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**Board Policy**  
Chapter 2 – Board of Trustees

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**BP 2110 VACANCIES ON THE BOARD**

Vacancies on the Board of Trustees 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 Education Code Section 5090.

**Vacancies in Office**

A vacancy in office shall occur on the happening of any of the following events before the expiration of the term of office:

1. The death of the incumbent.
2. An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness or accident and that there is reasonable cause to believe that he/she will not be able to perform the duties of his/her office for the remainder of his/her term.
3. Resignation. A vacancy resulting from resignation occurs when the written resignation is filed with the Los Angeles County Superintendent of Schools, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become effective on that date.
4. Removal from office (willful or corrupt misconduct in office).
5. Ceasing to be resident of the Santa Monica Community College District.
6. Absence from the State of California without the permission required by law beyond the period allowed by law.
7. Ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

8. Conviction of a felony or of any offense involving a violation of his/her official duties. A Board member shall be deemed to have been convicted under this subdivision when trial court judgment is entered.
9. Refusal or neglect to file his/her required oath or bond within the time prescribed.
10. The decision of a competent tribunal declaring void his/her election or appointment.
11. The making of an order vacating his or her office and declaring the office vacant when he/she fails to furnish an additional or supplemental bond.
12. Commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

### **Filling Vacancies**

Whenever a vacancy occurs, or whenever a resignation has been filed with the Los Angeles County Superintendent of Schools containing a deferred effective date, the Board of Trustees shall, within 60 days of the vacancy or the filing of the deferred resignation, either make a provisional appointment to fill the vacancy or order an election.

When the Board of Trustees determines to fill the vacancy by appointment, the Superintendent/President shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation.

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 within the 60 day period, the registered voters of the District may, within 30 days from the date of appointment, petition for the conduct of a special election to fill the vacancy pursuant to Education Code Section 5091. The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

A provisional appointment confers all powers and duties of a member of the Board of Trustees upon the appointee immediately following his/ or her appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for the Board of Trustees, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

## **Special Provisions - Vacancies Occurring During Regular Board of Trustees Election Year**

- There shall be no special election or appointment to fill a vacancy on the Board of Trustees if the vacancy occurs within four months of the end of the term.
- There shall be no special election or appointment on the Board of Trustees if the vacancy occurs during the period between six months and 130 days prior to a regularly scheduled election and the position is not scheduled to be filled at such election. In such a case, the position shall be filled at a special election for that position to be consolidated with the regular election.

The Superintendent/President shall establish administrative regulations 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.

Also see BP 2010 Board Membership and BP 2750 Board Member Absence from the State.

### **References:**

Education Code Sections 5090 et seq.;

Government Code Sections 1770, and 3060 et seq.

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Adopted: May 1, 2000

Revised: June 6, 2017

*(Replaces former SMC BP 1150 and BP 1151)*