

**BEFORE THE BOARD OF TRUSTEES OF THE
CAPISTRANO UNIFIED SCHOOL DISTRICT
COUNTY OF ORANGE, STATE OF CALIFORNIA**

RESOLUTION NO. 1920-18

**RESOLUTION TO MAKE A PROVISIONAL APPOINTMENT TO FILL BOARD
VACANCY FOR TRUSTEE AREA 5
(Education Code § 5090 *et seq.*)**

WHEREAS, a vacancy on the Board of Trustees is created when, among other things, a Trustee files with the County Superintendent of Schools a written resignation (Education Code section 5090);

WHEREAS, Gary Pritchard, a Trustee of the Capistrano Unified School District representing Trustee Area 5, filed a written resignation with the County Superintendent of Schools on July 24, 2019, with a deferred resignation date of August 9, 2019 (Education Code sections 5090, 5091(a));

WHEREAS, Education Code section 5091 and Board Policy BB 9223 provide that when a vacancy occurs on the Board of Trustees, the Board of Trustees may make a provisional appointment to fill the vacancy;

WHEREAS, the Orange County Registrar of Voters has notified the District that the cost to the District of a special election to fill the vacancy would range between \$165,000 and \$185,000. The actual cost will be verified by the OCDE once the Board takes action.

WHEREAS, the Board of Trustees believes these funds can be more prudently expended on the educational programs of the District;

WHEREAS, the Board of Trustees has determined that it is in the best interests of the District, the public funds of the District, and the communities of the District to make a provisional appointment to fill the vacancy; and,

WHEREAS, Board Policy BB 9223 provides that when making a provisional appointment, the Board shall:

1. Solicit applications or nominations of any legally qualified citizen interested in serving on the Board.
2. Provide candidates with appropriate information regarding Board member responsibilities.
3. Interview the candidates at a public meeting.
4. Select the provisional appointee by majority vote at a public meeting.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED:

1. That the Board of Trustees expresses its respect for the electoral process and acknowledges its vital importance to the communities of the District.
2. That the Board of Education also recognizes the Legislature's intent that provisional appointments may be used to fill school board vacancies in appropriate circumstances, such as the vacancy created by Trustee Pritchard's resignation.
3. That in light of the prohibitive cost to the District of conducting a special election, the Board of Trustees' preference that the monetary resources of the District be applied, insofar as possible, toward the operation and improvement of the District's educational programs, and that an election will occur in November 2020 in Trustee Area 5 at no additional cost to the District, the Board of Trustees shall make a provisional appointment to fill the vacancy created by Trustee Pritchard's resignation.
4. That the Board of Trustees does now solicit applications or nominations of any person who is interested in serving on the Board of Trustees that meets all the following criteria as required by Education Code section 35107:
 - a. 18 years of age or older;
 - b. A citizen of California;
 - c. A resident of Trustee Area 5;
 - d. A registered voter in Trustee Area 5;
 - e. Not disqualified by the Constitution or laws of the state from holding a civil office.
5. That the Superintendent or designee shall provide all applicants or nominees with appropriate information regarding Board member responsibilities.
6. That applicant and nominated candidates for provisional appointment shall be interviewed by the Board of Trustees at a special meeting, to be held on Monday, September 9, 2019.
7. That the Board of Trustees intends by majority vote to make a provisional appointment of a candidate at the same special meeting of the Board of Trustees on Monday, September 9, 2019.

BE IT FURTHER RESOLVED AND ORDERED that upon the Board of Trustees making the provisional appointment to fill the vacancy created by Trustee Pritchard's resignation, the Superintendent or designee shall post within the time and in all locations or publications required by law, all notices, documents and other information as required by Education Code section 5092 and Board Policy BB 9223.

ADOPTED by the Board of Trustees of the Capistrano Unified School District this 14th day of August, 2019.

AYES: _____

NOES: _____

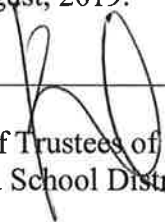
ABSENT: _____

ABSTENTION: _____



Gila Jones
President, Board of Trustees

I, Kirsten M. Vital, Secretary of the Board of Trustees of the Capistrano Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Trustees at its meeting held on the 14th day of August, 2019.



Kirsten M. Vital
Secretary, Board of Trustees of the
Capistrano Unified School District