



**POLICY TITLE: Policy and Procedures for Filling Vacancies on Board of Directors by Appointment**

**POLICY NUMBER: 4150**

**4150.1 WHEN A VACANCY OCCURS ON THE BOARD OF DIRECTORS:**

4150.1.1 The CCSD shall notify the San Luis Obispo County Registrar of Voters' office of the vacancy no later than **15 days** following either the date on which the District Board is notified of the vacancy or the effective date of the vacancy, whichever is later. **Government Code § 1780(b)**

4150.1.2 The remaining CCSD Board members have **60 days** immediately subsequent to either the date on which the District Board is notified of the vacancy or the effective date of the vacancy, whichever is later, to either fill the vacancy by appointment or by calling a special election. **Government Code § 1780(c)(d)(1)**

**4150.2 BOARD APPOINTMENT TO FILL A VACANCY – REQUIREMENTS**

4150.2.1.1 If the Board decides to appoint someone to fill the vacancy, the Board first must post a notice of the vacancy in **three or more** conspicuous places in the District at least **15 days** before the appointment is made. **Government Code § 1780(d)(1)**

4150.2.1.2 The Board must notify the San Luis Obispo County Registrar of Voters' office of the appointment no later than **15 days** after the appointment is made. **Government Code § 1780(d)(1)**

4150.2.2.1 If the vacancy occurs in the first half of a term of office and at least **130 days** prior to the next general District election, the person appointed to fill the vacancy shall hold office until the next general District election that is scheduled **130 or more days** after the date the District Board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office. **Government Code § 1780(d)(2)**

4150.2.2.2 If the vacancy occurs in the first half of a term of office, but less than **130 days** prior to the next general district election, or if the vacancy occurs in the second half of the term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office. **Government Code § 1780(d)(3)**

4150.2.3.1 Notwithstanding any other provision of this section, if the number of remaining members of the District Board falls below a quorum, then, at the request of the District Secretary or a remaining member of the District Board, the San Luis Obispo County Board of Supervisors shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy. **Government Code § 1780(h)(1)**

4150.2.3.2 The Board of Supervisors shall only fill enough vacancies by appointment or by election to provide the District Board with a quorum. **Government Code § 1780(h)(2)** After a quorum has been achieved, the CCSD Board of Directors shall follow the procedures specified in this policy 4150 to fill the remaining vacancy or vacancies.

**4150.3. PROCEDURES TO FILL A BOARD VACANCY BY APPOINTMENT**

The following procedures shall direct the process of filling vacancies on the Board of Directors by



appointment.

#### 4150.3.1 Procedure to appoint using voting results from last scheduled election

(Note: pursuant to adoption of Policy 4150 by the Board of Directors, Section 4150.3.1 shall become effective 12 months following adoption of Policy 4150.)

Should a vacancy occur no later than 8 months past the last scheduled election of Directors, CCSD Directors shall fill a vacancy by appointing the candidate from the last scheduled election who had received the greatest number of votes behind the candidate(s) who won the election, provided that candidate received at least 10% of total votes cast. If this method is not available because a vacancy occurs after 8 months since the last scheduled election, or if the candidate is unwilling to serve or no longer meets minimum qualifications, including vote minimum, or is no longer available, the following procedures shall apply.

#### 4150.3.2 Procedure to appoint from a pool of volunteers

##### 4150.3.2.1 Applications

CCSD shall adopt a uniform application form that presents minimum requirements for serving on the Board of Directors and the process the Board will use to make an appointment. Applications will be available to residents at the time a vacancy is announced publicly, and applicants shall return completed applications to the CCSD Office no later than 30 days following the public announcement of a vacancy.

##### 4150.3.2.2 Board interviews of eligible applicants

All applicants who meet minimum requirements, as determined by CCSD staff review of submitted applications, shall be eligible for consideration of appointment and for interviews by the Board of Directors at a special meeting of the Board. In advance of the special meeting, the Board shall prepare and agree upon a single set of questions that shall be asked of each applicant. Applicants waiting for interview shall be sequestered. Board members may ask only follow-up questions of applicants for clarification of responses to the uniform set of questions. Members of the public in attendance at the special meeting may address the Board only after all applicants have been interviewed.

##### 4150.3.2.3 Board selection of appointee(s)

- A. Following interviews of the applicants, the Board shall select the applicant for appointment using a ranked choice method of selection, followed by motion and action by the Board to confirm the appointment. For the ranked choice process of selection, each Board member shall designate by open ballot their ranked order choices (1,2,3, and so forth).
  1. An applicant wins outright if ranked first by more than half of the voting Directors. Otherwise, the applicant in last place, the one with the fewest first choices, is eliminated, and the voting Directors who ranked that applicant as their “number 1” will have their votes count for their next ranked choice. This process continues until an applicant wins with more than half of the votes
  2. If the balloting results in a tie for most first-place choices, the applicant with the most first and second place choices wins. If the balloting still results in a tie, the process continues until all choices are counted. If two or more applicants remain tied following



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the counting of all choices, the Board will yield the decision of appointment to the San Luis Obispo County Board of Supervisors, pursuant to Section C, below

3. See addendum #1 to this policy for an example of the ranked choice and tie-breaking processes.
- B. Following the ranked choice order selection of an applicant for appointment, The Board, through motion and action, shall vote to confirm the appointment.
  - C. If the ranked choice method of selection yields a stalemate, pursuant to Section A, above, the Board shall declare a stalemate and refer action and decision for filling the vacancy to the San Luis Obispo County Board of Supervisors, who may either appoint to fill the vacancy or call for a special election, per Government Code 1780 (F) (G) (H).