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File ID Number	13-0890
Introduction Date	4/30/13
Enactment Number	13-0706
Enactment Date	4/30/13

OAKLAND UNIFIED  
SCHOOL DISTRICT

*Community Schools, Thriving Students*

# Memo

**To** Board of Education

**From** Jacqueline P. Minor, General Counsel

**Board Meeting Date** April 30, 2013

**Subject** **DISTRICT 4 VACANCY ON BOARD OF EDUCATION**

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**Action Requested** Establish the process and timeline for provisional appointment to fill the vacancy on the Board of Education for District 4.

**Background** Former Director Gary Yee resigned effective April 25, 2013. When a vacancy occurs, the Board has two options. It may 1) order a special election; or 2) make a provisional appointment to fill the vacancy. The election must be ordered or the provisional appointment made within 60 days of the effective date of the resignation (i.e., no later than June 23, 2013). At the Board meeting on April 30, 2013, the Board will consider a process for filling the vacancy created by the resignation of former Director Yee.

**Attachments** See the following attachments:

- 1) Proposed Board of Education Timeline to Fill District 4 Vacancy
- 2) School Board Vacancy
- 3) Flowchart re Filling Vacancy on Board of Education
- 4) November 5, 2013 election activity schedule
- 5) Relevant Education Code Sections (Section 5090-5095)
- 6) Relevant Sections of the Oakland City Charter and Elections Code
- 7) Proposed application for candidates for District 4 vacancy
- 8) Proposed Notice of Vacancy for Posting

GOVERNING BOARD OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 1213-0158

Establishing the Method, Process and Timeline for Filling the Board of Education District 4 Trustee Vacancy for the Term Ending January 5, 2015

WHEREAS, Gary Yee, Trustee, Board of Education, District 4, resigned his position as a Member of the Board of Education, effective April 25, 2013 creating a vacancy; and

WHEREAS, the City of Oakland Charter otherwise specifies the qualifications, manner of election and terms of Board of Education Members and provides in Section 404 of the Charter that "The provisions of the Education Code of the State of California shall apply as to matters not provided for in this [City of Oakland] Charter" and;

WHEREAS, the filling of a vacancy on the Board of Education is one of those matters that fall under the Education Code, specifically Education Section 5091; and

WHEREAS, Education Code Section 5091 specifies that when a vacancy occurs on the Governing Board of a school district, the Governing Board thereof shall, within 60 days of the vacancy, either order an election or make a provisional appointment to fill the vacancy; and

WHEREAS, the Board of Education has received an estimate that a Special Election all polls election in District 4 will cost between \$357,860 and \$429,432 based on a \$10 to \$12 cost per voter; or an all-mail ballot election will cost between \$250,502 and \$322,074 based on a \$7 to \$9 cost per voter; each type election cost estimate<sup>1</sup> based on 35,786 registered voters residing in District 4 as of February 10, 2013<sup>2</sup>, estimate does not include costs associated with the Voter Information Guide/Sample Ballot, (typesetting, translation, printing, mailing, ballots, etc.); and,

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<sup>1</sup>Offices of the City Clerk of Oakland and the Alameda County Registrar of Voters

<sup>2</sup> Alameda County Registrar of Voters, Off Year Report of Registration, February 10, 2013

**WHEREAS**, the members of the Governing Board of the Oakland Unified School District, individually and as a body, since the resignation of Trustee Yee, have heard from the District 4 constituency, and others, on how the vacancy should be filled,

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Board of the Oakland Unified School District hereby declares and determines that the District 4 Board of Education Trustee Vacancy, for the term ending January 5, 2015, shall be filled by provisional appointment; and

**BE IT FURTHER RESOLVED** that the provisional appointment Method, Process and Timeline for Filling the District 4 Board of Education Trustee Vacancy, for the term ending January 5, 2015, attached as Exhibit "A", incorporated herein by reference as though fully set forth, is adopted.

**PASSED AND ADOPTED** at a Special Meeting of the Governing Board of the Oakland Unified School District held on April 30, 2013, by the following vote:

AYES: Jody London, Christopher Dobbins, James Harris, Vice President Jumoke Hinton Hodge, President David Kakishiba

NOES: None

ABSTENTIONS: None

ABSENT: Roseann Torres

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

  
Edgar Rakestraw, Jr.

Secretary of the Governing Board

File ID Number: 13-0890  
Introduction Date: 4/30/13  
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Enactment Date: 4/30/13  
By: [Signature]

Attachment: Exhibit "A:"

- 1) Proposed Board of Education Timeline to Fill District 4 Vacancy
- 2) School Board Vacancy
- 3) Flowchart re Filling Vacancy on Board of Education
- 4) November 5, 2013 election activity schedule
- 5) Relevant Education Code Sections (Section 5090-5095)
- 6) Relevant Sections of the Oakland City Charter and Elections Code
- 7) Proposed application for candidates for District 4 vacancy
- 8) Proposed Notice of Vacancy for Posting

**EXHIBIT "A"**

**LEGISLATIVE FILE NO. 13-0890**

**Resolution No.1213-0158 - Establishing the Method, Process and Timeline for Filling the Board of Education District 4 Trustee Vacancy for the Term Ending January 5, 2015.**

- 1) Proposed Board of Education Timeline to Fill District 4 Vacancy
- 2) School Board Vacancy
- 3) Flowchart re Filling Vacancy on Board of Education
- 4) November 5, 2013 election activity schedule
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## Proposed Board of Education Timeline To Fill District 4 Vacancy

Action	Date
<p>Board of Education votes to approve:</p> <ol style="list-style-type: none"> <li>1. Fill the District 4 School Board vacancy, for the term ending January 5, 2015, by appointment.</li> <li>2. Process by which to recruit, screen, interview, and select an applicant.</li> <li>3. Calendar of Activities</li> <li>4. Application Form</li> </ol>	<p>Tuesday, April 30, 2013 6:00pm</p>
<p>Application Form &amp; Selection Process for District 4 candidates is posted on OUSD website; OUSD press release is issued; and key District 4 stakeholders are notified.</p>	<p>Friday, May 3, 2013 10:00am</p>
<p>Deadline for receipt of candidate applications.</p>	<p>Friday, May 17, 2013 5:00pm</p>
<p>Board of Education screens applications and selects candidates to be interviewed.</p>	<p>Wednesday, May 29, 2013 6:00pm</p>
<p>The Board of Education interviews identified candidates.</p>	<p>Wednesday, June 5, 2013</p>
<p>The Board of Education votes to make a Provisional Appointment of an individual to serve out the term for the vacant District 4 seat.</p>	<p>Wednesday, June 12, 2013</p>

### School Board Vacancy

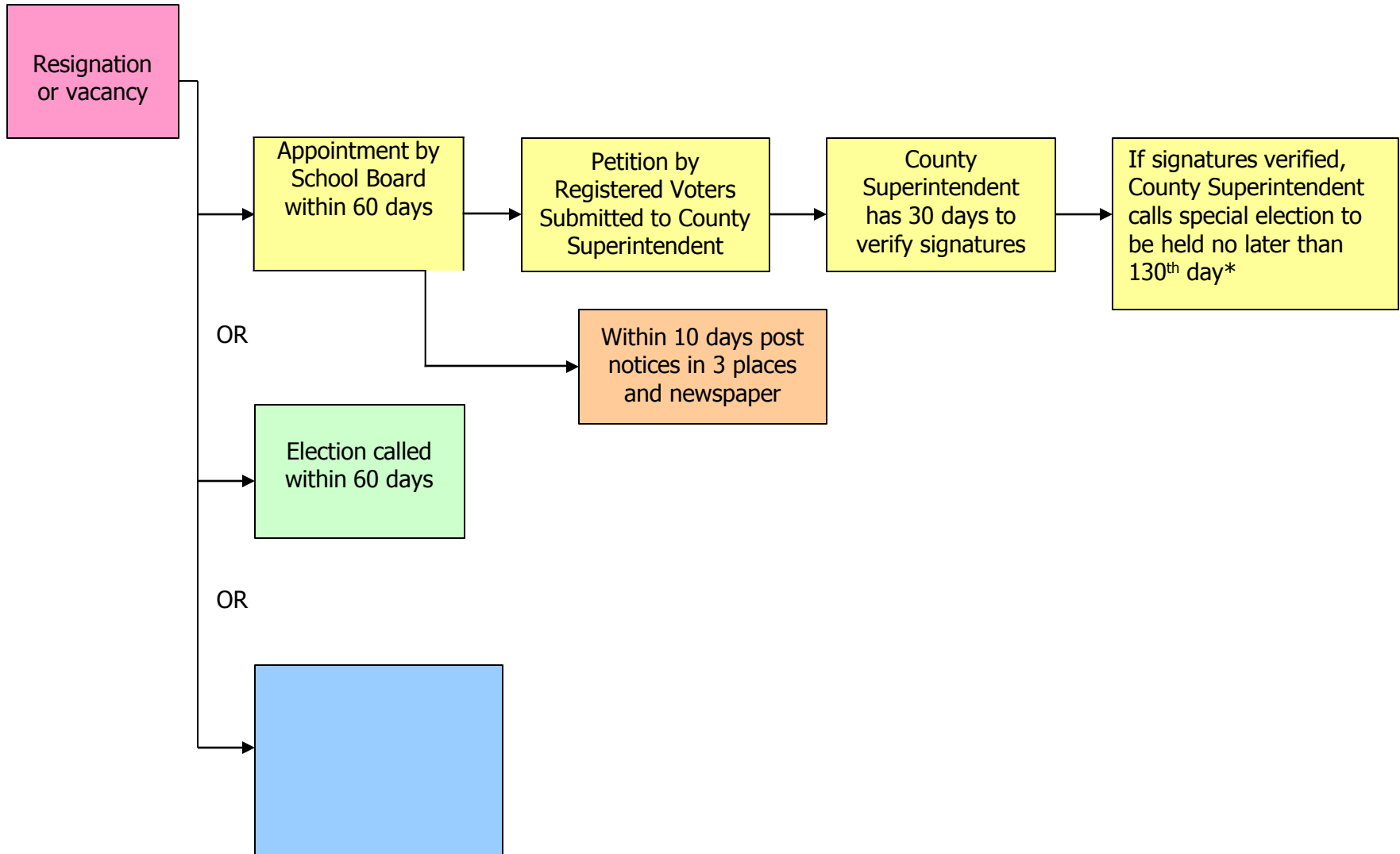
- Resignation filed with County Superintendent (once filed with County Superintendent, resignation is irrevocable).
- Effective date of resignation may have deferred up to 60 days. (In other words, the resignation can be dated April 25, 2013, but if desired, can be effective up to 60 days later)
- Within 60 days of effective date, the **Board of Education** may 1) order election or 2) make provisional appointment to fill vacancy.\*
- If election is ordered, it will be held on next election date (i.e. November 5, 2013).
- If provisional appointment is made by the **Board of Education**, registered voters in the district (i.e., District 4) within 30 days from appointment may petition for special election.\*\* Petition must be signed by at least 1-½% of registered voters in the district at time of last election for the **Board of Education** or 25 registered voters, whichever is greater. [34,817\*\*\* registered voters for Nov 2, 2010 election;  $1^{1/2}\% = 522$  signatures needed.] County Superintendent has 30 days to verify signatures.
- If voter petition is legally sufficient, the provisional appointment by the **Board of Education** is terminated and County Superintendent shall order a special election to be conducted no later than 130<sup>th</sup> day after legal sufficiency of petition determined. However, if election occurs between 130 and 150<sup>th</sup> day, special election shall be held on regular election day (i.e., November 5, 2013)
- Provisionally appointed Board member shall hold position only until the next regularly scheduled election year for district governing board member, whereupon election shall be held to fill the vacancy for the unexpired term.
- When provisional appointment is made by the **Board of Education**, the Board shall within 10 days post notices of vacancy (and deferred resignation) in 3 public places in the district and shall publish a notice in the newspaper of general circulation (Ed Code Section 5092).

\*If BOE fails to make provisional appointment or order election within 60 days, County Superintendent shall order election to fill vacancy

\*\* No special election or appointment to fill vacancy if vacancy occurs within 4 months of the end of the term (Ed Code Section 5093)

\*\*\*Alameda County Registrar of Voters, Report of Registration, 15 Day Close – 10/22/2010

# FILLING VACANCY ON BOARD OF EDUCATION



\* However, if established election date is between 130<sup>th</sup> and 150<sup>th</sup> day of election, special election shall be held on the regular election date.

**November 5, 2013 - Consolidated District Election**

<b>Activity</b>	<b>Date &amp; Time</b>	<b>Location</b>
Last day to submit Direct Arguments For/Against a measure	August 16, 2013 5:00 PM	Registrar of Voters Office
Last day to submit Rebuttal Arguments For/Against a measure	August 23, 2013 5:00 PM	Registrar of Voters Office
First day to mail Voter Information Pamphlets	September 26, 2013 8:30 AM	Registrar of Voters Office
First day of mailing Vote By Mail Ballots and Early Voting	October 7, 2013 8:30 AM	Registrar of Voters Office
Pre-Lat Testing	October 7, 2013 9:30 AM	Registrar of Voters Warehouse
Close of Registration Period	October 21, 2013 5:00 PM	Registrar of Voters Office
Logic & Accuracy Public Testing	October 24, 2013 3:00 PM	Registrar of Voters Office
Opening and Processing of Vote By Mail Ballots	October 25, 2013 8:30 AM	Registrar of Voters Office
Last day to request a Vote By Mail Ballot	October 29, 2013 5:00 PM	Registrar of Voters Office
Random Selection of Precincts for 1% Manual Tally	November 7, 2013 10:00 AM	Registrar of Voters Office
1% Manual Tally	November 8, 2013 9:00 AM	Registrar of Voters Office

EDUCATION CODE SECTIONS 5090 - 5095

EDUCATION CODE - EDC

TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.] (*Title Jenacted by Stats. J976, Ch. JOJO.*)

DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.] (*Division J enacted by Stats. J976, Ch. JOJO.*)

PART 4. ELECTIONS [5000. - 5442.] (*Part 4 enacted by Stats. J976, Ch. JOJO.*)

CHAPTER 1. Election of School District Board Members [5000. - 5095.] (*Chapter Jenacted by Stats. J976, Ch. JOJO.*)

ARTICLE 3. Vacancies [5090. - 5095.] (*Article 3 enacted by Stats. J976, Ch. JOJO.*)

~~sec~~ 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.

(*Enacted by Stats. J976, Ch. JOJO.*)

EDUCATION CODE - EDC

TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.] (*Title J enacted by Stats. J976, Ch. JOJO.*)

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ARTICLE 3. Vacancies [5090. - 5095.J] (*Article 3 enacted by Stats. J976, Ch. JOJO.*)

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<sup>1</sup>/<sub>2</sub> 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.)*

EDUCATION CODE - EDC

TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. -32500.) (*Title J enacted by Stats. J976, Ch. JOJO.*)

DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.) (*Division J enacted by Stats. J976, Ch. JOJO.*)

PART 4. ELECTIONS [5000. - 5442.) (*Part 4 enacted by Stats. J976, Ch. JOJO.*)

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ARTICLE 3. Vacancies 15090. - 5095.I (*Article 3 enacted by Stats. J976, Ch. JOJO.*)

~~so~~ 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.

(*Enacted by Stats. J976, Ch. JOJO.*)

EDUCATION CODE - EDC

TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.] (*Title 1 enacted by Stats. 1976, Ch. JOJO.*)

DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.] (*Division 1 enacted by Stats. 1976, Ch. 1010.*)

PART 4. ELECTIONS [5000. - 5442.] (*Part 4 enacted by Stats. 1976, Ch. 1010.*)

CHAPTER 1. Election of School District Board Members [5000. - 5095.] (*Chapter enacted by Stats. 1976, Ch. 1010.*)

ARTICLE 3. Vacancies (5090. - 5095.) (*Article 3 enacted by Stats. 1976, Ch. 1010.*)

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.

(*Amended by Stats. 1984, Ch. 32, Sec. 2.*)

EDUCATION CODE - EDC

TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. -32500.] (*Title J enacted by Stats. 1976, Ch. JOJO.*)

DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.] (*Division J enacted by Stats. 1976, Ch. JOJO.*)

PART 4. ELECTIONS [5000. -5442.] (*Part 4 enacted by Stats. 1976, Ch. JOJO.*)

CHAPTER 1. Election of School District Board Members [5000. - 5095.] (*Chapter J enacted by Stats. 1976, Ch. JOJO.*)

ARTICLE 3. Vacancies (5090. - 5095.J) (*Article 3 enacted by Stats. 1976, Ch. JOJO.*)

~~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.

(*Enacted by Stats. 1976, Ch. JOJO.*)

EDUCATION CODE - EDC

TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1.-32500.] (*Title 1 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1.- 32500.] (*Division 1 enacted by Stats. 1976, Ch. 1010.*)

PART 4. ELECTIONS [5000. - 5442.] (*Part 4 enacted by Stats. 1976, Ch. 1010.*)

CHAPTER 1. Election of School District Board Members [5000. - 5095.] (*Chapter 1 enacted by Stats. 1976, Ch. 1010.*)

ARTICLE 3. Vacancies (5090. - 5095.) (*Article 3 enacted by Stats. 1976, Ch. 1010.*)

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.

(*Enacted by Stats. 1976, Ch. 1010.*)

## Oakland City Charter Provisions

**Section 404. Board of Education.** (a) The Board of Education shall consist of ten District School Directors. Seven District School Directors shall be nominated and elected by the qualified electors of their respective districts for a term of four years. The elected District School Directors shall be elected at the times and in the manner in this Charter provided for members of the Council and shall be required to have the same qualifications. The elected School Directors' Districts shall have the same boundaries as the seven Council Districts. Three School District Directors shall be appointed by the Mayor for two-year terms commencing on May 1, 2000. The appointed Directors shall be residents of the City of Oakland and shall have the same powers and duties as elected Directors.

Effective May 1, 2004 (1) the office of appointed Director shall be abolished, (2) the Board of Education shall consist of seven District School Directors elected in accordance with the provisions of this section 404, and (3) the provisions of this section pertaining to Mayoral appointment of Directors shall be null and void.

The provisions of the Education Code of the State of California shall apply as to matters not provided for in this Charter.

(b)

Notwithstanding any other provisions of this section, the respective terms of office of the elected Directors of the Board of Education shall be as follows:

(1)

Directors elected or appointed to serve terms beginning in 1985 shall serve in office until 11:00 a.m. on the Monday following January 1, in 1991.

(2)

Directors elected or appointed to serve terms beginning in 1987 shall serve in office until 11:00 a.m. on the Monday following January 1, in 1993.

(3)

At the 1990 General Municipal Election, District School Director seats in Districts 2, 4, and 6 shall be filled for 4-year terms.

(4)

At the 1992 General Municipal Election, District School Director seats in Districts 1, 3, 5, and 7 shall be filled for 4-year terms thereafter.

Notwithstanding any other provisions of the Education or Elections Code or any other law:

(1)

The three appointed Directors' qualifications shall be determined by the Mayor and may include, but shall not be limited to the following: (i) a Director who is an educator; (ii) a Director who is skilled in financial matters; and (iii) a Director who is a student or a recent graduate of the Oakland Unified School District; and

(2)

Appointed Directors shall serve at the pleasure of the Mayor.

*(Amended by: Stats. June 1988, November 1988 and March 2000)*

(c)

No District School Director of the Board of Education may interfere with the performance by the Superintendent of the District of those duties vested in or delegated to the Superintendent of the District by statute or by act of the Board of Education. Such interference specifically includes any attempt by a District School Director to order, coerce or influence, publicly or privately, any subordinate, official or employee of the District as to any matter within the authority of the Superintendent under statute or as conferred by the Board of Education through its policies, procedures, resolutions, or minutes of meetings. Such interference will constitute official misconduct.

*(Added by: Stats. June 1990.)*

(d)

Violations of California Education Code section 7053 and 35230 and California Government Code section 1090 and 1126(a) will constitute official misconduct.

*(Added by: Stats. June 1990.)*

(e)

Any District School Director who engages in official misconduct as defined in subsections (c) and (d) above may be removed from office, pursuant to Government Code section 3060, by an accusation presented by the Alameda County Grand Jury or as otherwise provided by law.

*(Added by: Stats. June 1990.)*

## Chapter 3.04 - CITY COUNCIL DISTRICTS

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### Sections:

[3.04.010 - Division of city into seven districts.](#)

[3.04.020 - City Council/School District descriptions.](#)

### 3.04.010 - Division of city into seven districts.

The city is divided into seven Council Districts, and the boundaries of the districts are more particularly depicted in [Chapter 2.16](#) of this code and described in [Section 3.04.020](#) of this chapter.

*(Ord. 11625 § 1, 1993)*

### 3.04.020 - City Council/School District descriptions.

Note: Council and School Board Districts are composed of census tracts and blocks. Street boundary descriptions (see below) and map (see Chapter [2.16](#)) are for reference only.

D.

#### District #4.

Whole Census Tracts 4045.01, 4046.00, 4047.00, 4048.00, 4067.00, 4068.00, 4069.00, 4070.00, 4080.00

Partial Census Tracts:

Tract 4044.00 Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3000, 3001, 3002, 3003, 3004, 3007, 3010, 3011, 3012, 3013, 3014, 3015, 3016

Tract 4045.02 Blocks 1000, 1001, 1002, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023

Tract 4049.00 Blocks 2007, 2008, 2009, 2010, 2011, 2012, 2013 Partial Blocks 1002 (portion south of Wellington Street), 2000 (parcels facing Canon Avenue)

Tract 4065.00 Blocks 1000, 1001, 1002, 1005, 4000

Tract 4066.00 Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5014, 5015, 5016, 5017, 5018, 5021, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014

Tract 4071.00 Blocks 1000, 1001, 1002, 1003, 1004, 1005, 6000, 6003

Tract 4074.00 Blocks 1000, 1001, 2000, 2001, 2002, 2003, 2004, 2008, 2009

Tract 4075.00 Block 3003

Tract 4076.00 Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011

Tract 4077.00 Blocks 2002, 2003, 2008, 2010, 2011, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010

Tract 4078.00 Blocks 3001, 3002, 3003, 3004

Tract 4079.00 Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015

Tract 4081.00 Blocks 2009, 2037

Beginning at the point of intersection of Broadway Terrace and Warren Freeway, and proceeding easterly along Broadway Terrace to Pinehaven Road, and proceeding easterly along Pinehaven Road to Valley View Road, and proceeding westerly along Valley View Road to Beauforest Drive, and proceeding easterly along Beauforest Drive to Thornhill Drive, and proceeding northerly along Thornhill Drive to Woodhaven Way, and proceeding easterly along Woodhaven Way to Indian Way, and proceeding westerly along Indian Way to Westwood Court, and proceeding easterly along Westwood Court to Westwood Way, and proceeding southerly along Westwood Way to Aspinwall Road, and proceeding easterly along Aspinwall Road to Thornhill Drive, and proceeding easterly along Thornhill Drive to Sobrante Road, and proceeding easterly along Sobrante Road to the Oakland City line, and proceeding southerly along the Oakland City line to Redwood Road, and proceeding southerly along Redwood Road to Old Redwood Road, and proceeding westerly along Old Redwood Road to Redwood Road, and proceeding westerly along Redwood Road to Mountain Boulevard, and proceeding southerly along Mountain Boulevard to Warren Freeway, and proceeding southerly along Warren Freeway to State Highway 13, and proceeding southerly along State Highway 13 to I-580, and

proceeding westerly along I-580 to High Street, and proceeding westerly along High Street to Redding Street, and proceeding easterly along Redding Street to Storer Avenue, and proceeding westerly along Storer Avenue to Meldon Avenue, and proceeding southerly along Meldon Avenue to Birdsall Avenue, and proceeding southerly along Birdsall Avenue to Monticello Avenue, and proceeding westerly along Monticello Avenue to Virginia Avenue, and proceeding southerly along Virginia Avenue to Kingsland Avenue, and proceeding southerly along Kingsland Avenue to Fleming Avenue, and proceeding southerly along Fleming Avenue to Kingsland Avenue, and proceeding southerly along Kingsland Avenue to Ygnacio Avenue, and proceeding westerly along Ygnacio Avenue to Cole Street, and proceeding southerly along Cole Street to Bancroft Avenue, and proceeding westerly along Bancroft Avenue to 47th Avenue, and proceeding northerly along 47th Avenue to Congress Avenue, and proceeding northerly along Congress Avenue to High Street, and proceeding southerly along High Street to Santa Rita Street, and proceeding northerly along Santa Rita Street to Ransom Avenue, and proceeding easterly along Ransom Avenue to Lyon Avenue, and proceeding northerly along Lyon Avenue to Harrington Avenue, and proceeding westerly along Harrington Avenue to Meadow Street, and proceeding northerly along Meadow Street to 35th Avenue, and proceeding easterly along 35th Avenue to Lynde Street, and proceeding northerly along Lynde Street to Humboldt Avenue, and proceeding westerly along Humboldt Avenue to Henrietta Street, and proceeding northerly along Henrietta Street to Perlata Creek, and proceeding northerly along Perlata Creek to School Street, and proceeding westerly along School Street to Champion Street, and proceeding northerly along Champion Street to I-580, and proceeding westerly along I-580 to Sheffield Avenue, and proceeding northerly along Sheffield Avenue to Macarthur Boulevard, and proceeding easterly along Macarthur Boulevard to Canon Avenue, and proceeding northerly along the rear side of parcels facing the west side of Canon Avenue to Wellington Street, and proceeding easterly along Wellington Street to Sausal Creek, and proceeding northerly along Sausal Creek to Leimert Boulevard, and proceeding westerly along Leimert Boulevard to the Piedmont/Oakland City line, and proceeding northerly along the Piedmont/Oakland City line to Moraga Avenue, and proceeding easterly along Moraga Avenue to Warren Freeway, and proceeding northerly along Warren Freeway to the point of beginning.

### **California Elections Code Section 201**

Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

\_\_\_\_\_  
Name (Please print)

**OAKLAND UNIFIED SCHOOL DISTRICT  
APPLICATION TO FILL BOARD OF EDUCATION VACANCY  
DISTRICT 4 FOR THE TERM ENDING JANUARY 5, 2015  
DEADLINE: FRIDAY MAY 17, 2013 AT 5:00 P.M.**

(Please Print Name & Address)

Name: \_\_\_\_\_  
(Last) (First) (Initial)

Business Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Occupation & Employer: \_\_\_\_\_

Number of Years Residing in Oakland: \_\_\_\_\_

Number of Years Residing in District 4: \_\_\_\_\_

Do you have children in the District's schools? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, which schools: \_\_\_\_\_

**EDUCATIONAL BACKGROUND:** (Voluntary; Not Required)

High School College/University	State	Degree/Units	Year Issued	Major/Minor

**LANGUAGE COMPETENCIES:**

List language competencies, other than English: \_\_\_\_\_

(Please Use Additional Paper, If Needed)







### **CERTIFICATION OF QUALIFICATIONS AND WORK COMMITMENT**

I understand that upon appointment I would be required to file a Conflict of Interest Statement and take an Oath of Office.

I certify that I am 18 years of age or older, a registered voter and that I reside within the City of Oakland and in District 4.

I certify I am not disqualified to hold this office because of a conviction of any of the crimes listed on pages 5-6, and further certify I am not otherwise disqualified under the California Constitution or statues from holding public office.

I understand a Board Member's responsibility requires attendance at: (1) twice monthly regular Board meetings; (2) frequent special meetings or study sessions; and (3) numerous school events. I understand that I will be required to read my Board packet and be prepared to make decisions on complex educational issues.

I understand that this application may be made available to the public in accordance with the Public Records Act.

I understand that my failure to complete this application and return it by May 17, 2013 by 5:00 pm will result in my ineligibility to be a candidate for provisional appointment by the Board.

I certify that the foregoing information is true and correct under penalty of perjury.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The following is a list of crimes, conviction of which disqualifies a person from holding public office in the State of California.

- *Bribery to procure election or appointment (California Constitution Article VII, § 8 (a))*
- *Conviction of bribery, perjury, forgery, malfeasance in office, or other high crimes (California Constitution Article VII, §8 (b))*
- *Bribing executive officer (Penal Code § 67)*
- *Officer asking for 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)*
- *Officers committing bribery or corruption crimes (Penal Code § 98)*
- *Giving or offering 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 her or she is interested (Government Code § 1097)*
- *Members of the Legislature convicted of any crime (Government Code § 9055)*
- *Legislator convicted of misdemeanor for contempt of Legislature (Government Code § 9412)*
- *Corrupting the voting process (Election Code § 18501)*

Please note 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 her appointing power or the agency by which he or she is employed.”

See also Board Bylaw [9270](#) (“Conflict of Interest/Incompatible Activities”) and Annual Statement of Economic Interest ([Form 700](#)) required by the Political Reform Act, California Government Code §§ 87200 et seq.



THE BOARD OF EDUCATION  
OF  
THE OAKLAND UNIFIED SCHOOL DISTRICT INVITES APPLICANTS FOR  
THE PROVISIONAL APPOINTMENT TO BOARD OF EDUCATION  
REPRESENTING DISTRICT 4 FOR THE TERM ENDING JANUARY 5, 2015

The Oakland Unified School District Board of Education intends to make a provisional appointment to the Board of Education to fill the vacancy for District 4.

The Oakland Unified School District is accepting applications from persons interested in applying for the provisional appointment to the Board for District 4. The application is available on line in

English      Spanish      Chinese

or by contacting Edgar Rakestraw, Jr., Board Secretary at

**Oakland Unified School District  
Office of the Board of Education La  
Escuelita Education Center  
1050 2nd Avenue, Workspace B-237  
Oakland, CA 94606-2212  
Phone 510 273-3238  
Fax 510 273-3235  
Email - [Edgar.Rakestraw@ousd.k12.ca.us](mailto:Edgar.Rakestraw@ousd.k12.ca.us)**

Do not fax or email applications. Applications must be received no later than 5 PM on Friday, May 17, 2013. No late applications will be accepted.