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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 21, 2022

Subject Winnowing Interviewees to Finalists to Fill Board of Education Member Vacancy in District 6

Ask of the Board Decide whether to adopt Resolution No. 2122-0097 - Selecting Finalists for the Provisional Appointment to the Board of Education Member Vacancy in District 6, including which option to utilize

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.
- 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.
- The interviews are scheduled to occur on June 21, 2021 prior to this item.

Discussion At the June 14, 2022 special meeting, the Board expressed a desire to winnow the nine interviewees down to a smaller number of finalists and discussed different processes to do so. At the end of the discussion, the Board directed that its member should email the Chief Governance Office suggestions as to the winnowing process. Not all Board members submitted suggestions and some suggestions were submitted after the requested deadline, making it difficult to reconcile the differing approaches. This also meant that there was also not sufficient time to discuss or clarify suggestions with Board members prior to the need to finalize the options and post the agenda.

The proposed Resolution attempts to put forward the suggestions that (i) appeared to have interest from one or more Board members, (ii) were feasible given that limited time remaining to make an appointment, and (iii) were legally permissible. The proposed Resolution includes three options but, in order to decide on the process, the Board would need to select the option it seeks to use.

If no option is chosen (i.e., no Resolution is approved by a Board majority), there will be no process to winnow the nine interviewees down to a smaller number of finalists. Under Resolution 2122-0084B, the Board would simply appoint any of the nine interviewees to the District 6 Vacancy at the regular meeting on June 29, 2022 or at special meeting between June 27-30, 2022. The process to do so would be that any Board member could move to appoint an interviewee. If that motion receives a second and a majority of the Board votes in favor of the motion, the interviewee is appointed to fill the District 6 Vacancy.

Staff does not recommend adopting the proposed Resolution (regardless of option). This recommendation is not based on the details of any specific option but rather on the impact of adding a step to the process at this late stage and the likelihood that all of the three options (or similar approaches) will make the process more complex and more complicated.

Fiscal Impact N/A

Attachments

- Resolution No. 2122-0097 - Selecting Finalists for the Provisional Appointment to the Board of Education Member Vacancy in District 6

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

Resolution No. 2122-0097

**Selecting Finalists for the Provisional Appointment to 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;

WHEREAS, under Resolution 2122-0084B, the Board is scheduled to vote on provisionally appointing one of the nine interviewees to the Vacancy at the regular meeting on June 29, 2022 or at special meeting between June 27-30, 2022;

WHEREAS, the default appointment process would be as follows:

Any Board member could move to provisionally appoint an interviewee. If that motion receives a second and a majority of the Board votes in favor of the motion, the interviewee is provisionally appointed to fill the District 6 Vacancy.

WHEREAS, as it current stands, the Board would be permitted to consider all nine interviewees for provisional appointment to the Vacancy; and

WHEREAS, the Board now desires to add an intermediate step to the process in which the Board would select a smaller number of finalists from among the nine interviewees to consider for provisional appointment to the Vacancy.

NOW, THEREFORE, BE IT RESOLVED, the Board here adopts the following process for selecting finalists:

By Elimination (Option A): Each Board member would be permitted to eliminate one and only one interviewee. The order in which Board members would be called on to announce who they eliminate would be in order by District number and then by the Board Vice President and then the Board President (which is a common order for Board member discussion):

- Director Eng
- Director Williams
- Director Hutchinson
- Director Thompson
- Vice President Davis
- Present Yee

Each Board member would be given up to one minute to explain their choice of which interviewee they are eliminating. There would be no further Board discussion or Board member comment. A Board member would not need to eliminate an interviewee. All interviewees not eliminated would automatically advance as finalists

By Motion (Option B): Board members would be given the option to separately move each interviewee forward as a finalist. Once a Board member motions that a specific interviewee should move forward as a finalist, then there would need to be a second. If there is no second, then the motion fails; if there is a second, then there would be one round of Board comment and each Board member would get one minute to speak. After the one round of Board comment, a vote on the motion would automatically be called. (No other motions—e.g., motions to table, substitute motions, alternate motions—would be permitted.) If the motion passes (i.e., the interviewee receives four “yes” votes to advance as a finalist), the interviewee would move forward as a finalist. However, if no interviewee is advanced as a finalist, then all interviewees automatically move forward as finalists. The Board may only vote to close the item (i.e., prohibit additional motions) after each Board member is given the option of making at least two motions (without or without a second).

By Public Ballot (Option C): Each Board member would be given an identifiable paper ballot that includes the names of all interviewees. On that ballot, each Board member would select the interviewees that the Board member wishes to advance as finalists. A Board member could select between no interviewees and all nine interviewees. If a Board member fails or refused to submit a ballot, then the Board member will be assumed to have selected no interviewees to advance as a finalist. The ballots would be distributed at the Board meeting. Board members would be given three minutes to make their selections and turn in their ballots to the Parliamentarian. Once submitted (not once the time has expired), no Board member may change or amend their ballot. At the meeting, the Parliamentarian, with concurrence of the Chief Governance Officer or designee, would read aloud the results of each Board member's ballot. The ballots would then be included in the public record of the meeting. Any confusion as to the markings on the ballot or the intent of the Board member would be determined exclusively and solely by the Chief Governance Officer or designee. Any interviewee with four or more votes would advance as a finalist. All other interviewees would be eliminated from the process. However, if no interviewee receives four or more votes, then all interviewees would automatically move forward as finalists.

;

BE IT FURTHER RESOLVED, immediately after the above process concludes, the Board shall adopt a resolution naming the selected interviewees as finalists to fill the Vacancy, except that if no resolution is adopted all interviewees shall be moved forward as finalists; and

BE IT FURTHER RESOLVED, the Board President shall have the discretion to determine the meeting date and time for instituting the above process for selecting finalists but it shall occur before (even if at the same meeting) the Board votes on making the provisionally appointing to the Vacancy at the regular meeting on June 29, 2022 or at special meeting between June 27-30, 2022.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this ____ day of _____, 2022, by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

ABSENT:

CERTIFICATION

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

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| By: | |

OAKLAND UNIFIED SCHOOL DISTRICT

Gary Yee
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education