

OFFICE OF THE BOARD OF EDUCATION

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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

BOARD OF EDUCATION 2025**Jennifer Brouhard**, President, District 2Jennifer.Brouhard@ousd.org**Valarie Bachelor**, Vice President, District 6Valarie.Bachelor@ousd.org**Mike Hutchinson**, District 4Mike.Hutchinson@ousd.org**VanCedric Williams**, District 3VanCedric.Williams@ousd.org**Patrice Berry**, District 5Patrice.Berry@ousd.org**Rachel Latta**, District 1Rachel.Latta@ousd.org**Clifford Thompson**, District 7Clifford.Thompson@ousd.org

To: Board of Education**From:** Jennifer Brouhard**Meeting Date:** September 24, 2025**Subject:** Payment of November 7, 2023, District 5 Board of Education
Member Special Election Costs to the Alameda County Registrar of Voters

ACTION REQUESTED:

Approval by the Board of Education of the payment of Invoice No. 110723-01 November 7, 2023, District 5 Board of Education Member Special Election Costs to the Alameda County Registrar of Voters of \$598,438.54, as delineated.

BACKGROUND/DISCUSSION:

Mike Hutchinson was elected District 5 Director of the Board of Education in November 2020. Before the November 2022 Board Member Election his residence was redistricted out of District 5 into District 4, permitting him, and other candidates, to run in the District 4 Board member election in November 2022. After a contested vote count and a legal contest with another District 4 candidate, an Alameda County Superior Court Judge determined Hutchinson was the elected winner of the District 4 Board Member November 2022 election (City of Oakland Ranked Choice Voting) and the Alameda County Registrar of Voters, thereafter, so certified. Hutchinson resigned his District 5 seat and was sworn into the District 4 Seat, consecutively, on March 21, 2023, leaving a Board Member vacancy in District 5, for the term ending 10:59 A.M., January 6, 2025.

The City of Oakland [Home Rule] Charter provides for the election of members of the Board of Education pursuant to provisions of the City Charter. The filling of a vacancy, however, on the Board of Education, unlike other City officials elected under the Charter, is not more specifically provided for in the Charter. Charter Section 404 states in relevant part, that “[t]he provisions of the Education Code of the State of California shall apply as to matters not provided for in this Charter”. Accordingly, Education Code Section 5091 provided the governing board of a school district “shall, within 60 days of the vacancy ..., either order an election or make a provisional appointment to fill the vacancy”; and if an election is ordered, Section 5091 further states that “it shall be held on the next established election date ... not less than 130 days after the order of the election” [November 7, 2023] and the person elected to fill the vacancy “shall hold office for the remainder of the term in which the vacancy occurs or will occur”.

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The Board of Education had until May 19, 2023, to exercise either option pursuant to Education Code Section 5091: make a provisional appointment or order an election to fill the Board member vacancy in District 5. The Board upon consideration of the options on March 22, 2023¹, and on no other date subsequent thereto, on or before May 19, 2023, did not exercise either option.

Education Code Section 5091 further provided that if the Board of Education did not exercise either of the foregoing options, within the statutory time-frame [not later than May 19, 2023] for filling the District 5 Board Member vacancy, the Alameda County of Superintendent of Schools (ACSOS) shall Order an election to fill the vacancy pursuant to statutory provisions [No other option]. Accordingly, the ACSOS on May 23, 2023, Ordered an Election to be held on November 7, 2023, to fill the Board Member District 5 vacancy. The ACSOS contracted with the Alameda County Registrar of Voters (ACRV) to conduct the District 5 Board Member Special Election on November 7, 2023².

The Alameda County Registrar of Voters, given the ACSOS and the City of Oakland determined that the District is responsible for the costs, billed the District on April 29, 2024, the \$598,438.54 Board Member District 5 November 7, 2023, Special Election Costs, as delineated, in ACRV Invoice No. 110723-01 (attached). The District has ultimately determined it is obligated to pay said costs.

FISCAL IMPACT:

Payment of the November 7, 2023, District 5 Board of Education Member Special Election Costs is recommended from General Purpose and AB 1840 Funds.

RECOMMENDATION:

Approval by the Board of Education of the payment of Invoice No. 110723-01 November 7, 2023, District 5 Board of Education Member Special Election Costs to the Alameda County Registrar of Voters of \$598,438.54, as delineated.

JB:ER:st

Attachment: Alameda County Registrar of Voters Letter of April 29, 2024, w/Invoice No. 110723-01.

¹Legislative File No. [23-0599](#) Resolution No. 2223-0047A - Filling Board of Education Member Vacancy in District 5 by Ordering an Election vote failed 3-3-0 (Action Details). Legislative File No. [23-0599A](#) Resolution No. 2223-0047B - Filling [Board of Education Member] Vacancy in District 5 by Appointment (Bachelor Version) vote failed 3-3-0 (Action Details).

²Jorge Lerma was elected by voters to the District 5 Board Member seat on November 7, 2023; sworn into office on November 27, 2023, and at 10:59 A.M., January 6, 2025, completed the District 5 Term, created by the resignation of Mike Hutchinson.



REGISTRAR OF VOTERS

ALAMEDA COUNTY • CALIFORNIA

TIM DUPUIS
REGISTRAR OF VOTERS

CYNTHIA CORNEJO
DEPUTY REGISTRAR OF VOTERS

April 29, 2024

Oakland Unified School District

Dr. Kyla Johnson-Trammell, Superintendent
1000 Broadway, Suite 300
Oakland, CA 94607

Dear Dr. Johnson-Trammell:

Enclosed is an invoice from Alameda County Registrar of Voters for the **November 7, 2023, Oakland USD, District 5 Special Election to City of Oakland.**

Please send payment directly to **Alameda County Registrar of Voters, 1225 Fallon St., G-1 Oakland, CA 94612**, by May 30, 2024.

If you have any questions, please feel free to call (510) 272-6939.

Thank you,
Administrative/Finance Department

Enclosure: 1 Invoice



Registrar of Voters
1225 Fallon Street, Rm. G-1
Oakland, CA 94612
Phone: (510) 272-6933 Fax: (510) 272-6982

INVOICE

BILL TO
OAKLAND UNIFIED SCHOOL DISTRICT ATTN: Kyla Johnson-Trammell, Superintendent 1000 Broadway Suite 300 Oakland, CA 94607

INVOICE #	110723-01
DATE	04/29/2024
DUE DATE	30 DAYS PAST DUE 120 DAYS

DESCRIPTION		
OAKLAND USD NOVEMBER 7, 2023 – OAKLAND USD, DISTRICT 5 SPECIAL ELECTION		
Total Registered Voters	25,483	
Election Cost per Registered Voter (rounded)	\$21.67	\$530,564.64
Capital Fund	\$0.85/Voter	\$21,660.55
Voter Information Guide		\$46,213.35
AMOUNT DUE		\$598,438.54

REMIT TO
ALAMEDA COUNTY REGISTRAR OF VOTERS 1225 FALLON STREET, RM. G-1 OAKLAND, CA 94612

For billing inquiries, please contact the Administrative/Finance Unit:
Tamy Mann - (510)272-6939
Email: rov.finance@acgov.org