



COMMUNITY
COLLEGE LEAGUE
OF CALIFORNIA

Appointing a New Trustee to the Board

APPOINTING A NEW TRUSTEE TO THE BOARD

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.

The following information is designed to assist the chief executive and board in the appointment process; however, it is not a substitute for legal advice. Districts are encouraged to check with counsel to assure compliance with time constraints, length of appointment, public notice, and other requirements.

HOW VACANCIES OCCUR

Vacancies most often 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. The effective date of a resignation is when the written resignation is filed with the county superintendent of schools, or the date that is specified in the written resignation.



WHEN A VACANCY OCCURS

When a vacancy occurs, the board has up to 60 days to either order an election or make a provisional appointment. (If the board does not do one of these two things, the county superintendent is required to order an election to fill the vacancy.) However, the following calendar constraints apply:

- If the vacancy occurs within four months of the end of the person's term, the board may not appoint nor hold a special election to fill the position (Ed Code 5093(a)).
- If the vacancy occurs between six months and 130 days of a regularly scheduled board election, but the position in question is not scheduled for that election, then a special election for that position would be consolidated with the regularly scheduled election. The person elected would serve only until the end of the term of the position in question (Ed Code 5093(b)).

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. That election date must be at least 130 days after the vacancy occurs.

Special elections are also allowed if a petition is submitted by the voters after a provisional appointment has been made. Conditions for special elections are in Education Code 5091(c) and (f).

APPOINTMENT CONDITIONS

The conditions for appointing a person to fill a vacancy are contained in Education Code 5091-5095. 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) (Ed Code 72022).

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

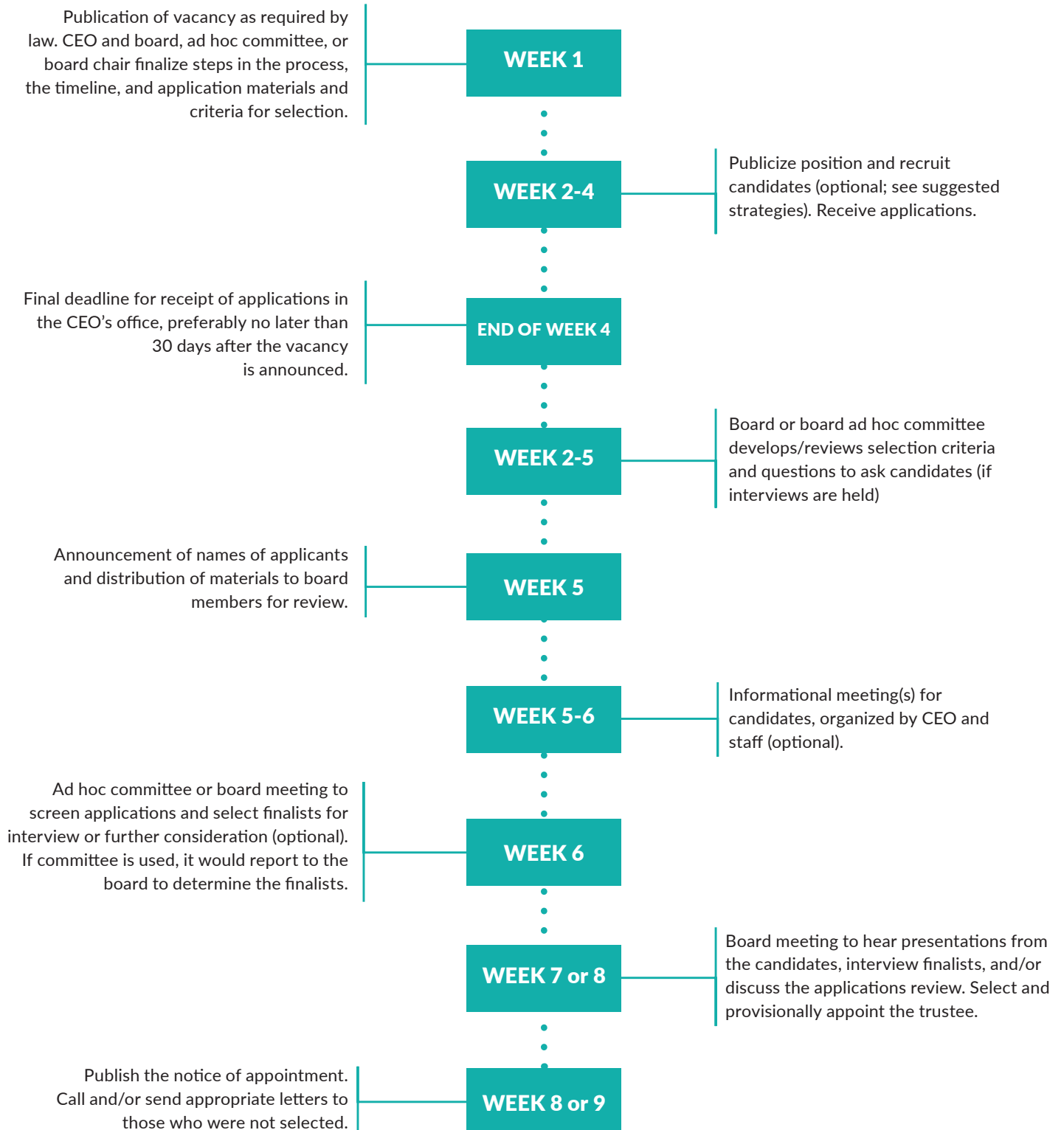
A provisional appointment confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment. The provisional appointment must be made by a majority public vote of the board members at a public meeting.



TIMELINES FOR APPOINTMENT

If the board decides to appoint someone 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 (starting with the effective date of the vacancy):



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.

Additional publicity is helpful. 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. Strategies to recruit such a pool include:

- Send announcements about the vacancy and information about the role of a trustee to community leaders, foundation board members, members of advisory committees, and other people who might be or know of good potential board members (See Sample Recruitment Publicity).
- 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. Strategies include:

- 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 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.

CANDIDATE REVIEW STRATEGIES

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 done according to the extent they meet the criteria for selection. Trustees may identify their top candidates; those who are selected the greatest number of times would be the finalists.
- 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 board is only able to schedule a limited amount time to conduct interviews or hear presentations. Otherwise, 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 (that is, a board would focus on how applicants meet the criteria and their strengths rather than on the weaknesses of any one person) fosters a positive image and promotes good community relations.





INTERVIEWING 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 questions 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 may be wise to set time limits for candidate responses. See 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, schedule the vote for a later meeting to enable trustees to have time to think about the candidates.

ANNOUNCING THE APPOINTMENT

(ED CODE 5091, GOV CODE 6061)

The law requires that when the provisional appointment is made, notices 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

(ED CODE 5091(E))

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.

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 in late January.



SAMPLE RECRUITMENT PUBLICITY

The following information can 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, including attend all meetings and some college events, study issues and agenda items, and participate in trustee education programs.
- Be knowledgeable about the communities served by the college; 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.
- Participate as one member of a board 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]*.

SAMPLE LETTER TO INTERESTED APPLICANTS

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.

SAMPLE APPLICATION FORM

Name _____
 Home Address _____
 City, State, Zip _____
 Phone: Home _____ Business _____
 E-mail address _____
 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:

Attach a candidate statement and/or questionnaire.

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

SAMPLE WRITTEN APPLICATION QUESTIONS

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

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

Describe your background and community involvement that would contribute to the work of the board.

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 than the majority of the board members.

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

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

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

SAMPLE INTERVIEW QUESTIONS

1. Why you would like to be a member of the Board of Trustees.
2. Please describe your public service and community involvement, and the skills you would bring to the board.
3. 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?
4. What is your understanding of the mission and purposes of the community colleges in California? What are the mission and purposes of our district?
5. What do you see as the major issues facing the community college(s) in the next decade?
6. Whom would you feel you are representing if you are appointed to the board of trustees?
7. What is your understanding of the primary responsibilities of the board? What would be your responsibility to the board as a trustee?
8. Please discuss your understanding of the differences between the roles of the chief executive officer and other administrators and the role of the board.
9. Please discuss your understanding of the relationship between the trustees on the board and the administrators, faculty, staff, and students of the institution.
10. What are some major accomplishments of the district in the past few years? What, if any, areas for improvement should the board address?
11. How would you respond to a concern from a student, a staff member, and a community member about any part of the college operation?
12. 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?
13. If major reductions in funding were to occur, what would be your priorities for the most important programs or services to retain?



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