trustee Area 3 to have full representation on the County Board, and she would agree to a public process similar to that previously used in which applications are solicited from the public. Other members concurred. She also pointed out that using the proposed timeline for making a provisional appointment

would ensure that the Board would always have a full seven members at its regular meetings with Mr. Galvan in February and the new member in March.

Prior to the Board's vote, Mr. Ford asked if there were any comments from the public. Dana Dean said she is a member of the Benicia Unified School District Governing Board. She was appointed in 2008 using a similar public process to what the Board is considering, and she was elected to the position in 2009. She supports the idea of involving the public in the process and would like to be considered to fill the Trustee Area 3 vacancy. She talked briefly about herself and her qualifications including serving as a Commissioner on the First 5 Solano Children and Families Commission for the past five years.

Motion was made by Mr. Asera, seconded by Mr. Galvan, and carried six to one by a roll call vote of those present to approve the process, as presented and similar to what has transpired in the past, for filling the Board vacancy, and to adopt the procedures, as presented, for soliciting applications from qualified candidates in order to make a provisional appointment. (*Mr. Silva voted no.*)

V. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:25 PM.

Signature on File

Jay Speck

Secretary to the Solano County Board of Education