



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.1j

Meeting Date: June 19, 2014

Subject: Approve Resolution No 2798: Ordering an Election for Trustee Area 7 on November 4, 2014

- ☐ Information Item Only
- ☒ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (Action Anticipated: _____)
- ☐ Conference/Action
- ☐ Action
- ☐ Public Hearing

Division: Superintendent's Office

Recommendation: Approve Resolution No 2798: Ordering an Election for Trustee Area 7 on November 4, 2014.

Background/Rationale: Board President Kennedy has filed his resignation with the Sacramento County Superintendent of Schools pursuant to Education Code 5091(a). The Resolution, if adopted, would authorize an election for Trustee Area 7, to be added to the District's regularly scheduled general district election for Trustee Areas 1, 2 and 6 on November 4, 2014. Resolution No. 2787 for Trustee Areas 1, 2 and 6 was previously adopted on April 3, 2014 and is incorporated by reference in proposed Resolution 2798.

The Resolution must be submitted to the County of Sacramento and to the Registrar of Voters at least 130 days before November 4, 2014 or by no later than Friday, June 27. Accordingly, the Resolution must be considered for adoption at the June 19 regular Board meeting. If the Resolution is adopted, the elected representative for Trustee Area 7 would complete the remaining term of Board President Kennedy to December 2016.

If the Resolution is not adopted, the Board must make a provisional appointment within 60 days of the submittal of the Board President's resignation to fill the remaining term of the Board President. Such an appointment process is subject to challenge by petition signed by 1 1/2% of the registered voters throughout the entire school district within 30 days of the appointment. The petition, if successful, would require an election at the next election date authorized by law and would be at greater expense than ordering an election for Trustee Area 7 at the general election in November.

President Kennedy's resignation may be deferred for a maximum of 60 days. If the Resolution is adopted, there will be a period of time when the seat for Trustee Area 7 will be vacant until December 2014.

Financial Considerations: By law, the District must reimburse the Registrar of Voters for actual costs incurred by the trustee area elections. The cost is calculated by a prorated method set forth in the County's current Election Cost Allocation Procedures for the general election on November 4, 2014.

Documents Attached:

1. Resolution No. 2798
2. Resolution No. 2787
3. Education Code Section 5091

Estimated Time of Presentation: N/A

Submitted by: Sara Noguchi, Ed.D., Interim Superintendent

Approved by: N/A

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 2798

**RESOLUTION ORDERING AN ELECTION FOR TRUSTEE AREA 7
ON NOVEMBER 4, 2014**

WHEREAS, Board President Patrick Kennedy has filed his resignation with the Sacramento County Superintendent of Schools pursuant to Education Code section 5091(a); and

WHEREAS, the Board of Education ("Board") may either order an election or make a provisional appointment to fill the vacancy for Trustee Area 7 for the remaining term through December 1, 2016; and

WHEREAS, the Board has previously adopted its order for election for Trustee Areas 1, 2, and 6 for the statewide general election on November 4, 2014 as Resolution No. 2787; and

WHEREAS, if the Board intends to order an election to fill the seat for Trustee Area 7, it must do so not less than 130 days before the November 4 general election, or at its regular Board meeting on June 19, 2014; and

WHEREAS, if the Board does not intend to order an election, it must make a provisional appointment within 60 days of the effective date of the resignation.

NOW, THEREFORE, BE IT RESOLVED by the Sacramento City Unified School District Board of Education as follows:

1. Adopts the foregoing recitals as true and correct.
2. Orders an election be held to fill the vacancy for Trustee Area 7 and requests the Board of Supervisors of Sacramento County to consolidate the election for Trustee Area 7, to be added to the District's regularly scheduled general district election for Trustee Areas 1, 2, and 6, with the statewide general election to be held on November 4, 2014 for the purpose described herein.
3. Incorporates by reference the provisions adopting specifications of the election order and for consolidation with the statewide general election for the election to fill the vacancy of Trustee Area 7 as set forth in Resolution No. 2787 ("Resolution Adopting Specifications of the Election Order and for Consolidation with Statewide General Election") previously adopted by the Board on April 3, 2014.
4. Certifies that the map and boundary descriptions of Trustee Area 7, as adjusted in accordance with the federal decennial census by Resolution No. 2676 adopted on September 1, 2011, are hereby certified as being current and effective and that there have been no subsequent or additional boundary changes to Trustee Area 7.
5. Directs that a copy of this Resolution shall be filed with the Sacramento County Board of Supervisors, with a copy to the Sacramento County Registrar of Voters, by the District's Interim Superintendent on or before the time specified by law and to take all steps necessary to carry out the provisions of this Resolution.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 19th day of June, 2014, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Patrick Kennedy
President of the Board of Education

ATTESTED TO:

Sara Noguchi, Ed.D.
Interim Secretary of the Board of Education

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 2787

**RESOLUTION ADOPTING SPECIFICATIONS OF THE ELECTION ORDER AND FOR
CONSOLIDATION WITH STATEWIDE GENERAL ELECTION**

WHEREAS, an election is required to be held on November 4, 2014, within the Sacramento City Unified School District, for the purpose of electing 3 members to the Board of Education for trustee areas 1, 2, and 6 for terms as prescribed by law; and

WHEREAS, a statewide general election will be held within the County of Sacramento on the same day; and

WHEREAS, Elections Code §10403 requires local jurisdictions to file with the Board of Supervisors of the County of Sacramento, with a copy to the Registrar of Voters of the County of Sacramento, a resolution requesting consolidation with a statewide general election.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education requests the Board of Supervisors of Sacramento County to consolidate the District's regularly scheduled general district election for Trustee areas 1, 2, and 6 with the statewide general election to be held on November 4, 2014 for the purpose described herein; and

BE IT FURTHER RESOLVED that all candidates are to prepay the District's costs for candidate statements that are printed in the voter pamphlet and related costs as described in Elections Code section §13307(c) subject to any additional expenses, or refunds, depending on the final actual cost as determined by the Sacramento County Registrar of Voters; and

BE IT FURTHER RESOLVED, that the limitation on the number of words that a candidate may use in his or her candidate's statement shall be 200 words; and

BE IT FURTHER RESOLVED that the District agrees to reimburse the Registrar of Voters for actual election costs incurred, such costs to be calculated by the method set forth in the County's current Election Cost Allocation Procedures; and

BE IT FURTHER RESOLVED that if a tie vote to the Board of Education makes it impossible to determine which of two or more candidates, for the involved trustee area, has been elected to the Board of Education, the winner shall be determined by lot; and

BE IT FURTHER RESOLVED that this resolution, together with the Notice of District Election and Publication of Notice of Election attached herewith, shall be filed with the Sacramento County Board of Supervisors, with a copy to the Sacramento County Registrar of Voters, by the District's Superintendent on or before the time specified by law and by the administrative deadline no later than June 4, 2014; and

BE IT FURTHER RESOLVED, pursuant to Elections Code section 12112, and Education Code section 5363, the Registrar of Voters is requested to publish the District's notice of election as a combined election notice with other districts; and

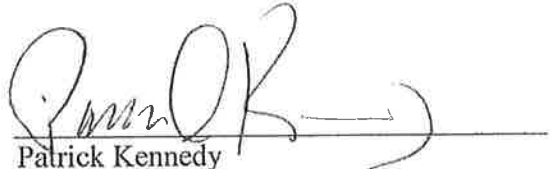
BE IT FURTHER RESOLVED that the notice of District election shall be in the form attached to this resolution and may serve in lieu of the notices and related provisions designating the Sacramento County Superintendent of Schools pursuant to Education Code sections 5324 and 5361; and

BE IT FURTHER RESOLVED that the map and boundary descriptions of all of the trustee areas, including trustee areas 1, 2, and 6, as adjusted in accordance with the federal decennial census by Resolution No. 2676 adopted on September 1, 2011, are hereby certified as being current and effective and that there have been no subsequent or additional boundary changes in the trustee areas; and

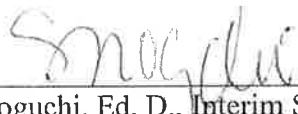
BE IT FURTHER RESOLVED that the Superintendent of the District, or his designee, shall be authorized to take all steps necessary to carry out the provisions of this resolution.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 3rd day of April, 2014, by the following vote:

AYES:	<u>6</u>
NOES:	<u>0</u>
ABSTAIN:	<u>0</u>
ABSENT:	<u>1</u>


Patrick Kennedy
President of the Board of Education

ATTESTED TO:


Sara Noguchi, Ed. D., Interim Superintendent
Secretary of the Board of Education

PUBLICATION OF NOTICE OF ELECTION

Elections Code §12112 requires the publication of a "Notice of Election." The notice shall contain the date of the general district election, name the offices for which candidates may file, and state the qualifications required by the principal act for each office, as well as other pertinent information.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

Recommends that the Registrar of Voters publish (check one only):

☒ A combined election notice with other districts

or

☐ A separate/individual district notice.

If a separate/individual district notice is requested, District will be responsible for printing of such notice.

Dated: March 20, 2014



Sara Noguchi, Ed.D., Interim Superintendent
Secretary of the Board of Education

EDUCATION CODE

SECTION 5091

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 $1\frac{1}{2}$ 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.

(Amended by Stats. 2003, Ch. 811, Sec. 1. Effective January 1, 2004.)