

- (ii) The Board may seek eligible applicants from the community by publishing an advertisement and conducting interviews. This is the method the Board has used to fill the majority of its past vacancies. At Mr. Asera's request, staff prepared a history of the Board's prior provisional appointments, and the information was distributed to the members.
- (3) Fail to make a provisional appointment or order an election within 60 days – If neither occurs within the 60-day timeframe, the County Superintendent will call for an election to be held according to law. In this case, the election would be held on November 8, 2011, and the Board would function with only six members until a new Area 1 trustee can be elected. While this is the least expensive and least time-consuming option, tie votes can occur when there is an even number of board members.

Mr. Asera asked the members for initial feedback on the choices of action presented. Discussion followed on the merits of each option, but no one favored ordering a special election due to the high cost, especially since the Area 1 trustee's seat is up for election in November anyway. The majority of the members preferred involvement from the community, felt that the residents of Area 1 deserve to have representation on the Board, and supported making a provisional appointment after advertising, collecting applications, and conducting interviews.

Toward that end, Mr. Speck reviewed a draft timeline and candidate packet intended to complete the appointment process by the 60-day deadline and assist the Board in selecting the optimum applicant. In drafting this information, staff examined the process the Board has historically used to fill its vacancies, talked with districts that have filled board vacancies in recent months, and conferred with counsel to ensure legal compliance. The packet contained:

- An introductory letter including applicant eligibility requirements, the deadline for submitting completed applications, and a list of other documents contained in the packet
- Board Policies #9005 regarding the standards by which the Board governs itself, and #9223 pertaining to vacancies on the Board
- Education Code Sections concerning the Board's authority to fill its vacancies, the available options, and the timeframe that must be followed
- Countywide and Area 1 maps, a legal description of Area 1, and current census tract information
- Timeline of key dates during the provisional appointment process
- The Board's process for selecting an applicant to fill the vacancy
- Candidate application form

Although the policies, education code, and area maps/descriptions cannot be changed, Mr. Speck asked if the Board wanted revisions to any of the other documents. He pointed out that day 60 falls on Friday, April 15, 2011. The Board could conduct candidate interviews at its regular meeting on April 13th or hold a special meeting during that week.

After some discussion, it was requested that the date on which the Board members receive the candidate applications for review should be changed from April 6th to March 30th. This will give the members more time to study the information prior to the interviews without feeling rushed. This is preferable to cutting the length of time in which applications can be completed, because it is the Board's desire that the process be convenient for the public more so than the members.

Dr. Verder-Aliga inquired whether applicant background checks are performed. Mr. Speck replied that SCOE staff will certify with the Solano County Registrar of Voters that candidates

live within the Area 1 boundaries and are registered voters. Candidates also may not be employees of the County Superintendent or a school district. Upon being appointed, the chosen applicant will be fingerprinted, as are all staff and Board members, prior to being around children.

Mr. Asera questioned what would happen if there is only one applicant. Mr. Speck said that, if the Board did not want to select that person, the members could allow the 60-day timeframe to expire, and he, as County Superintendent, will order the election in November during which the vacancy would be filled.

Mr. Galvan asked who would determine the questions used in the applicant interviews. Mr. Speck indicated that the members will decide, and he distributed some draft questions for the Board's consideration. Mr. Asera recommended a question he would like the candidates to answer. Mr. Speck will ensure it is added to the list.

The members discussed whether they would take turns asking questions of the candidates or have Mr. Asera, as Board President, ask all of the questions. The majority of members preferred that Mr. Asera ask all of the questions.

Mr. Galvan sought confirmation that the interviews would not be held privately nor would the voting be confidential. Mr. Speck verified that the Brown Act seems to indicate an open process in public view.

Dr. Verder-Aliga commented on the possibility that, with two or more candidates in the room listening to the other interviews, the applicants' answers may become similar. Mr. Speck suggested that, depending on the number of applicants, the Board may wish to have them draw numbers for their interview order and/or the oral questions they will be asked. If the questions are chosen by lot and are different for each person, it will be more difficult for answers to be copied.

Motion was made by Mrs. Bates, seconded by Mr. Silva, and unanimously carried by those present to adopt the proposed guidelines with the minor adjustments to the timeline as mentioned above, approve the applicant packet, and expedite the necessary activities for the process of filling the Board vacancy in Trustee Area 1 by provisional appointment during the Board's regular meeting on April 13, 2011, at 6:00 PM.

V. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:47 PM.

Signature on File

Jay Speck
Secretary to the Solano County Board of Education