Information Sheet – 3/08/2022 - Board of Trustees Meeting

TO: Board of Trustees Item: 8.2

FR: Celli Coeville

DATE: March 4, 2022

RE: Revised BB 9222, Resignation, Consider for Adoption

Revised BB 9222, Resignation, has been updated to reflect current CSBA Board Bylaw, BB 9220, Resignation.

Recommended Action: Approved revised BB 9220, Resignation as presented

RESIGNATION

CSBA NOTE: Pursuant to Education Code 5090, a Governing Board member who wishes to resign must file a written resignation with the County Superintendent of Schools having jurisdiction over the district. The resignation results in a vacancy on the Board which, pursuant to Government Code 1770 and Education Code 5091-5093, requires the Board to either order an election or make a provisional appointment as appropriate, unless the vacancy occurs within four months of the end of the Board member's term in which case the Board will take no action. See BB 9223 - Filling Vacancies for information about timelines, processes, and eligibility requirements for filling vacancies.

A ~~Board of Trustees~~ member of the Governing Board who wishes to resign from the Board ~~may do so by filing~~ shall file a written resignation with the County Superintendent of Schools. (Education Code 5090)

CSBA NOTE: The following paragraph is optional

The resigning Board member shall also notify the Board and give ~~A~~ a copy ~~shall be given to~~ of his/her written resignation to the Board secretary.

The ~~written~~ resignation ~~is~~ shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. ~~(Education Code 5090)~~ A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent ~~filing~~. (Education Code 5090, 5091)

Once filed, ~~A~~ a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable ~~upon being filed~~. (Education Code 5090)

~~Upon resignation, the~~ A Board member who tenders his/her resignation with a deferred effective date shall, ~~may~~ until the effective date of the resignation, continue to exercise all ~~his/her~~ the powers of the office, ~~save~~ except that he/she shall not have the right to vote for his/her ~~of voting for a~~ successor~~, until the effective date of resignation.~~ in an action taken by the Board to make a provisional appointment. (Education Code 35178)

~~*(cf. 9270 - Conflict of Interest)*~~

A Board member who resigns shall file, within 30 days of leaving office, a revised Statement of Economic Interest/Form 700 covering the period of time between the closing date of the last statement required to be filed and the date he/she leaves office. (Government Code 87302, 87500)

Legal Reference:

EDUCATION CODE
5090 Definition (vacancy)
5091 Special Election
35178 Resignation with deferred effective date

RESIGNATION (continued)