

JURUPA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
SPECIAL MEETING

**AGENDA**

BOARD OF EDUCATION Mary Burns, President Sam Knight, Clerk John Chavez Holly Hanke Sandra Ruane  
SUPERINTENDENT Benita B. Roberts

**NOTICE OF SPECIAL MEETING**  
FRIDAY, FEBRUARY 2, 1996

WEST RIVERSIDE ELEMENTARY MULTI-PURPOSE ROOM  
3972 Riverview Drive, Riverside, CA 6:00 p.m.

**OPEN PUBLIC SESSION - 6:00 P.M.**

Call to Order in Public Session (President Burns)

Roll Call: President Burns, Mr. Knight, Mr. Chavez, Ms. Hanke, Mrs. Ruane

Speaker cards are available on the side table for citizens wishing to address the Board in the communications session. Speakers are requested to limit comments to five minutes.

Flag Salute (President Burns)

Invocation (President Burns)

**COMMUNICATIONS SESSION**

Public Comment Notification

In compliance with Government Code 54956 regarding special meetings of legislative bodies, notice is hereby given that no other business shall be considered by the Board of Education other than that specified in the meeting notice. Members of the public may comment before the Board's consideration of the item.

**ACTION SESSION**

\*Consider Alternatives to Resolving the Board Vacancy Issue (Mrs. Roberts)

At the January 16, 1996 meeting, the Board of Education received a copy of a letter sent to the Superintendent from the Registrar of Voters stating, "Please be advised that on December 7, 1995, Sandra Ruane, Member of the Governing Board, notified our office of a change of address, it has been subsequently determined that she now resides in Trustee Area 5 of the Jurupa Unified School District. Pursuant to Education Code 5030, each governing board member is elected by the registered voters of the entire school district, but must reside in the trustee area which he or she represents. Since Mrs. Ruane now resides in Trustee Area 5, it appears that she cannot represent Trustee Area 4." In addition to the letter from the Registrar of Voters, a letter from the County Superintendent of Schools citing the Education Code provisions regarding this matter was also provided to Board members.

\*Consider Alternatives to Resolving the Board Vacancy Issue (Cont'd)

(Mrs. Roberts)

Since there appeared to be some confusion regarding the Board of Education's responsibilities with respect to this matter, Administration requested that counsel review the legal alternatives available to the district in responding to the possible vacancy of Mrs. Ruane's seat in Trustee Area 4.

We have been advised as follows:

The Board of Education should first determine whether or not the seat is vacant. "This is not a policy decision, where personal feelings and belief systems are relevant, but rather a legal and factual conclusion." The question that the Board must ask is: Do the facts and evidence support a conclusion that a "vacancy" has occurred within the meaning of Education Code Section 5090 and specified in Government Code 1770(e). This information is included in the supporting documents.

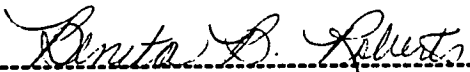
We recommend one of the following approaches to make this determination:

- (1) Defer to the County Superintendent of Schools' written statement that the seat has been vacated which relies, in part, on the Registrar of Voter's conclusion that Mrs. Ruane moved outside the boundaries of Trustee Area 4. Relying on this determination, the Board would simply fill the vacancy.
- (2) Appoint an independent fact-finder to gather facts and information regarding Mrs. Ruane's domicile and render a legal conclusion regarding whether a vacancy has occurred. This person could be a retired judge or some other neutral and well respected person. If this approach is taken, the Board should agree to accept the conclusion of the fact-finder and proceed from there.

If the seat is ultimately deemed not vacant by a fact-finder, the Board does not need to take further action. If the seat is deemed to be vacant, the Board, "shall within 60 days of the vacancy either order an election or make a provisional appointment to fill the vacancy." Board members may recall that if the Board fails to fill the vacancy, the County Superintendent of Schools is required to call an election to fill the vacancy. We have been further advised that even if the Board concludes that the seat is not vacant, it is possible that the County Superintendent of Schools may call an election based upon his conclusion that the seat is vacant.

After discussion regarding the merits of each alternative, the Board should determine which of the above alternatives to pursue in determining whether a vacancy exists, and, if appropriate take action which could include the following: (1) determine a vacancy exists and appoint a person to fill the position, or, (2) appoint a fact-finder.

ADJOURNMENT

  
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Benita B. Roberts  
Secretary to the Board of Education

NOTICE POSTED AND MAILED: January 31, 1996



COUNTY OF RIVERSIDE  
**REGISTRAR OF VOTERS**

**DELFINA E. FRANCO**  
Chief Deputy Registrar of Voters

1250 Palmyra Avenue,  
Riverside, CA 92507-1703  
(909) 275-8700  
FAX (909) 275-8732

January 9, 1996

**RECEIVED**

**BENITA ROBERTS**  
DISTRICT SUPERINTENDENT  
JURUPA UNIFIED SCHOOL DISTRICT  
3924 RIVERVIEW DRIVE  
RIVERSIDE CA 92509

**JAN 10 1996**

JURUPA UNIFIED SCHOOL DISTRICT  
SUPERINTENDENT'S OFFICE

Dear Ms. Roberts:

Please be advised that on December 7, 1995, Sandra Ruane, Member of the Governing Board, Trustee Area 4, notified our office of a change of address. Upon verification of Ms. Ruane's new address, it has been determined that she now resides in Trustee Area 5 of the Jurupa Unified School District.

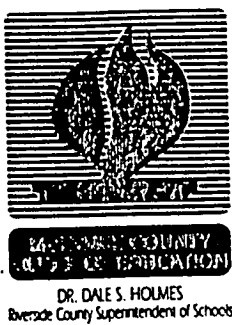
Pursuant to Education Code 5030 each governing board member is elected by the registered voters of the entire school district, but must reside in the trustee area which he or she represents. Since Ms. Ruane now resides in Trustee 5, it appears that she cannot represent Trustee 4.

We would appreciate information on how this matter will be handled. If an appointment is made, we will need the name of the appointee. Please feel free to call Kari Verjil, at (909) 275-8705, if you have additional questions.

Sincerely,

**DELFINA E. FRANCO**  
Chief Deputy Registrar of Voters

By *Kari Verjil*  
Kari Verjil  
Elections Calendar Clerk



RECEIVED

JAN 17 1996

JURUPA UNIFIED SCHOOL DISTRICT  
SUPERINTENDENT'S OFFICE

January 16, 1996

3939 Thirteenth Street  
P.O. Box 868  
Riverside, California  
92502-0868

47-336 Oasis Street  
Indio, California  
92201

Mrs. Benita Roberts, Superintendent  
Jurupa Unified School District  
3924 Riverview Drive  
Riverside, CA 92509

Dear Mrs. Roberts;

The Registrar of Voters has advised that Sandra Ruane, elected to Trustee Area 4 of your Governing Board, no longer resides in that trustee area. We have verified through our mapping service that Mrs. Ruane does, indeed, no longer reside in Trustee Area 4. Her current address, 3695 Avalon #14, Riverside 92509, falls just within the boundaries of Trustee Area 5.

Therefore, pursuant to Education Code Section 5090 and Government Code Section 1770, Mrs. Ruane's seat in Trustee Area 4 of the Jurupa Unified School District Governing Board is declared vacant as of December 7, 1995--the date you received notification of her change of address.

In accordance with Education Code Section 5091, whenever a vacancy occurs or whenever a resignation has been filed with the county superintendent of schools, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the resignation, either order an election or make a provisional appointment to fill the vacancy.

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 call an election to fill the vacancy.

Please use the enclosed "Form Letter of Official Notice to Appoint or Call for Election," to notify my office whether the vacancy is to be filled by appointment or election, as provided by Education Code Section 5091.

**Riverside County  
Board of Education**

Milo P. Johnson  
President

Gerald P. Colapinto  
Vice President

Marilyn Baumert

Charles H. Brugh

Betty Gibbel

Curtis E. Grassman

William R. Kroonen

Mrs. Benita Roberts  
January 16, 1996  
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Should your Board decide to fill the vacancy by appointment, pursuant to Education Code Section 5091, the enclosed "Notice of Appointment of Governing Board Member," "Trustee Signature Card," "Certificate of Appointment of Governing Board Member," and "Oath of Office" are provided for your convenience. Instructions are noted on each of the forms. Should your Board decide to call an election pursuant to Education Code Section 5091, the enclosed "Order of Election" sample is provided.

Please refer to the booklet, "Procedures for Filling Governing Board Vacancies...School Districts, Community College Districts, and County Boards of Education," which we have developed and provided to each district. It outlines the salient elements for filling vacancies and includes all the pertinent code sections. A copy should be in your office.

If you have any questions regarding this matter, please call my office.

Sincerely,



Dale S. Holmes, Ed.D.  
Riverside County  
Superintendent of Schools  
(909) 788-6670

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Enclosures

**§ 5090. Definition**

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.

(Stats. 1976, c. 1010, § 2, operative April 30, 1977.)

**§ 1770. Events causing vacancy before expiration of term**

An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.

(c) His or her resignation.

(d) His or her removal from office.

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged. However, the office of judge of a municipal or justice court shall not become vacant when, as a result of a change in the boundaries of a judicial district during an incumbent's term, the incumbent ceases to be an inhabitant of the district for which he or she was elected or appointed to serve.

(f) His or her absence from the state without the permission required by law beyond the period allowed by law.

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his or her election or appointment.

(k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

(Stats.1943, c. 134, p. 969, § 1770. Amended by Stats.1943, c. 166, p. 1062; Stats.1949, c. 1512, p. 2695, § 1, operative Jan. 1, 1952; Stats.1970, c. 465, p. 921, § 1; Stats.1971, c. 702, p. 1362, § 1; Stats.1974, c. 1234, p. 2678, § 1; Stats.1988, c. 283, § 1.)