

SOUTH BAY UNION SCHOOL DISTRICT  
Imperial Beach, California

**BOARD OF TRUSTEES - SPECIAL BOARD MEETING**

**Wednesday, May 1, 2024 - 4:30 PM**

**Burress Auditorium - Live Stream: <https://us02web.zoom.us/j/84703378144>  
601 Elm Avenue, Imperial Beach, California 91932**

In accordance with Government Code Section 549574.3, the legislative body shall provide the public with an opportunity to address the body on any item described in this notice. The business to be transacted at this meeting shall be limited to the following:

A G E N D A

1. OPENING/PLEDGE OF ALLEGIANCE/WELCOME
2. PUBLIC COMMENTS
3. BOARD VACANCY

Board Vacancy

Recognize **Superintendent Jose Espinoza** and **approve** the method for filling the Trustee Area 4 vacancy (making a provisional appointment or Special Election).

**Motion** \_\_\_\_\_ **Second** \_\_\_\_\_ **Vote** \_\_\_\_\_

If a provisional appointment, discuss and vote on the process and documents (Exhibits) related to filling a governing board vacancy, including:

- Board Bylaw 9223 - Filling Vacancies
- Timeline (approval needed)
- Application (approval needed)
- Interview Questions (approval needed)

Recognize **Superintendent Jose Espinoza** and **approve** the process and documents for filling the Trustee Area 4 vacancy.

**Motion** \_\_\_\_\_ **Second** \_\_\_\_\_ **Vote** \_\_\_\_\_

4. ADJOURNMENT

SOUTH BAY UNION SCHOOL DISTRICT  
Imperial Beach, California

May 1, 2024

**ATTACHMENTS:**

Description	Upload Date	Type
Bylaw	4/22/2024	Exhibit
Timeline	4/22/2024	Exhibit
Application	4/22/2024	Exhibit
Interview Questions	4/26/2024	Exhibit

**Bylaw 9223: Filling Vacancies**

**Status:** ADOPTED

**Original Adopted Date:** 12/08/1994 | **Last Revised Date:** 04/13/2023 | **Last Reviewed Date:** 04/13/2023

**Events Causing a Vacancy**

A vacancy on the Governing Board may arise from any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of the office for the remainder of the term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer an effective date of resignation for more than 60 days after the date the resignation is filed with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office by recall (Elections Code 11000; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)
6. A Board member ceases to inhabit the trustee area represented on the Board (58 Ops.Cal.Atty.Gen. 888 (1975))
7. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
  - a. Upon district business with the approval of the Board
  - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
  - c. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board
  - d. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve during the absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

8. A Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)
9. A Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
10. A Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)
11. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

#### **Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which the person was elected to fill. (Education Code 5093)
3. When a vacancy occurs outside of the statutory time windows identified in Items #1 and #2 above, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment. (Education Code 5091, 5093)

#### **Eligibility**

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107, as described in BB 9220 - Governing Board Elections.

#### **Provisional Appointments**

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by majority vote.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

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 appointee
3. The date of appointment
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

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

If within 30 days of the Board's appointment, registered voters of the district or, where elections are by trustee areas, of the trustee area submit a petition for special election which the County Superintendent determines to be legally sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code 5091 to fill the vacancy.

#### **Appointment Due to Failure to Elect**

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

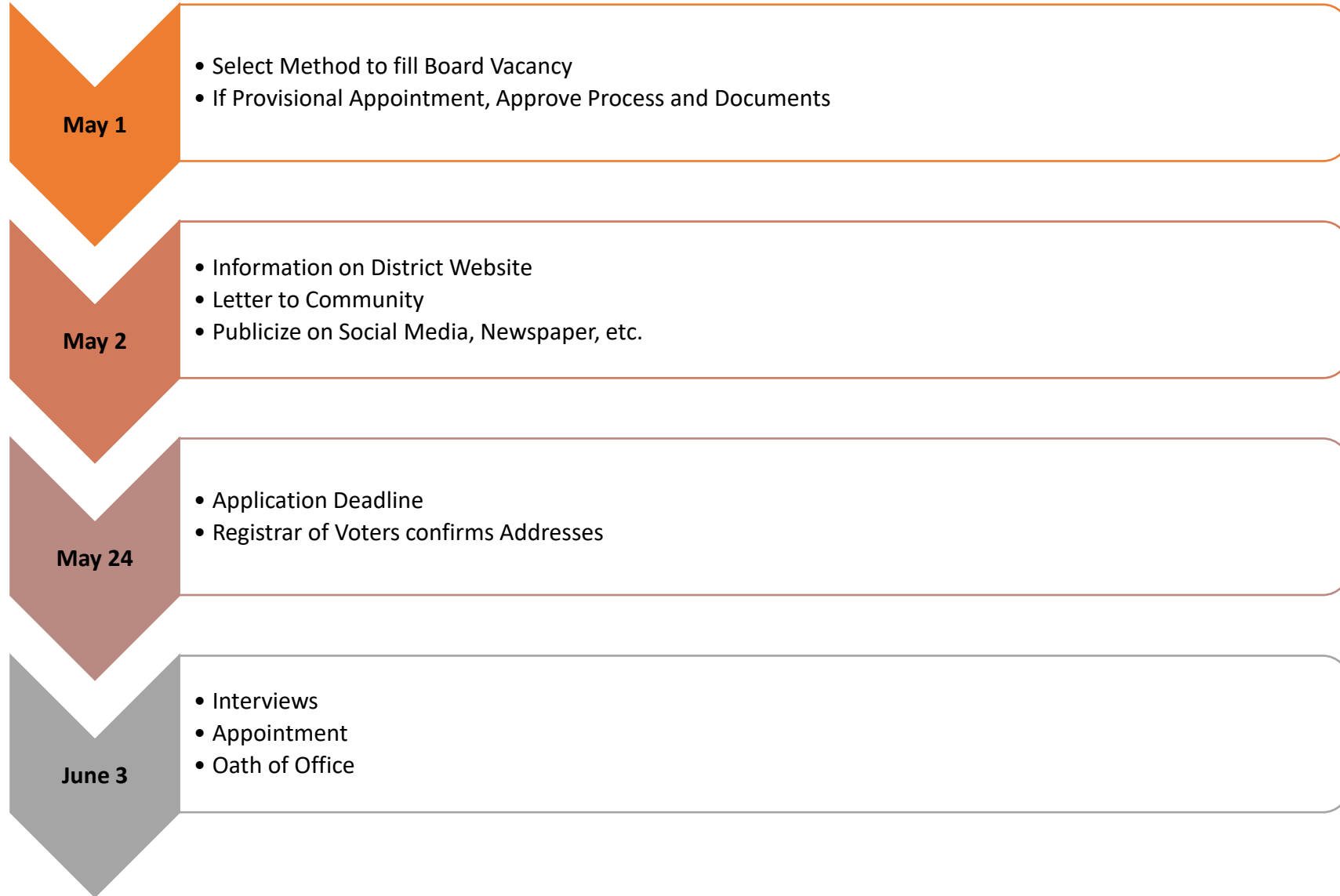
When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

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# 2024 Board Vacancy Timeline

## DRAFT



# Application for Governing Board Appointment

This Application is a Public Record

\* Indicates required question

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The appointee will hold office until the next Board Member election, which occurs on November 5, 2024. Public interviews are scheduled for June 3, 2024, at 4:30 PM in Burress Auditorium (601 Elm Avenue in Imperial Beach).

## Qualifications:

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of Trustee Area 4 of the school district, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or elected as a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

## Application Deadline:

This application must be received no later than May 24, 2024, at 5:00 PM. Applications may be submitted via this form, printed and emailed, or printed and hand-delivered to:

Jose Espinoza, Secretary to the Board/Superintendent  
South Bay Union School District  
601 Elm Avenue  
Imperial Beach, CA 91932  
Email: [acooper@sbusd.org](mailto:acooper@sbusd.org)

1. Name \*

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2. Address \*

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3. Contact Number \*

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4. Alternate Contact Number

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5. Years of Residence in the South Bay Union School District and Years of Residence in Trustee Area 4. \*

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6. Describe your educational, work, and/or public service background. \*

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7. Why do you wish to serve on the Board? What do you hope to accomplish? \*

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8. What skills, abilities, and experience would you bring to the Board to assist in carrying out its responsibilities? \*

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9. List your involvement in activities that demonstrate your understanding and support for public education, such as membership on committees/organizations, offices held, volunteer work, and community service. \*

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10. List, in order of importance, the major issues confronting public education. \*

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11. List, in order of importance, the major issues confronting the South Bay Union School District. \*

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12. Explain the mission of the South Bay Union School District. What is your vision for South Bay Union School District in the near future? \*

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**By Submitting this Form:**

I understand that this application is a public document and may be requested under provisions of the Public Records Act and/or be available to the public on the South Bay Union School District website.

I understand that upon appointment, I would be required to file a Conflict of Interest Statement and take an Oath of Office.

I certify that I am not disqualified from holding this office because of a felony conviction involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or elected as a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

I certify that I am a citizen of California, a resident of Trustee Area 4 of the South Bay Union School District, and a registered voter.

I understand that information on this application may be subject to verification.

I attest the foregoing information is true to the best of my knowledge.

13. In lieu of your signature, please type your name in the box below. \*

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**Google Forms**



**Board Vacancy  
Candidate Interview Questions**

1. Why are you interested in becoming a member of the Board of Trustees? Please describe your public service, community involvement, and the skills you would bring to the Board.
2. In your opinion, what is the role of the Board of Trustees? Discuss your understanding of the differences between the roles of the Superintendent/administration and the Board.
3. What are you proud of in the South Bay Union School District? What, if any, areas for improvement should the Board address?
4. What would you like to accomplish as a Board Member? What is your highest priority and why?
5. Have you attended a school board meeting? If so, what are the objectives of a good Board meeting?
6. If a Board Member feels strongly about a matter, but is not supported by a majority of the Board, how should this Trustee conduct them self?
7. Describe your response if a parent approached you in the grocery store and asked for your support on a particularly hot issue.
8. Service on the Board requires a significant amount of time for meetings, studying issues, and other activities. How much time do you anticipate you will have to devote to the Board and what other commitments do you have?