TRUSTEE

PROVISIONAL REPLACEMENT

DRAFT APPLICATION

PACKET

TO: Applicant for Provisional Appointment to the Palo Verde Community College District Board of Trustees, Trustee Area 1

FROM: Denise Whittaker, Interim Superintendent/President

SUBJ: Application Information and Process Instructions

Thank you for your interest in serving as a *Provisionally Appointed* Member, Trustee Area 1 of the Palo Verde Community College District (PVCCD) Board of Trustees. The appointee will serve until the next regularly scheduled trustee election which is November 4, 2014.

To serve as an appointed member of the Board of Trustees, you must be a registered voter, a resident of the Palo Verde Community College District, and cannot have been convicted of certain crimes as listed at the end of the Application Form. Note: An employee of the PVCCD may not be sworn into office as an elected or appointed member of the District's Board of Trustees unless he/she resigns as an employee. [Education Code §35107]

Applications are available on the Palo Verde College web site: www.paloverde.edu/boardapp or by calling the College directly at 760-921-5440 for a printed copy.

Required Application Materials include the Following:
1. Completed Application for the Board of Trustees Provisional Appointment
2. Signed Certification of Qualifications form as included in the Application.
3. Resume
4. Letter of Interest addressed to the Board Members.

Application Deadline and Submittal Instructions
Complete Application must be received no later than **4:00pm on September 26, 2012.**

- **By Fax at 760.921.5590**
- **By Email as a scanned document at president@paloverde.edu**
- **By Hand or Postal Delivery to:**
  Denise Whittaker, Interim Superintendent/President and Secretary to the Board of Trustees
  Palo Verde College
  Office of the Superintendent/President
  One College Drive
  Blythe, CA 92225

If you would like to talk to a Board Member about the vacancy, Board of Trustees President, Ed Gonzalez, is available by email at elhito1931@yahoo.com or by phone at 760-831-3435 during the application period of September 12 – September 26, 2012 at 4:00pm.

DRAFT

Enclosed is the Application Timeline that outlines the steps in the application and selection process. To be considered for provisional appointment to vacant trustee position, all application materials must be received by 4:00pm on Wednesday, September 26, 2012.

Timeline and Selection Process:

September 12 – September 26, 2012	Application Filing Period by 4:00pm on September 12, 2012
October 2, 2012	5:00pm Special Board public meeting to review the applications and make the determination as to who will be considered.
October 3-4, 2012	Applicants selected will be notified and invited to make a presentation and be interviewed.
October 16, 2012 October 17, 2012 if needed	4:30pm Special Board public meeting for applicant presentations, Board and constituent interviews, and formal appointment.

The Board encourages you to review the provided materials that outline Board of Trustee responsibilities and expectation of trustees. Additional information about Palo Verde College and the PVCCD Board of Trustees can also be found by visiting the College web site at www.paloverde.edu . General information about the role of California Community College trustees may be found at www.ccleague.org.

Please feel free to contact me at 760-921-5440 if you have any questions about the provisional appointment or selection process.

Sincerely,

Denise Whittaker
Interim Superintendent/President
Secretary to the Board

Attachments and Supporting Information:
Provisional Application Form – paper copy
Application Timeline
PVCCD Conflict of Interest Board Policy 2710
PVCCD Conflict of Interest Board Policy/Administrative Procedures 2710
PVCCD Code of Ethics 2715
Community College League of California Trustee Handbook: Chapter 6, Governing Board Role
Community College League of California Trustee Handbook: Chapter 13, ethics and Laws
Community College League of California Trustee Handbook: Chapter 17, Policy and Policymaking
Community College League of California Trustee Handbook: Chapter 28, The Fiscal Environment
Catalog (available on line at www.paloverde.edu/catalog)
Board of Trustee agendas, minutes, and other information (www.paloverde.edu/visitors/board)

DRAFT

Applicant Information: (Please PRINT or TYPE)

Name: _____

Address: _____

Telephone: Home: ( ) _____ Cell: ( ) _____ Work: ( ) _____

Email Address: _____

Years as a Resident in the Palo Verde Community College District: _____

Selection Criteria:

The Provisional Appointment may include, but is not limited to the following Criteria:

- Knowledge about the role and mission of Palo Verde College and its commitment to the community it serves and in the context of higher education as a whole;
- Commitment to fulfill the ethical and legal responsibilities of trusteeship, unencumbered by private agendas;
- Ability and willingness to dedicate the time necessary to prepare for and attend regular and special Board meetings and represent the Board at college and community functions;
- Commitment to public education, student learning, and student success;
- Willingness and ability to represent those who live in the PVCCD service area, mindful of the perspective of divers constituencies;
- Willingness to advocate for the College District and its interest to the community, area, and State;
- Qualities, background, and experience that will enhance the standing of the College in the community and State;
- Knowledge about shared governance/collegial consultation and the role of the Board in relation to faculty, staff, and students consistent with AB1725.
- Commitment to service to the community;
- Ability to work collegially and respectfully as a member of a public Board, understanding that the Board as a whole, not individual trustees, has authority and in partnership with the Superintendent/ President;
- Ability to use technology (email, fax, cell, etc.) in conducting Board business;

General Information:

- The Board adheres to the Ralph M Brown Act, Open Meetings for Local Legislative Bodies, and the Fair Public Practices Commission regulations (including Form 700 Conflict of Interest Statement).

DRAFT

THIS APPLICATION IS A PUBLIC RECORD AND WILL BE POSTED ON THE PVCCD WEB SITE AND MADE AVAILABLE TO THE PUBLIC IN ITS ENTIRETY

PALO VERDE COMMUNITY COLLEGE DISTRICT
Application for Board of Trustees Provisional Appointment

The appointee will hold office through November, 2014 which is the term of the vacated position. The next Statewide General Election for backfilling the permanent Board of Trustee position will be held at the Statewide General Election in November, 2014. [Education Code §5091(e)]

The Application for Provisional Appointment to the Board of Trustees of the Palo Verde Community College District (PVCCD), and information about Palo Verde College are available on-line at www.paloverde.edu/boardapp or by hard copy by calling 760-921-5440, Carrie Mullion, Administrative Assistant to the Board of Trustees.

Minimum Requirements
Applicant Must:
1. Be a Registered Voter at the time the application is submitted;
2. Be a resident of the Palo Verde Community College District. Note: An employee of the PVCCD may not be sworn into office as an elected or appointed member of the District's Board of Trustees unless he/she resigns as an employee. [Education Code §35107]

Application Deadline
Complete Application must be received no later than **4:00pm on September 26, 2012.** Applications may be mailed, faxed, scanned and emailed, or hand-delivered to:

Denise Whittaker, Interim Superintendent/President and Secretary to the Board of Trustees
Palo Verde College
One College Drive
Blythe, CA 92225
Phone: 760.921.5440
Fax: 760.921.5590
Email: president@pvccd.edu

Required Materials
1. Completed Application for the Board of Trustees Provisional Appointment
2. Signed Certification of Qualifications form as included in the Application.
3. Resume
4. Letter of Interest addressed to the Board Members.

DRAFT

- Regular Board Meetings are scheduled for the 4th Tuesday of each month with Study and Special meetings occurring as needed on the 2nd Tuesday of each month.

APPLICANT QUESTIONS *(Use additional pages if needed for any question)*

1. Please state *WHY* you are seeking the Provisional Appointment to the Palo Verde Community College District Board of Trustees?

2. What skills, abilities, and experiences would you bring to the PVCCD Board to assist in carrying out its responsibilities?

3. Describe you educational, work, and public service background.

4. List your experience or involvement in activities that demonstrate your understanding and support for public education, such as membership on committees/organizations, offices held, volunteer work, community service, or the like.

5. What specific involvement have you had with Palo Verde College?

6. Explain your understanding of the Mission of PVC.

7. Please comment regarding your regular use or access to email as a communication tool.

8. Other Comments:

DRAFT

9. Do you intend to run for this Trustee position in the 2014 election?

☐Yes ☐ No ☐ Uncertain at this time

CERTIFICATION OF QUALIFICATIONS

Please READ and CHECK ☑ each box:

☐ I understand that upon appointment, I would be required to file a Conflict of Interest Statement (Form 700) and take an Oath of Office.

☐ I certify I am not disqualified to hold this office because of a conviction of any of the crimes on the attached list and further certify I am not otherwise disqualified under the California Constitution or statutes from holding public office.

☐ I certify that I am a California Registered voter and that I reside within the Palo Verde Community College District.

☐ I attest the foregoing information is true to the best of my knowledge.

_____

Signature of Applicant Date

NOTE: INFORMATION CONTAINED IN THIS APPLICATION MAY BE SUBJECT TO VERIFICATION.

FURTHER VERIFICATIONS

Please READ and CHECK ☑ each box:

☐ I understand that this application in its entirety is a PUBLIC document and will be posted on the PVCCD web site, provided in the Public Agenda, and made available through the Public Records Act if requested.

☐ I understand and am willing to commit the time involved in preparing for and attending regular Board of Trustee meetings (4th Tuesday of the month at 5:00pm), special or study session meetings (generally the 2nd Tuesday of the month at 4:30pm), state and national meetings as needed, and college and community events.

DRAFT

☐ I understand that Board members are held to the PVCCD Ethics and Conflict of Interest policies and procedures and that the California Fair Political Practices Commission (FPPC) may become involved if allegations of conflict of interest or ethics violations occur.

_____

Signature of Applicant Date

CRIMES THAT DISQUALIFY AN APPLICANT FROM BEING APPOINTED

The following list of crimes and conviction precludes a person from holding public office in the State of California. Conviction of these crimes renders a person "forever disqualified from holding any office in this State."

- *Bribing executive officer (Penal Code § 67)*
- *Officer asking or receiving bribes (Penal Code § 68,88)*
- Receiving gratuity for appointment to office *(Penal Code § 74)*
- *Judicial Officer who has asked for or received emoluments, gratuities, rewards, or the fee of a stenographer (Penal Code § 94)*
- *Giving or offering a bribe to Councilman or Supervisor (Penal Code § 165)*
- *Misappropriation of public funds (Penal Code § 424)*
- *Interference with work or discipline of, or giving certain articles to prisoners (Penal Code § 2772)*
- *Interference with or giving certain articles to convicts (Penal Code § 2790)*
- *Officer making contracts in which he or she is interested (Penal Code § 1097)*
- *Members of the Legislature convicted of any crime (Penal Code § 9055)*
- *Corrupting the voting process (Election Code § 18501)*

Please not that in addition to the above restrictions, Government Code § 1126 prohibits any local agency official from engaging "*in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or he appointing power or the agency by which he or she is employed.*"

DRAFT

Proposed PALO VERDE COMMUNITY COLLEGE DISTRICT
TIMELINE FOR BOARD OF TRUSTEE APPOINTMENT

Sept. 6	Agenda distribution and posting • Backup items: proposed timeline, application, and/or voting procedures
Sept. 11	Regular Meeting of Governing Board • Board action item: Approve method of filling governing board vacancy (Vote to make appointment or call election to fill vacancy) • Approval of timeline, application, and voting procedures *(some or all of these items)OR* direct Board President or designee and the Interim Superintendent/President to handle some or all of these responsibilities • Direct Board President or designee and Superintendent to develop confidential interview questions
Sept. 12	• Application packet (application form and timeline) available to the public online (insert URL) or for pick-up at Palo Verde Community College District office at: (Location) • Press release announcing vacancy and describing process to apply ○ Newspaper(s)—check press deadlines in advance ○ Posting of press release or announcement at: (Locations) ○ Other physical or electronic means of distributing announcement and soliciting applications (e.g., a listserv)
Sept. 25	Regular Board Meeting • Approval of any other process, voting, or aspects as identified regarding the *provisional* appointment process
Sept. 26	Deadline at 4:00 p.m. for receipt of applications via email, USPS, other delivery, fax, or hand-delivery to District Office • Contact Registrar of Voters to confirm candidates are registered voters in the district • Notify candidates of time and location of October 16/17th Board meeting/s
October 1	Agenda distribution and posting for October 2 Special Board meeting (agenda includes copies of all applications for public notice) • Backup items: applications, voting procedures (if written) • Distribution of candidate applications to Board members; post applications online (opt.)
October 2	• Special Board Meeting to identify applicants for interview • Board action item: Selection of candidates for interview to fill board vacancy
October 16 & 17 (if needed)	Special Board Meetings • Public comment on agenda item (input from public) • Applicant interviews by Board and constituent leadership and clarifying questions by Board members(opt.) • Voting on appointment* • Administration of Oath of Office and seating of appointee

*Majority vote required

DRAFT

PALO VERDE COMMUNITY COLLEGE DISTRICT
BOARD POLICY **2710**

Conflict of Interest

Reference: Government Code Sections 1090, et seq., 1126, 87200, et seq.; Title 2, Sections 18730 et seq.

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as board members.

A board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A board member, on identifying a conflict of interest or potential conflict of interest, shall do all of the following prior to the board considering the mater:

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote and other disposition of the matter is concluded, unless it is on the consent agenda. A board member may discuss the issue during the time the general public speaks on the issue. (Government Code 87105)

A board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the district. In compliance with law and regulation, the Superintendent/President shall establish administrative procedures to provide for disclosure of assets of income of board members who may be affected by their official actions, and prevent members from making or participating in the making of board decisions which may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

See Administrative Procedures 2710-0 and 2710-1

(Formerly PVC Board Policies 1200 and 7090)

5/06/03	College Council Approval
5/27/03	Board "First Read"
6/24/03	Board "Second Read" and Approval
9/15/05	Revised
1/14/06	Board First Read
1/24/06	Board Second Read and Approval

PALO VERDE COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE PROCEDURE **2710-1**

Conflict of Interest Code

Reference: Title 2, Section 18730; Government Code Sections 87103(a), 87300-87302, 89501, 89502, 89503

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

Section 1. Definitions
The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees
The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. Disclosure Categories
This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.[1] Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. Statements of Economic Interests
Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.[2]

Section 5. Statements of Economic Interests
Time of Filing.
(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office
Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

---

[1] Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.
[2] See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests:
(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting
Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property[3] is required to be reported,[4] the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

---

[3] For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
[4] Investments and interests in real property which have a fair market value of less than $2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars ($2,000), exceeds ten thousand dollars ($10,000), exceeds one hundred thousand dollars ($100,000), or exceeds one million dollars ($1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,[5] the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars ($500) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars ($1,000) or less, greater than one thousand dollars ($1,000), greater than ten thousand dollars ($10,000), or greater than one hundred thousand dollars ($100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,[6] the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or

---

[5] A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

[6] . Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria
(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

Section 8.1 Prohibition on Receipt of Gifts in Excess of $320
(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than $320 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

Section 8.2. Loans to Public Officials
(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds

office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars ($500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms
(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars ($500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

Section 8.4. Personal Loans
(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars ($100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars ($250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

Section 9. Disqualification
No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to

official status, aggregating five hundred dollars ($500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $320 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation
No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 9.5. Disqualification of State Officers and Employees
In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars ($1,000) or more.

Section 10. Disclosure of Disqualifying Interest
When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Section 11. Assistance of the Commission and Counsel
Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations
This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

13. Designated Positions and Disclosure Requirements

1. The persons occupying following positions manage public investments. They shall file a full statement of economic interests pursuant to Government Code Sections 87200 et seq.:

Governing Board Member
Superintendent/President
Vice President of Administrative Services

2. Disclosure Categories: The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the designated employees must disclosure for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions and sources of income from, business entities that do business with the District or own real property within the boundaries of the District, plan to do business or own real property within in the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District within the past two (2) years.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6. All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.
Designated Positions, and the Disclosure Categories assigned to them, are as follows:

Accountant	Categories 4,5
Assistant Deans	Category 6
Assistant Directors	Category 6
Chief Human Resources Officer	Category 6
Chief Instructional Officer	Categories 5,6
Chief Student Services Officer	Categories 5,6
Deans	Category 6
Director of Bookstore	Category 6
Director of Budget	Categories 4,5
Director of Food Services	Category 6
Director of Purchasing	Categories 1,4,5
Director of Facilities	Categories 1,2,3,4

Director of Maintenance & Operations	Category 2,3,6
General Counsel	Categories 1,2
Personnel Director (Merit Systems)	Category 6
Personnel Commission Members	Categories 1,2
Police Chief	Categories 5,6
Consultant	Categories 1,2,3,4,5,6

Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The Superintendent/President or designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The superintendent/president's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

See also AP 2710-0

(AP 2710-1 is CCLC AP 2712)

5/06/03	College Council approved new CCLC procedures
5/27/03	Board "First Read"
6/24/03	Board "Second Read" and Approval
9/15/05	Revised
1/14/06	Board First Read
1/24/06	Board Second Read and Approval

PALO VERDE COMMUNITY COLLEGE DISTRICT
BOARD POLICY 2715

Code of Ethics/Standards of Practice

Reference: Accreditation Standard IV.B.1.a, e, h

As a member of the Palo Verde Community College District Board of Trustees, I will perform my duties in accordance with my oath of office. I am committed to serve the needs of the citizens of the District. My primary responsibility is to provide learning opportunities to students regardless of sex, race, color, religion, ancestry, age, marital status, national origin, or handicap.

It is my further responsibility to:

1. Devote time, thought, and study to my duties as a Palo Verde College Board Member so that I may render effective and creditable service.

2. Work with my fellow Board Members in a spirit of respect and civility in spite of differences of opinion that may arise during vigorous debates of points of view.

3. Base my personal decisions upon all available facts in each situation, vote by honest conviction in every case unswayed by partisan bias, and abide by and uphold the final majority decision of the Board.

4. Remember at all times that as an individual I have no legal authority outside the meetings of the Board, and conduct my relationships with college staff, students, and local citizenry, and the media on that basis.

5. Be aware that I am responsible to all citizens of the District, and not solely to those who elected me. The authority delegated to me by the voters must be exercised with as much care and concern for the least influential as for the most influential member of the community.

6. Resist every temptation and outside pressure to use my position as a community college board member to benefit either myself or any other individual or agency apart from the total welfare of the Palo Verde Community College District.

7. Recognize that it is as important for the Board to understand and evaluate the educational program of Palo Verde College as it is to plan for the business of college operation.

8. Bear in mind under all circumstances that the Board is legally responsible for the effective operation of the District. Its primary function is to establish the policies by which the Palo Verde Community College District is to be administered. The Board shall delegate to and hold the Superintendent/President and his/her staff accountable for the administration of the educational program and the conduct of college business.

9. Welcome and encourage the active involvement of students, employees, and citizens of the District with respect to establishing policy.

10. I shall maintain the confidentiality of closed sessions and recognize that deliberations of the Board in closed session are not mine to release or discuss in public without the prior approval of the Board by majority vote.

11. Avail myself of opportunities to enhance my potential as a Board Member through participation in educational conferences, workshops, and training sessions offered by local, state, and national organizations.

12. Be informed about issues affecting community colleges at the state and national levels.

13. Strive to provide the most effective community college board service of which I am capable, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

All Board members are expected to maintain the highest standards of conduct and ethical behavior and to adhere to the Board Code of Ethics. The Board will be prepared to investigate the factual basis behind any charge or complaint of trustee misconduct. A Board member may be subject to a resolution of censure by the Governing Board should it be determine that trustee misconduct has occurred. Censure is an official expression of disapproval passed by the Governing Board.

A complaint of trustee misconduct will be referred to an ad hoc committee composed of two (2) trustees not subject to the complaint. In a manner deemed appropriate by the committee, a fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall be guided in its inquiry by the standards set forth in the Code of Ethics as defined in policy. The trustee subject to the charge of misconduct shall not be precluded from presenting information to the committee. The committee shall, within a reasonable period of time, make a report of its findings to the Governing Board for action.

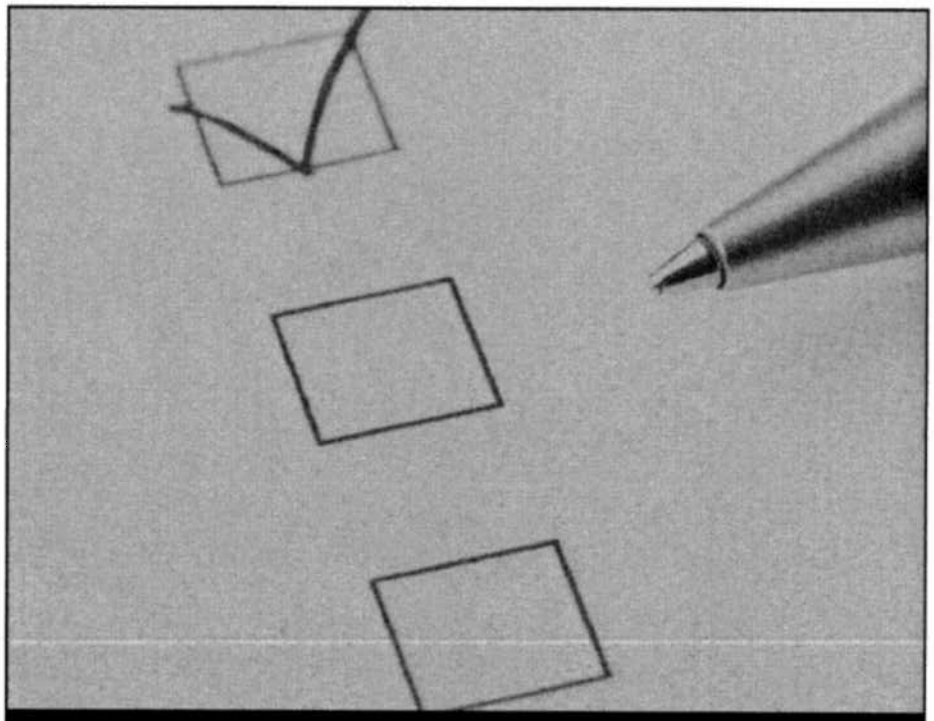
Any trustee who violates this policy or the Board of Trustees' Conflict of Interest Policy (BP 2710) shall be subject to the appropriate disciplinary action. Such action may include but is not limited to the following depending upon whether it is a first, second or subsequent occurrence and the severity of the issue:

- Verbal counseling by the Board President, or if the trustee in question is the Board President by the Board Vice President or next ranking Board officer.
- Letter of Reprimand by the Board President, of if the trustee in question is the Board President by the Board Vice President or next ranking Board officer.
- Resolution of Censure by the Board of Trustees.

See also BP/AP 2710 – Conflict of Interest
See also BP 2745 – Board Self Evaluation

(Formerly PVC Board Policy 7001)

01/14/06 Board First Read
01/30/06 Board Second Read and Approval
06/26/07 Revised - Board First Read
07/24/07 Board Second Read and Approval
04/22/08 Revised - Board First Read
05/27/08 Revised - Board Second Read and Approval



APPOINTING A NEW TRUSTEE TO THE BOARD

Community College League of California

Author: Cindra J. Smith, Ed.D., cindrasmith@comcast.net

Design and Processing: Samantha DeMelo

Published by Community College League of California (CCLC). Permission is granted to all CCLC member districts to copy all or parts of this publication for use, with appropriate attribution.

Published by Community College League of California
www.ccleague.org
© 2008

From time to time, vacancies occur on a board of trustees, and boards must either schedule an election or appoint a person to fill the vacancy. The decision of who to appoint is an important one: the person selected should be able to represent the community well and to contribute wisely to board processes. The appointment process must be done in a timely manner and in accordance with law and regulations. Filling a vacancy through appointment or election is governed by Education Code Sections 5090 – 5095 (***Attachment 6***).

The following information is designed to assist the chief executive and governing board in the appointment process; however, it is not a substitute for legal advice. Districts are encouraged to consult with counsel to assure compliance with the law.

How Vacancies Occur

Vacancies usually occur due to resignation or death of an incumbent. Other conditions, such as moving out of the district or ceasing to fulfill the duties of the position, are detailed in Government Code 1770.

When a Vacancy Occurs

The effective date of a resignation is the date that is specified in the written resignation or, if no date is specified, when the written resignation is filed with the county superintendent of schools.

When a vacancy occurs, the board has up to 60 days to make a provisional appointment or order an election for the position (Education Code 5091). As soon as the board knows of the vacancy, it should adopt a resolution or otherwise take action to do one of these two things. If the board does not fill the vacancy, the county superintendent is required to order an election to fill the vacancy.

There are certain conditions which limit the board's decision to either order an election or make an appointment as stated in Education Code 5093:

a) There shall be no special election or appointment to fill a vacancy on a governing board if the vacancy occurs within four months of the end of the term of that position.

b) ...if the vacancy occurs, or a resignation specifying a deferred effective date is filed with the county superintendent of schools, during the period between six months and 130 days prior to a regularly scheduled governing board 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. A person elected to fill a position under this subdivision shall take office at the next regularly scheduled meeting of the governing board following

the certification of the election and shall serve only until the end of the term of the position which he or she was elected to fill.

c) If a special election pursuant to Section 5091 could be consolidated with the next regular election for governing board members, and the vacant position is scheduled to be filled at such regular election, there shall be no special election.

Holding an Election

If the legal conditions are met and the board decides to order an election, the election must be held on the next regular election date. Special elections are allowed if a petition is submitted by the voters after a provisional appointment has been made. Conditions for special elections are specified in Education Code 5091(c) and (f).

Making an Appointment

Persons applying or nominated for the position must meet the legal qualifications for members of the board stated in the Constitution and other laws. They must be residents of the district (or area, if the district has trustee areas) (Education Code 72022).

The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members.

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

The provisional appointment must be made by a majority public vote of the board members at a public meeting. Private ballots are not allowed.

Timelines for Appointment

If the board wishes to appoint a person to fill a vacancy, it has 60 days from the effective date of the vacancy to do so. Therefore, time is of the essence for publicizing the position, recruiting applicants (optional), reviewing applications, interviewing candidates (optional), and making the appointment. A sample timeline of the process is:

Week 1

- Publication of vacancy as required by law.
- CEO and board, ad hoc committee, or board chair finalize steps in the process, the timeline, and application materials and criteria for selection.

Weeks 2–4

- Publicize position and recruit candidates (optional; see suggested strategies).
- Receive applications.

End of Week 4

- Final deadline for receipt of applications in the CEO's office, preferably no later than 30 days after the vacancy is announced.

Weeks 2–5

- Board or board ad hoc committee develops/reviews selection criteria and questions to ask candidates (if interviews are held)

Week 5

- Announcement of names of applicants and distribution of materials to board members for review.

Weeks 5-6

- Informational meeting(s) for candidates, organized by CEO and staff (optional).

Week 6

- Ad hoc committee or board meeting to screen applications and select finalists for interview or further consideration (optional). If committee is used, it would report to the board to determine the finalists.

Week 7 or 8

- Board meeting to hear presentations from the candidates, interview finalists, and/or discuss the applications review. Select and provisionally appoint the trustee.

Week 8 or 9

- Publish the notice of appointment. Call and/or send appropriate letters to those who were not selected.

Publicity about the Appointment

Education Code 5092 requires that there be publicity about the vacancy that includes posting a notice of the vacancy in three public places in the district and publishing a notice in a newspaper of general circulation. Government Code 6061 states that publication shall be for one time. The posted notice of vacancy should include instructions on how to apply for or nominate someone to be a candidate for appointment.

The Board may wish additional publicity. The required notices may include additional details or encourage interested people to call for more information about the college, board roles, and trustee responsibilities. The announcement and further information may be sent to local news media, placed on the college's website, and distributed to community leaders.

The need to appoint a trustee is an opportunity to educate the community about the governing board. The announcement, press release, or other information therefore might include what is expected of board members in fulfilling their jobs and how boards contribute to effective colleges (See Attachment 1 for sample language).

Recruiting and Informing Candidates

Every board would like a good pool of qualified applicants who support the work of the district and have the interests of the community in mind. Foundation boards, college advisory committees, and community leaders are excellent sources of potential candidates. In addition to the required public notice, activities to recruit include:

- Send announcements about the vacancy and information about the role of a trustee to people who might be or know of good potential board members.
- Solicit names of good potential candidates from current trustees,

  community leaders, and college organizations. Call or send those who are identified a letter with application information.
- People who indicate an interest should be encouraged to learn more about the position. See the sample letter to potential candidates and applicants (***Attachment 2***). The district office may provide or arrange:
  - Information about the board role and trustee responsibilities, including compensation (if any), conflicts of interest and disclosure requirements, and expectations.
  - Individual meetings with the CEO.

* Candidate group meeting with the CEO and other staff.
* Packets of information available from the League, including the brochure "Board Candidate Information" and selected chapters from the Trustee Handbook.
* District information, including board meeting agendas and minutes, board ethics and operations, college catalogs and general reports, and summaries of long-range plans.

The recruitment process should be conducted in such a manner that reflects well on the college and the board. The primary contact should be the CEO or his/her designee in the district office. Trustees should maintain their neutrality and support for an open process.

Applications and Candidate Information

The purpose of the application package is to gain sufficient information to determine which candidate to appoint or which finalists to invite for further consideration. See ***Attachments 3 and 4*** for a sample application form and questions.

First, applications should be reviewed to ensure that interested people meet the legal requirements. The district should check addresses to make sure residency requirements are met. Those who do not meet eligibility requirements should receive a letter indicating why they are ineligible to be appointed.

Boards may also request one or more of the following materials to gather additional helpful information:

- Letter of interest
- Application form
- Letter or statement that outlines qualifications and experience
- Resume
- Questionnaire

Criteria

The board determines the criteria used to select the appointee. A board ad hoc committee may be used to develop and propose criteria to the entire board, or the discussion may take place in the board as a whole.

The selection criteria may be used to help trustees review applications to choose their top candidates, select a number of finalists to be interviewed, and decide who to appoint.

Possible criteria are:

- Interest in and commitment to service to the community;
- Interest in and commitment to public education and student learning;
- Knowledge about and commitment to the role and mission of community colleges in the communities they serve and in the context of all higher education;
- Willingness and ability to represent those who live in the service area; mindful of the perspectives of diverse constituencies;
- Willingness to advocate the district and its interests to the community and state;
- Knowledge and background related to the issues considered by the board (e.g. community needs, funding, education, district operations);
- Ability to work as a member of a public governing board; understands that the board, not the individual trustees, has authority;
- Ability to articulately express perspectives and respect the perspectives of others;
- Willingness to work cooperatively with others and in partnership with the CEO;
- Time and energy necessary to fulfill the responsibilities of being a trustee;
- Willingness and time to engage in ongoing professional development;
- Commitment to fulfill the ethical and legal responsibilities of trusteeship, unencumbered by private agendas; and/or
- Qualities, background, and stature that will enhance the standing of the district in the community.

Reviewing Candidates

The law is silent on how a board is to review candidates. However, a number of strategies have been used to review applications and select the candidate. Identifying strategies and reviewing applications may take place in an ad hoc board committee, which would then report to the board in a public meeting for final action, or the board may hold the discussion at a public meeting. Some strategies are:

- Each trustee receives and reviews applications and background materials about all candidates.

- Trustees may use rating sheets to rank the candidates or simply identify their top choices for the position using the criteria established by the board.
- The board determines whether to select a certain number of finalists for further consideration, or whether to interview or hear from all eligible applicants.

Selection of finalists occurs at a public meeting. A board committee may be used to recommend finalists, but the decision is made at a board meeting.

Selecting finalists may be based on the extent they meet the criteria for selection. One approach is that all trustees identify their top choices; those who are selected the greatest number of times become finalists for the position.

Further review of all candidates or the finalists may be done by inviting them to a) be interviewed by the board, b) make presentations to the board, and/or c) submit additional background materials for further board review.

Choosing a certain number of finalists to be interviewed may depend on whether there are a large number of applications and/or the amount of time the board has to conduct interviews or hear presentations. The board may choose to interview or hear presentations from all applicants who meet eligibility requirements. The latter choice ensures that all who are interested have full opportunity to speak to the board and reinforces that the appointment process is open to all.

A positive, public discussion of the candidates fosters a positive image and promotes good community relations. The board benefits by focusing on the strengths of the applicants rather than on the weaknesses of any one person)

Interviewing and/or Hearing from Candidates

It is optional to interview or hear presentations from candidates, but most boards decide to do so to learn more about the candidates and ensure the process is open. Interviews or presentations must take place in a public, properly noticed meeting. Candidates may be invited to make a short presentation to the board (3-5 minutes) on why they should be appointed to the board. Candidates may also be interviewed after or instead of the presentation. Suggestions for the interview process include:

- Conduct interviews in the same manner for all candidates.
- Provide the questions to candidates prior to the interviews to ensure that all have the same time to prepare.

- Determine the order in which candidates are interviewed (or make presentations) by lot, alphabetical order, or some other neutral method.
- Vary the order in which candidates respond to questions; e.g. ask a question and ask each candidate to respond. Then ask the next question and vary the order in which candidates respond.
- The board president may ask all questions, or board members may take turns asking questions. It is wise to set time limits for candidate responses.

Attachment 5 provides sample interview questions.

Voting on the Candidates

The appointment, which is provisional, must be made by a majority public vote of the board members at a public meeting. How each trustee votes is a matter for public record; no secret ballots are allowed.

It is not necessary to vote on the candidates at the same meeting that they are interviewed. If time allows, the vote may be schedule for a subsequent meeting so that trustees have time to reflect on the candidates.

Announcing the Appointment

The law (Ed Code 5091, Gov Code 6061) requires that notices of the provisional appointment are posted within 10 days in three public places in the district of the actual vacancy or the filing of a deferred resignation and the provisional appointment. Notice of the appointment shall also be published in a newspaper of general circulation.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the board, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment. (If a petition is filed, then a special election must be held.)

In addition, the announcement of the appointment should be sent to the county superintendent of schools/office of education, the county elections office, the Community College League of California and other agencies that maintain lists of elected officials. Additional publicity may include press releases to all newspapers in the region, other news media, and local governing bodies.

Length of an Appointment

A person appointed to fill a vacancy holds office until the next regularly scheduled election for the board. An election is held to fill the vacancy for the remainder of the term. See Education Code 5091(e).

Orienting the New Trustee

Appointed trustees deserve the same orientation that is provided to newly elected trustees, which often includes sessions with the CEO, certain administrators and faculty, staff and student leaders; college tours, and resource materials.

Upon receiving the name of the new trustee, the Community College League will send a packet of information, including a Trustee Handbook, to the person. Appointed trustees also receive a special invitation to the Effective Trusteeship Workshop held in late January/early February.

Student Trustee Vacancies

Education Code 72023.5 provides that student trustees are chosen by the students enrolled in the colleges of the district in accordance with procedures prescribed by the governing board. Students are elected in spring and take office in May or June. Vacancies may occur through resignation or if a student trustee fails to maintain eligibility for the position.

Governing board policy and procedures should address what happens when the student trustee position becomes vacant prior to the end of the term. Options include, but are not limited to holding a special election, delegating authority to the Associated Students to recommend candidates for appointment to the board or to make an appointment, identifying a specific A. S. officer to fill the position, or leaving the position vacant (particularly if the vacancy occurs during spring semester).

Resources

Districts may rely on local counsel to ensure compliance with applicable law. The League maintains records of newly appointed and elected trustees. Contact **cclc@ccleague.org** for contact information to obtain samples from districts that recently appointed a new trustee.

ATTACHMENT 1

Sample Recruitment Publicity

The following information may be adapted for press releases, letters to the editor, and letters to community leaders soliciting applications or names of potential candidates.

The _____ District is soliciting applications to serve as an appointed member of the Board of Trustees until the next regularly scheduled election for governing board members, which is [date].

The Board is responsible for the performance of the [names of colleges], which serve [insert number] students and provide vital educational services to the communities in the region.

The board is seeking candidates who have the ability and time to fulfill the responsibilities of being a member of the board, which include:

- Participate fully in the work of the board, which includes attending all board meetings and key college events, studying and discussing policy issues, and participating in trustee education programs.
- Be knowledgeable about the communities served by the college and be willing to act on behalf and for the benefit of those communities.
- Be committed to community colleges and their missions; understand educational, social, and economic policy issues.
- Engage in balancing the needs of many diverse groups; be able to contribute to and build consensus.
- Contribute to effective board functioning and support the authority of the board as a whole.

The Board of Trustees meets [insert meeting days and times].

Please contact the [Superintendent or Chancellor] to indicate an interest or suggest possible candidates for the position. Further information and application materials are available from that office [provide location and contact information].

Applications are due no later than [date]. The board will interview candidates on [date] and make the provisional appointment on [date].

ATTACHMENT 2

Sample Letter to Interested Applicants

Districts should adapt the following sample to local practice.

Thank you for your interest in serving as an appointed member of the Board of Trustees of the _____ District. The appointee will serve until the next regularly scheduled election, which is [insert date].

We have enclosed a schedule that outlines the steps in the selection process. In order to be considered for appointment to the vacant position, all application materials must be received in the [insert office] no later than [insert time and date].

Application materials include the following: [list the appropriate materials, such as]

- A letter of interest addressed to the president of the Board of Trustees, [name]
- A resume, including community service and leadership
- A completed applicant questionnaire (enclosed)

These materials will be considered by members of the Board of Trustees in determining [who will be invited to be interviewed/makes presentations] at a public board meeting on [insert date]. Further information will be provided to those candidates about the board meeting and interview process.

The Board encourages you to review the enclosed materials that outline Governing Board responsibilities and expectations of trustees. [Enclose related board policies and ethic statements and/or relevant materials from the Community College League.]

In addition, you are encouraged to [schedule an appointment with the [CEO] and/or participate in an informational meeting for candidates] about the district, the appointment process, and governing board responsibilities. Information about the District can also be found at [insert web site].

Please contact _____ at _____, if you have any questions about the position or the selection process.

ATTACHMENT 3

Sample Application Form

Name_____

Home Address _____

City, State, Zip_____

Phone: Home _____ Business _____

Occupation _____

Company _____

Business Address _____

City, State, Zip_____

Please complete the following or attach a current resume.

Education (List degrees or highest year completed and the college or school.)

_____

_____

_____

Employment History (last 10 years)

_____

_____

_____

Public and Community Service

_____

_____

_____

❍ (Check if applicable) I am related to a current employee of the district. If yes, name of employee and your relationship _____

I understand that I may not be an employee of the district and serve as a member of the board.

I certify that I meet all eligibility requirements. (Note: To be eligible, an individual must be at least 18 years old; must be a resident [of the district/ of the area]; must be a registered voter, and must not be disqualified from holding civil office by the Constitution or any law of the state.)

Signature:

Date:

[Insert deadline time and date and addresses for turning in the application form.]

ATTACHMENT 4

Sample Written Application Questions

Please state why you are seeking appointment to the _____ Board of Trustees.

What skills and abilities would you bring to the work of the board of trustees?

Please describe your experience in serving on boards, commissions or appointed or elected positions. Please list the dates and how these experiences would contribute to your service on the board.

Describe other community involvement and experience that would contribute to the work of the board and the community college?

Please give an example of how you have handled being part of a voting body when you have had a different point of view or position that the majority of the board members.

What is your approach to working with a team of people in achieving policy level goals?

What do you hope to accomplish by serving as a trustee?

Applicants may attach supporting materials and letters of reference. However, the maximum amount of materials that may be submitted is [10] pages.

ATTACHMENT 5

Sample Interview Questions

Why are you interested in becoming a member of the Board of Trustees?

Please describe your public service and community involvement, and the skills you would bring to the board.

Service on the board requires a significant amount of time for meetings, studying issues, and other activities? How much time do you anticipate you will have to devote to the board and what other commitments do you have?

What is your understanding of the mission and purposes of the community colleges in California? What are the mission and purposes of our district?

What do you see as the major issues facing the community college(s) in the next decade?

Whom would you feel you are representing if you are appointed to the board of trustees?

What is your understanding of the primary responsibilities of the board? What would be your responsibility to the board as a trustee?

Please discuss your understanding of the differences between the roles of the chief executive officer and other administrators and the role of the board.

Please discuss your understanding of the relationship between the trustees on the board and the administrators, faculty, staff, and students of the institution.

What are some major accomplishments of the district in the past few years? What, if any, areas for improvement should the board address?

How would you respond to a concern from a student, a staff member, and a community member about any part of the college operation?

If a board member feels strongly about a matter, but his or her position is not supported by the board, how should this trustee conduct him or her self?

If major reductions in funding were to occur, what would be your priorities for the most important programs or services to retain?

APPENDIX 6

California Education Code
Sections 5090-5095

5090. Vacancies on school district governing boards or community college district boards are caused by any of the events specified in Section 1770 of the Government Code, or by a failure to elect. 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 effective on that date. A written resignation, whether specifying a deferred effective date or otherwise, shall, upon being filed with the county superintendent of schools be irrevocable.

5091. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools. In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) 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 the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to 1½ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with registered voters of less than 2,000 persons, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

(2) The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent

of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted no later than the 130th day after the determination. However, if an established election date, as defined in Section 1000 of the Elections Code, occurs between the 130th day and the 150th day following the order of the election, the county superintendent of schools may order the special election to be conducted on the regular election date.

(d) A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, 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.

(f) (1) Whenever a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

(A) The petition shall contain the estimate of the elections official of the cost of conducting the special election.

(B) The name and residence address of at least one, but not more than five, of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.

(C) None of the text or other language of the petition shall appear in less than six-point type.

(D) The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

(2) If any of the requirements of this subdivision are not met as to any petition calling for a special election, the county superintendent of schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.

(3) No person shall permit the list of names on petitions prescribed by this section to be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this section.

(4) The petition filed with the county superintendent of schools shall be subject to the restrictions in Section 6253.5 of the Government Code.

(g) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.

5092. Whenever a provisional appointment is made to the governing board of a school district pursuant to Section 5091, the board shall, within 10 days of the provisional appointment of a person to fill a vacancy which occurs or will occur, post notices of both the actual vacancy or the filing of a deferred resignation and also the provisional appointment in three public places in the district and shall publish a notice pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. The notice shall also contain the full name of the provisional appointee to the board and the date of his appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

5093. (a) There shall be no special election or appointment to fill a vacancy on a governing board if the vacancy occurs within four months of the end of the term of that position.
(b) Section 5091 shall not apply to a vacancy on a governing board if the vacancy occurs, or a resignation specifying a deferred effective date is filed with the county superintendent of schools, during the period between six months and 130 days prior to a regularly scheduled governing board 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. A person elected to fill a position under this subdivision shall take office at the next regularly scheduled meeting of the governing board following the certification of the election and shall serve only until the end of the term of the position which he or she was elected to fill.
(c) If a special election pursuant to Section 5091 could be consolidated with the next regular election for governing board members, and the vacant position is scheduled to be filled at such regular election, there shall be no special election.

5094. If for any reason vacancies should occur in a majority of the offices on any school district or community college district governing board, the president of the county board of education having jurisdiction may appoint members of the county board of education to the district governing board until new members of the governing board are elected or appointed.

5095. Whenever any of the offices on any school district governing board or community college district governing board is vacant, the remaining governing board member or members, if any, and any governing board member or members elected or appointed to fill the vacancies, who have qualified, shall have all the powers and perform all the duties of the governing board.

Community College League of California
2017 O Street • Sacramento, CA 95811
(916) 444-8641 • (916) 444-2954 *fax*
www.ccleague.org • cclc@ccleague.org