Information Sheet – 11/13/18 - Board of Trustees Meeting

TO: Board of Trustees Item: 8.3

FR: Celli Coeville

DATE: November 7, 2018

RE: Revised Board Bylaw, BB 9110, Terms of Office, Consider Adoption as Presented

(BB Revised) Board Bylaw updated to reflect New Law (AB 2449) which changes the commencement of the term of office of board members from the first Friday in December following their election to the second Friday in December. The updated Bylaw also provides that, if the district chooses or is required to consolidate its board elections with the local municipal or state primary or general elections, elections could occur in even-numbered years and the term of incumbent board members would be extended to align with the next election.

Attached please find the CSBA sample Board Bylaw followed by the current District Board Bylaw.

Recommendation Action: Approve the revised Board Bylaw.

CSBA Sample

Board Bylaw

Terms Of Office

BB 9110
Board Bylaws

Note: Governing boards consist of three, five, or seven members as provided in Education Code 5018 and 35012. The district should fill in the blank in the following paragraph to reflect the number of Governing Board members in the district.

Note: For information about the election of Board members, including election dates, see BB 9220 - Governing Board Elections.

The Governing Board shall consist of ___ members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each year in which the Board's elections are regularly held. (Education Code 35012)

(cf. 9220 - Governing Board Elections)

Note: AB 2449 (Ch. 146, Statutes of 2018) amended Education Code 5017 to change the commencement of the term of office of board members from the first Friday in December following their election to the second Friday in December. Although Education Code 5000 still states that a board member's four-year term expires on the first Friday in December, Education Code 5017 requires board members to continue to discharge their duties until their successor has qualified by taking the oath of office. Therefore, the following paragraph reflects the date specified in Education Code 5017.

The term of office for Board members elected in regular elections shall be four years, commencing on the second Friday in December following their election. (Education Code 5017)

(cf. 9223 - Filling Vacancies)
(cf. 9224 - Oath or Affirmation)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

Board members whose terms have expired shall continue to discharge the duties of office until their successors have qualified by taking the oath of office. (Education Code 5017; Government Code 1302, 1360)

***Note: Pursuant to Elections Code 10404.5, whenever a regularly scheduled board election is changed due to consolidation of elections, the term of office of incumbent Board members is extended to align with the next applicable election. Pursuant to Elections Code 1302 and 10404.5, districts are authorized to request consolidation of their board elections with the local municipal or state primary or general elections, and under defined circumstances are required to consolidate

their elections with statewide elections as specified in Elections Code 14051-14052. See BB 9220 - Governing Board Elections.***

If a regularly scheduled Board election date is changed due to consolidation with a statewide or municipal general election, the term of incumbent Board members shall be extended to align with the next applicable election. (Elections Code 10404.5)

Legal Reference:
EDUCATION CODE
5000-5033 Election of school district board members
35010 Control of district
35012 Board members; number, election and terms
35107 Eligibility
ELECTIONS CODE
1302 Local elections, school district election
10400-10418 Consolidation of elections
14050-14057 California Voter Participation Rights Act
GOVERNMENT CODE
1302 Continuance in office until qualification of successor
1303 Exercising functions of office without having qualified
1360 Necessity of taking constitutional oath

Management Resources:
WEB SITES
CSBA: http//www.csba.org

(12/92 3/93) 10/18

TERMS OF OFFICE

The Board of Trustees shall consist of five members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each odd-numbered year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; Education Code 5017)

(cf. 9220 - Governing Board Elections)
(cf. 9223 - Filling Vacancies)
(cf. 9224 - Oath or Affirmation)
(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

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