

## BP 2110 Vacancies on the Board

Reference: *Education Code Sections 5090, et seq , Government Code 1770.*

Board Approved: 04/13/05

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect.

[Resignations from the Board shall be governed by EC 5090.](#)

Within sixty 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.

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in EC 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

**Prior to making a provisional appointment, the Board shall invite applications from the general public for the vacancy, setting a time by which applications shall be received, and publicizing the procedure by which the appointment shall be made. After applications for the vacancies have been received, members of the Board shall make available to the press and to the general public the names of the applicants for the vacancy. The Board shall establish one or more dates on which it will meet in closed session individually with all applicants to investigate further their qualifications for the position. The provisional appointment will be made by a majority public vote of the Board members at a public meeting.**

The President/Superintendent shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

**See Administrative Procedures #2110.**

## BP 2130 Term Limits

Reference: *Education Code Section 72103(c)*

Board Approved: 04/13/05

The Board may, by a vote of the membership of the Board, act to submit to the electors of the District a proposal to limit the number of terms a member of the governing board may serve on the Board. Any proposal to limit the number of terms a member of the Board may serve shall not become operative unless it is submitted to the electors of the District at a regularly scheduled election and a majority of the

votes cast on the question favor adoption of the proposal. Any such proposal shall be subject to the administrative procedures set forth in the California Elections Code, Section 9500 et seq.

Any such proposal shall, if adopted by the electors of the District, apply prospectively only.

## BP 2330 Quorum and Voting

Reference: *Education Code Sections 72000(d)(3, 81310 et seq., 81365, 81511, 81432; Government Code Section 53094; Code of Civil Procedure Section 1245.240*

Board Approved: 04/13/05

Amended: 02/13/08

A quorum of the Board shall consist of four (4) members **present**.

The Board shall act by majority vote of all of the membership of the Board, present and voting, except as noted below.

No action shall be taken by secret ballot.

The following actions require a two-thirds majority of all members of the Board\*:

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- Resolution authorizing lease of District property under a lease for the production of gas.

**No action shall be taken by secret ballot.**

**The voting process and all votes of the board shall conform to Robert's Rules of Order (10<sup>th</sup> Edition), subject to applicable state law. Where Robert's Rules conflict with applicable law, the latter will control.**

**Abstentions—instances when board members are present but do not vote – are not to be treated as votes and are not counted. In the case of an abstention, the Board Secretary will record the name of the board member and record that member as “not voting”. This will occur whether the vote taken is by voice or roll call.**

Once the board reaches a decision, it acts as a whole.

If any Board member participates via teleconference, all votes taken must be by roll call.

\*The Student Trustee vote is advisory only.

## BP 2340 Agendas

Reference: *Government Code Sections 54954 et seq., 6250 et seq.; Education Code Sections 72121, 72121.5*

Board Approved: 04/13/05

An agenda shall be posted adjacent to the place of meeting at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an “emergency situation” as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted;
- an item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board.

The President/Superintendent shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a board meeting by submitting a written summary of the item to the President/Superintendent. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Agendas shall be developed, **mailed, and presented** by the President/Superintendent **in consultation with the Board President.**

Agenda items submitted by members of the public must be received by the office of the President/Superintendent at least 10 days prior to the regularly scheduled board meeting.

Agenda items initiated by members of the public shall be placed on the Board's agenda following the items of business initiated by the Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90 day period following the initial submission.

**See Administrative Procedure #2340.**

## **BP 2365 Recording**

Reference: *Government Code Sections 54953.5, 54953.6; Education Code Section 72121(a);*

Board Approved: 04/13/05

If the Board causes any tape or video recording of a meeting, the recording shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250, *et seq.* The President/Superintendent is directed to enact administrative procedures to ensure that any such recordings are maintained for at least **five years** following the taping or recording.

Persons attending an open and public meeting of the Board may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the President of the Board to stop.

**See Administrative Procedure #2365.**