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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Joshua R. Daniels, Chief Governance Officer

Meeting Date June 29, 2022

Subject Provisional Appointment to Fill the District 6 Vacancy

Ask of the Board Adoption by the Board of Education of Resolution No. 2122-0099 - Provisional Appointment to Fill the Board of Education Member Vacancy in District 6

Background Shanthi Gonzales, the District 6 Director on the Board of Education (“Board”), resigned her position as a Member of the Board, effective May 2, 2022, thereby creating a vacancy (“Vacancy”).

On May 11, 2022, the Board adopted Resolution No. 2122-0084B - Filling Vacancy in District 6 by Appointment, by which the Board elected to fill the Vacancy by provisional appointment. Consistent with Resolution No. 2122-0084B:

- Nine interested applicants submitted an application by 5:00 pm on June 1, 2022:
 - » Azlinah Adonna Tambu
 - » David (Joel) Velasquez
 - » David Correa
 - » Janell Hampton
 - » Julie Mendoza
 - » Kimberly Davis
 - » Kyra Mungia
 - » Natalee Kēhaulani Bauer
 - » Tamecca Brewer (Anderson)
- All nine applicants submitted fully complete and timely applications and were deemed to be qualified by the Registrar of Voters.
- On June 14, 2022, the Board held a special meeting and decided to interview all nine applicants by adopting Resolution No. 2122-

0093 - Determining Preliminary Eligibility of Each Applicant for Provisional Appointment to the Board of Education Member Vacancy in District 6 and Selecting Interviewees.

- On June 21, 2022, the Board conducted interviews of eight of the nine applicants (with one of the interviewees not appearing).

Discussion

The process of determining whom to provisionally appoint to the Vacancy is at its final stage. All that is left is for the Board to decide whom to appoint. The Board can select any of the nine applicants.

The Board President would like to propose the following two options for the process by which the Board votes to select whom to appoint.

- Traditional Approach. This approach is the traditional one the Board uses to adopt resolutions. Under this approach, a Board member (after being recognized by the Board President) would move Resolution No. 2122-0099 (Provisional Appointment to Fill the Board of Education Member Vacancy in District 6) and name the individual they wish to provisionally appoint. If there is no second, then the motion dies and the floor would be open for a new motion. If there is a second, then the Board would discuss the motion and then vote on it. If less than four members vote for the motion, then the motion dies, and the floor would be open for a new motion. If four or more members vote for the motion, then that applicant is appointed, and the item is concluded. Under this approach, there would not necessarily be a vote on all applicants and there is no limit on the number of times a Board member can make a motion or on the number of times a particular applicant can be moved.
- President Approach. This approach is the one the Board uses to select the Board President. Under this approach, Resolution No. 2122-0099 (Provisional Appointment to Fill the Board of Education Member Vacancy in District 6) would automatically be move to the floor and the Board members would be able to discuss the item. The Board would then vote (in the order called by the Parliamentarian) by identifying which of the nine applicants they want to name in the Resolution and appoint. (For instance, six of the nine applicants could each receive a vote if each Board member voted for a different applicant.) If no applicant receives four votes, then the discussion continues, and another vote is eventually called. No applicants are disqualified from future votes—regardless of how many votes they do or do not receive—and Board members can vote for any candidate for each vote. Once an applicant receives four votes, then that applicant is

appointed and the item is concluded. Under this approach, there is no limit on the number of votes the Board could take.

The Board President could invoke his authority as chair to decide which approach to use (subject to being overruled by a majority of the Board) but felt it would be better for the Board to decide (ideally unanimously) which approach to take. A decision on the voting procedures will be needed before the actual vote on whom to appoint.

If the Board elects to make a provisional appointment (regardless of the voting process selected), the person appointed take office immediately upon being sworn in by the City Clerk and shall hold the office for the remainder of the term (through January 2, 2023). However, Education Code section 5091 allows the registered voters of District 6 to petition for an election to fill the vacancy after a provisional appointment is made. To do so, a certain number of signatures need to be collected within 30 days of the provisional appointment. If that occurs, the provisional appointment is immediately terminated and the Alameda County Superintendent would call a special election to fill the vacancy.

If the Board fails to make a provisional appointment by July 1, 2022, the Alameda County Superintendent of Schools shall order an election to fill the vacancy.

Fiscal Impact N/A

Attachments

- Resolution No. 2122-0099 - Provisional Appointment to Fill the Board of Education Member Vacancy in District 6

**RESOLUTION OF THE
BOARD OF EDUCATION OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 2122-0099

Provisional Appointment to Fill the Board of Education Member Vacancy in District 6

WHEREAS, Shanthi Gonzales, the District 6 Director on the Board of Education (“Board”), resigned her position as a Member of the Board, effective May 2, 2022, thereby creating a vacancy (“Vacancy”);

WHEREAS, on May 11, 2022, the Board adopted Resolution No. 2122-0084B - Filling Vacancy in District 6 by Appointment, by which the Board elected to fill the Vacancy by provisional appointment;

WHEREAS, Resolution No. 2122-0084B included a specific selection process and timeline to make the provisional appointment;

WHEREAS, the following nine individuals (listed alphabetically by first name of the individual’s registered name) submitted a fully complete and timely application by the applicable deadline:

- Azlinah Adonna Tambu
- David (Joel) Velasquez
- David Correa
- Janell Hampton
- Julie Mendoza
- Kimberly Davis
- Kyra Mungia
- Natalee Kēhaulani Bauer
- Tamecca Brewer (Anderson)

WHEREAS, the Alameda County Registrar of Voters has confirmed that all nine applicants are eligible to be provisionally appointed to fill the Vacancy;

WHEREAS, the Board opted to interview all nine applicants and those interviews occurred on June 21, 2022; and

WHEREAS, the Board is now ready to provisional appoint one of the applicants to fill the Vacancy.

NOW, THEREFORE, BE IT RESOLVED, the Board, having considered each application, each applicant's qualifications for office, each applicant’s interview, and the governance needs of the District, hereby provisionally appoints the below named individual as District 6 Trustee, Board of Education, effective upon the administration of and certification of the Oath of Office by the City Clerk of Oakland, for the unexpired term ending January 2, 2023:

Kimberly Davis; and

BE IT FURTHER RESOLVED, the Board directs the Superintendent or designee to take all necessary administrative actions to implement said provisional appointment including (but not limited to) the posting of any required notice under state law (e.g., Education Code section 5092).

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 29th day of June, 2022, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSED: None

AYES: VanCedric Williams, Mike Hutchinson, Vice President Benjamin "Sam" Davis,

NOES: Aimee Eng, Clifford Thompson, President Gary Yee

ABSTAINED: None

RECUSED: None

ABSENT: Samantha Pal (Student Director), Natalie Gallegos Chavez (Student Director)

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Special Meeting of the Board of Education of the Oakland Unified School District held on 29th day of June, 2022.

Legislative File	
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By:	er

OAKLAND UNIFIED SCHOOL DISTRICT

Gary Yee
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

