



**BOARD OF TRUSTEES  
SPECIAL MEETING**

**Board of Trustees**  
Michael Allman  
Melisse Mossy  
Maureen "Mo" Muir  
Katrina Young

**Interim Superintendent**  
Lucile Lynch

**WEDNESDAY, JUNE 16, 2021  
4:30 PM**

***Public participation will be remote and  
live-stream will be available @ [www.sduhsd.net](http://www.sduhsd.net).  
District Office Board Room  
710 Encinitas Blvd.  
Encinitas, CA 92024***

This meeting will be held in accordance with Executive Orders N-29-20 and N-33-20, and the County of San Diego Health and Human Services Order of the Health Officer and Emergency Regulations issued on December 10, 2020. A copy of each order is available online at [www.sduhsd.net](http://www.sduhsd.net) and posted at 710 Encinitas Boulevard, Encinitas, CA. The meeting will be live-streamed and video recorded. The public live-stream link will be posted online at [www.sduhsd.net](http://www.sduhsd.net) prior to the start of the meeting. Members of the Board of Trustees will be permitted to participate virtually/telephonically.

Public comments for special meetings are restricted to items on the agenda before the Board of Trustees for consideration. Members of the public who wish to address the Board of Trustees may do so by submitting a request using this online form available [here](#). This form will open at 5:30 p.m. on June 14, 2021, and will close at 1:00 p.m. on June 15 2021. Public comment will be limited to two (2) minutes per speaker and a total of 20 minutes per item. If there are more than 10 requests for an item, there will be a random selection of 10 speakers made prior to the meeting that will be recorded.

Additional information and supporting documents that may be provided to the Board of Trustees prior to the start of the meeting, if provided, will be posted on the website at [www.sduhsd.net](http://www.sduhsd.net).

**AGENDA**

1. **CALL TO ORDER**
  - a. WELCOME
  - b. PLEDGE OF ALLEGIANCE
  - c. APPROVAL OF AGENDA
2. **CONSIDERATION OF ADOPTION OF RESOLUTION FOR ALL-MAIL BALLOT FOR SPECIAL ELECTION TO FILL BOARD MEMBER VACANCY / TRUSTEE AREA 5 – *public comment, if any***
3. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications, or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the [Office of the Superintendent](#). Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with the meeting in appropriate alternative formats for persons with a disability.

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## MEETING PROTOCOL

The members of the San Dieguito Union High School District Board of Trustees are locally elected officials, serve four-year terms of office, and are responsible for the schools' educational programs, in grades seven through twelve. The Board is a policy-making body whose actions are guided by the District's vision, mission, and goals. Administration of the District is delegated to a professional administrative staff led by the Superintendent. Board Members are required to conduct the programs of the schools in accordance with the Constitution of the State of California, the California Education Code, and other laws relating to schools enacted by the Legislature, in addition to policies and procedures adopted by the Board of Trustees.

### **PUBLIC COMMENTS** *(Please see public comment process noted above.)*

Members of the public are entitled to comment on items listed on the agenda for Board consideration or deliberation. At the discretion of the Board President, members of the public are entitled to speak on agenda items either immediately after the item is called or following background information provided related to the item. Members of the public are entitled to comment on an agenda item only once at any meeting and may not have someone speak or read on their behalf unless otherwise allow by statute. Although the Board President may seek additional information, participation in debate on any item before the Board shall be limited to the Board and staff. The Board President shall determine the order of speakers, when the Board President calls a member of the public to speak they are asked, but not required, to provide their names prior to making comments.

### **PUBLIC INSPECTION OF DOCUMENTS**

In compliance with Government Code 54957.5, agenda-related documents that have been distributed to the Board less than 72 hours prior to the Board Meeting will be available for review on the district website, [www.sduhsd.net](http://www.sduhsd.net).

### **CLOSED SESSION**

The Board may meet in Closed Session to consider qualified matters of litigation, employee negotiations, student discipline, employee grievances, personnel qualifications, and/or real estate negotiations which are timely.

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# San Dieguito Union High School District

## INFORMATION REGARDING BOARD AGENDA ITEM

**TO:** BOARD OF TRUSTEES

**DATE OF REPORT:** June 13, 2021

**BOARD MEETING DATE:** June 16, 2021

**PREPARED & SUBMITTED BY:** Lucile Lynch, Interim Superintendent

**SUBJECT:** CONSIDERATION OF ADOPTION OF RESOLUTION AUTHORIZING ALL-MAIL BALLOT FOR SPECIAL ELECTION TO FILL BOARD MEMBER VACANCY / TRUSTEE AREA 5

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### EXECUTIVE SUMMARY

The San Diego County Superintendent of Schools oversees the procedures for filling a school district governing board member vacancy. The school district governing board shall either order an election or make a provisional appointment to fill the vacancy.

On April 22, 2021, the SDUHSD Board of Trustees exercised its authority under Education Code section 5091(a)(1), to make a provisional appointment to fill the Trustee Area 5 vacancy in lieu of ordering an election. Unless a petition calling for a special election is filed with the County Superintendent of Schools within 30 days after the date of the provisional appointment, it shall become an effective appointment. The appointee shall hold office until the regularly scheduled governing board member election on November 8, 2022

On May 19, 2021, a petition calling for a special election was filed with the County Superintendent of Schools. The County Superintendent of Schools then has (up to) 30 days from the filing of the petition (June 18, 2021) to verify the signatures. If the petition is determined to be legally sufficient, the provisional appointment is terminated, and the County Superintendent of Schools shall order a special election to be conducted no later than the 130<sup>th</sup> day after the determination.

On June 9, 2021, The County of Superintendent of Schools notified the District that pursuant to Education Code section 5091(c)(2), a petition to hold a special election for Trustee Area 5 was deemed legally sufficient thereby ending the provisional appointment effective immediately.

## ITEM 2

The Registrar of Voters has provided a rough cost projection of \$450,000 to \$650,000 to hold a special election in Trustee Area 5. Since the County Superintendent of Schools determined the petition to be legally sufficient and will be ordering a special election, the Board of Trustees may consider a resolution authorizing, under Elections Code section 4004, an all-mail ballot. However, subsection (c) states that the use of the all-mail ballot election is expressly subject to the following conditions: (1) The...governing body of the [school district], by resolution, authorizes the use of mailed ballots for the election; (2) The election is a special election to fill the vacancy in the legislative body or governing body; (3) The election is not held on the same date as a statewide primary or general election; and (4) The election is not consolidated with any other election. By authorizing an all-mail ballot for a special election, the Board may have the opportunity to reduce the cost of a special election, subject to the above conditions, potentially saving the District approximately \$150,000.

The County Superintendent of Schools notified the District that the deadline to submit this resolution authorizing an all-mail ballot is midnight (12:00 am) on Wednesday, June 16, 2021.

**RECOMMENDATION:**

It is recommended that the Board consider adoption of the resolution authorizing an all-mail ballot for a special election to fill the board member vacancy for Trustee Area 5, as shown in the attached supplement.

**FUNDING SOURCE:**

N/A

**SAN DIEGUITO UNION HIGH SCHOOL DISTRICT**

**RESOLUTION AUTHORIZING ALL-MAIL BALLOT FOR SPECIAL ELECTION  
TO FILL BOARD MEMBER VACANCY**

June 16, 2021

WHEREAS, on March 19, 2021, Board Member Kristin Gibson submitted her resignation to the San Diego County Superintendent of Schools and a vacancy occurred on the San Dieguito Union High School District Board of Trustees (hereafter, "Board");

WHEREAS, on April 22, 2021, the remaining members of the Board took action, by a unanimous vote, to appoint Ty Humes as the provisional appointee to fill the vacancy on the Board. This Board action was a lawful exercise of Board authority and was consistent with Education Code section 5091(a)(1), which expressly authorized such appointment;

WHEREAS, following the Board's provisional appointment, a petition calling for a special election (hereafter, "Petition") was filed with the San Diego County Superintendent of Schools;

WHEREAS, on June 9, 2021, the Registrar of Voters notified the District that a sufficient number of valid signatures were collected for the Petition, which operated to terminate the lawful appointment of Trustee Humes to the Board;

WHEREAS, based upon the Petition, a special election must now be held to fill the vacancy caused by Trustee Gibson's resignation;

WHEREAS, the Registrar of Voters has estimated that the cost of the special election will be between \$450,000 and \$650,000, and the District will be solely responsible for this cost;

WHEREAS, the cost of the special election is an unplanned expenditure that will negatively impact the District's budget, and the Board wishes to take action to help reduce this significant expenditure of District funds;

WHEREAS, Elections Code section 4004 authorizes the use of an all-mail ballot election for a special election to fill the vacancy on the Board so long as all of the legal requirements set forth in that statute are met;

WHEREAS, the Registrar of Voters has estimated that the use of an all-mail ballot pursuant to Elections Code section 4004 will reduce the cost of the election by approximately \$150,000;

WHEREAS, it is the intent of this Resolution to save taxpayer funds and reduce the significant cost and impact that the special election will have on the District through the use of an all-mail ballot election as authorized by Elections Code section 4004;

NOW, THEREFORE, BE IS RESOLVED that the Board hereby approves this Resolution authorizing the special election ordered by the San Diego County Superintendent of Schools to fill the Board vacancy caused by Trustee Gibson's resignation be conducted wholly as an all-

ITEM 2

mail ballot election if the legal requirements set forth in Elections Code section 4004 are satisfied.

PASSED AND ADOPTED this 16<sup>th</sup> day of June 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Maureen “Mo” Muir  
Board President  
San Dieguito Union High School District