

Mountain View Whisman School District
Education for the World Ahead
Board of Trustees – Special Meeting



750-A San Pierre Way
June 30, 2015
6:00 p.m.

(Live streaming available at www.mvwsd.org)

Demonstrate, daily, a relentless commitment to the success of every child.

Academic Excellence ★ Strong Community ★ Broad Worldview

As a courtesy to others, please turn off your cell phone upon entering.

Under Approval of Agenda, item order may be changed. All times are approximate.

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| I. CALL TO ORDER | 6:00 |
| A. Roll Call | |
| B. Approval of Agenda | |
| II. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD CONCERNING ITEMS ON THE CLOSED SESSION AGENDA | 6:05 |
| III. CLOSED SESSION | 6:10 |
| A. Public Employment: Stevenson Principal | |
| B. <u>Conference with Real Property Negotiators</u>
Property: Assessor's Parcel Numbers 154-22-030 and 154-22-029
Agency Negotiator: Ayindé Rudolph and Robert Clark
Under negotiation: price | |
| IV. RECONVENE OPEN SESSION | 7:00 |
| A. <u>Pledge</u> | |
| B. <u>Closed Session Report</u> | |
| V. CONSENT AGENDA | 7:05 |
| The following items will be handled with one action; however, any item may be removed from consideration by individual Board Members or the Superintendent. Copies of the applicable documents have been sent to the Board and will be available at the meeting. | |
| A. <u>Personnel Report</u>
Certificated: one new hire | |
| VI. COMMUNITY COMMENTS | 7:10 |
| This is the time reserved for community members to address the Board on items that are not on the agenda. The Board and Administration welcome this opportunity to listen; however, in compliance with the Brown Act, the Board is not permitted to take action on non-agenda items. | |
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Speakers are requested to complete a speaker card and state their name for the record.

If there are additional comments after 10 minutes have elapsed, this item may be continued after all the action and discussion items are completed.

Notes on Community Comments on Agendized Items

The staff presentation to the Board will occur first for each item. The Board will then ask clarifying questions. Afterwards, the community will be invited to comment. Any person wishing to speak will be granted up to three (3) minutes at the time the item appears on the agenda. Comments will be taken for up to 10 minutes, with extra time allowed for translation, as needed. Prior to addressing the Board, each speaker is requested to complete a speaker card (located on the counter near the door), give it to the Superintendent's Executive Assistant, and state his/her name for the record. We ask that you speak from the podium so that we may better hear you. At the conclusion of remarks or after 10 minutes has elapsed, the public comment portion is closed for that item and the Board will return to their own deliberations and comments. Please see the Board's "Welcome" brochure for more specifics on how Board meetings are run. The Board is grateful to have district personnel in the audience. These personnel may be consulted during the Board's discussion on any item.

VII. REVIEW AND ACTION

A. Process and Timeline to Fill Vacancy on the Board of Trustees

7:20

Due to the resignation of Christopher Chiang, there is a vacancy on the Governing Board. Trustees will discuss the process and timeline to fill the vacancy.

RECOMMENDED ACTION: That the Board determine a process and timeline to fill the vacancy on the Board.

VIII. FUTURE BOARD MEETING DATES

Date	Anticipated Topics (subject to change)
August 18, 2015 (tentative)	Appointment of New Board Member
August 20, 2015	Enrollment Update, Preschool Annual Report, Facilities Update
September 3, 2015	Unaudited Actuals, Gann Resolution
September 17, 2015	Annual Review of BP 6145

IX. ADJOURNMENT

NOTICES FOR AUDIENCE MEMBERS

- RECORDING OF MEETINGS:**
The open session will be video recorded and live streamed on the District's website (www.mvwsd.org).
- CELL PHONES:**
As a courtesy to others, please turn off your cell phone upon entering.
- FRAGRANCE SENSITIVITY:**
Persons attending Board meetings are requested to refrain from using perfumes, colognes or any other products that might produce a scent or chemical emission.
- SPECIAL ASSISTANCE FOR ENGLISH TRANSLATION/INTERPRETATION:**
The Mountain View Whisman School District is dedicated to providing access and communication for all those who desire to attend Board meetings. Anyone planning to attend a Board meeting who requires special assistance or English

translation or interpretation is asked to call the Superintendent's Office at (650) 526-3552 at least 48 hours in advance of the time and date of the meeting.

El Distrito Escolar de Mountain View Whisman esta dedicado a proveer acceso y comunicación a todas las personas que deseen asistir a las reuniones de la Junta. Se pide que aquellas personas que planean asistir a esta reunión y requieren de asistencia especial llamen a la Oficina del Superintendente al (650) 526-3552 con por lo menos 48 horas de anticipación del horario y fecha de esta reunión, para así poder coordinar los arreglos especiales.

5. **DOCUMENT AVAILABILITY:**

Documents provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office, located at 750-A San Pierre Way during normal business hours.

Los documentos que se les proveen a la mayoría de los miembros de la Mesa Directiva sobre los temas en la sesión abierta de éste orden del día estarán disponibles para la inspección pública en la Oficina del Distrito, localizada en el 750-A San Pierre Way durante las horas de oficinas regulares.

Mountain View Whisman School District

Agenda Item for Board Meeting of June 30, 2015

Agenda Category: Review and Action
Agenda Item Title: Process and Timeline to Fill Vacancy on the Board of Trustees
Estimated Time: 60 minutes
Person Responsible: Ellen Wheeler, President

Background:

Christopher Chiang resigned from the Board of Trustees effective June 22, 2015. In accordance with Board Bylaw No. 9223, Filling Vacancies, (attached) the Board must either order an election or make a provisional appointment within 60 days of the date of vacancy. The Board will determine the process and timeline to fill the vacancy. Draft forms and timeline based on forms used during the last vacancy are also attached for consideration.

The Santa Clara County Registrar of Voters estimates the cost of a special election to be approximately \$430,000 plus the cost of candidate statements at \$1,943 per candidate.

Fiscal Implication:

To be determined.

Recommended Action:

That the Board determine a process and timeline to fill the vacancy on the Board of Trustees.

FILLING VACANCIES

Events Causing a Vacancy

A vacancy on the Governing Board may occur for 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 his/her office for the remainder of his/her 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 the effective date of his/her resignation for more than 60 days after he/she files the resignation 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)

4. A Board member's removal from office, including by recall. (Government Code 1770; Elections Code 11384)
5. A Board member's ceasing to be a resident of the district. (Government Code 1770)
6. A Board member's absence from the state beyond the period allowed by law without the permission required by law. (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon district business of the school district 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. 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
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FILLING VACANCIES

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 in his/her 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 comes first.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

7. A Board member's ceasing to discharge the duties of his/her 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)
8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed. (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a Board member's election or appointment. (Government Code 1770)
11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond. (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 when either no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

FILLING VACANCIES

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 longer than four months before the end of a Board member's term, 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, unless a special election is mandated as described in item #3 below (Education Code 5091, 5093)
3. 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 he/she was elected to fill (Education Code 5093)

When a special election is not required, the Board may make a provisional appointment.

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.

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 and/or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)

(cf. 9323.2 - Actions by the Board)

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)

FILLING VACANCIES

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 of Schools 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)

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 or 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 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.

Legal Reference:
EDUCATION CODE
5000-5033 Elections
5090-5095 Vacancies
5200-5208 Districts governed by boards of education
5300-5304 Elections
5320-5329 Order and call of election
5340-5345 Consolidation of elections
5360-5363 Election notice
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions, elections
35107 Eligibility of board members
35178 Resignation with deferred effective date

FILLING VACANCIES

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops. Cal. Atty. Gen. 888 (1975)



Mountain View Whisman School District

**Statement of Candidacy
Governing Board Provisional Appointment**

California Education Code Section 35107 states: "Any person, regardless of sex, who is 18 years of age or older, a citizen of the State, a resident of the School District, a registered voter, and who is not disqualified by the Constitution or laws of the State from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district. An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee."

Candidate must be willing to file Conflict of Interest statement.

Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

Email: _____

Occupation: _____

Years of Residence in Mountain View Whisman School District: _____

Education: _____

Please write a letter of intent (limit 400 words). Suggested topics to include in your letter are:

- Why you want to be a School Board member?
- What do you see as the basic purpose of the public schools?
- What is the role of the School Board in the fulfillment of that purpose?
- What could be done to enhance communication among the Board, staff, students, parents, and community?
- What do you see as the strengths of the Mountain View Whisman School District?
- What do you see as the areas most needing improvement in the Mountain View Whisman School District?
- Explain your participation in any school-wide or district-wide activities or committees.
- List other community or business activities.

Signature of Applicant _____ Date _____

This document is public information.

Deadline: Application must be submitted to Kathi Lilga at the District Office, 750-A San Pierre Way, Mountain View, no later than Monday, February 4, 2008, 4:00 p.m.

For more information about the district, please visit our web site at www.mvwsd.org

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Mountain View Whisman School District

Potential Timeline to Fill Vacancy on the Board of Trustees

- June 30** Board determines process
- July 6** Application Packets available at district office and on web site
- TBD** Informational meeting for applicants, 6:30 – 8:00 p.m., District Office
- August 10** Deadline for candidates to submit application, 4:00 p.m.
- August 11** Applications to Board for review
- August 13** Paper screening of application packets for qualifications. This can be a subcommittee of the Board.
- August 18** Special Board meeting (6:00 – 10:00 p.m.) to interview candidates and select new member (translation available)
- August 20** Reception and swearing in, 7:00 p.m., District Office