

Monterey County Office of Education

Leadership, Support, and Service to Prepare All Students for Success

Dr. Deneen Guss
County Superintendent of Schools

**BEFORE THE MONTEREY COUNTY SUPERINTENDENT OF SCHOOLS
MONTEREY COUNTY, STATE OF CALIFORNIA
JANUARY 10, 2022**

In the Matter of Ordering an) **Resolution & Order of Election**
Election to Fill a Vacancy on the)
Monterey County Board of Education)
) Resolution No. 21-22-10

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WHEREAS, when a vacancy occurs on a county board of education, Education Code section 1008 provides that the vacancy shall be filled in the manner described in Education Code section 5090, *et seq.*; and

WHEREAS, Education Code section 5091 requires the governing board either to make a provisional appointment or order a special election within 60 days of the vacancy (Ed. Code, § 5091, subd. (a)(1)); and

WHEREAS, a vacancy occurred on the Monterey County Board of Education ("County Board"), Trustee Area One, due to the death of County Board member Harvey Kuffner on September 12, 2021; and

WHEREAS, the County Board made a provisional appointment to fill the vacancy on November 10, 2022; which is within 60 days of Mr. Kuffner's death; and

WHEREAS, on December 10, 2021, registered voters of Monterey County, Trustee Area One, submitted a petition to the Monterey County Superintendent of Schools for the conduct of a special election to fill the vacancy; and

WHEREAS, the Monterey County Superintendent of Schools has verified the signatures on the petition and has determined that the petition is legally sufficient; and

WHEREAS, Education Code section 5091, subd. (c)(2), provides that when a petition to conduct a special election has been determined to be legally sufficient, the county superintendent of schools shall order a special election to be conducted no later than the 130th day after the determination; and

WHEREAS, Education Code section 5091, subd. (c)(2), provides that when a petition to conduct a special election has been determined to be legally sufficient, the county superintendent of schools may order a special election to be conducted during an established election date, as defined in Elections Code section 1000, if such established election date occurs between the 130th day and the 150th day following the order of the election; and

WHEREAS, there is an established election date on Tuesday, June 7, 2022, which is between the 130th day and the 150th day from the date of this Resolution and Order of Election; and

WHEREAS, Education Code Section 5324 requires the county superintendent of schools, at least 120 days prior to the date of any election for governing board members, to deliver to the county elections official copies of the order of election and the formal notice of election; and

WHEREAS, Education Code Section 5325 provides that the election shall be called by the county superintendent of schools by causing the posting or publication of notices of election and delivery of a copy of the formal notice of election to county clerk or registrar of voters at least 120 days prior to the date of election.

THEREFORE, BE IT RESOLVED as follows:

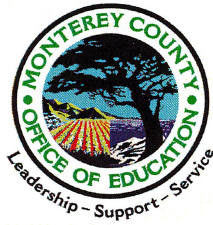
1. The Monterey County Superintendent of Schools ("County Superintendent") hereby orders an election to fill the seat left vacant by the death of Harvey Kuffner on the Monterey County Board of Education, Trustee Area One.
2. The election shall be held on June 7, 2022. Attached as Exhibit "A" are the specifications of the election order, which are incorporated herein by reference.
3. The Notice of Election, attached here to as Exhibit "B", shall be posted or published in the manner provided pursuant to Education Code section 5360, *et seq.*
4. The County Superintendent/designee are hereby authorized and directed to take any other actions necessary to effectuate the purposes of this Resolution and Order.

The foregoing Resolution was adopted by the Monterey County Superintendent of Schools on January 10, 2022.

Dated: 1-10-2022

By: Deneen Guss
DR. DENEEN GUSS
MONTEREY COUNTY SUPERINTENDENT OF
SCHOOLS

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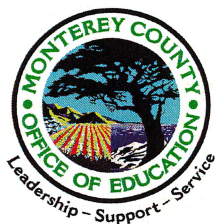
Dr. Deneen Guss
County Superintendent of Schools

Exhibit A

SPECIFICATIONS OF THE ELECTION ORDER

- A. The special election shall be held on June 7, 2022.
- B. The purpose of the special election is to choose one member to fill the vacancy on the Monterey County Board of Education, Trustee Area One.
- C. Candidate statements shall be paid for by the candidate. (Elec. Code, § 13309 provides procedures for filing by indigent candidates.)
- D. Candidate statements shall be limited to 200 words. (Elec. Code, § 13307.)
- E. In the event of a tie vote, the winner of the election shall be determined by lot at a time and place to be designated by the Monterey County Office Board of Education. (Ed. Code, § 5016, subd. (b).)

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Dr. Deneen Guss
County Superintendent of Schools

Exhibit B

NOTICE OF SPECIAL ELECTION FOR THE MONTEREY COUNTY BOARD OF EDUCATION, TRUSTEE AREA ONE

Notice is hereby given to all qualified persons that an election will be held in Trustee Area One of the Monterey County Board of Education, County of Monterey, State of California, on June 7, 2022, for the purposes of electing ONE (1) member to the Board of Trustees, Trustee Area One, for a term expiring upon the qualification of a successor in office following the November 8, 2022 election.

Any person, regardless of sex, who is 18 years or older, a citizen of the state, a resident of the election district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district.

Commencing on Monday, February 14, 2022, forms for declaring candidacy will be available from the Elections Division, 1441 Schilling Place in the North Building, Salinas, California, 93901, and shall be filed with the Elections Division at the same address either in person or by certified mail received not later than 5:00 p.m., Friday, March 11, 2022, the 88th day before the election. No person who has filed a declaration of candidacy may withdraw as a candidate after March 11, 2022.

In the event there are insufficient nominees or no nominees for an office or offices and a timely petition is not filed pursuant to section 5326 of the Education Code, an appointment will be made. In the event that there are no nominees to an office or offices, the governing board of the Monterey County Board of Education shall, prior to making any appointment and in accordance with section 5328.5 of the Education Code, notify its residents that it intends to make an appointment or appointments. Such notice shall further inform such residents of the procedure available for applying for said office or offices.

Information regarding filing for this office may be obtained by calling the Elections Division at (831) 796-1499.

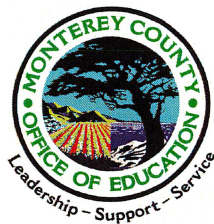
Dated: 1-10-2022

By: Deneen Guss
DR. DENEEN GUSS
COUNTY SUPERINTENDENT
OF SCHOOLS

Dated: _____

By: _____
GINA MARTINEZ
REGISTRAR OF VOTERS

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County Superintendent of Schools

FORMAL NOTICE OF ELECTION GOVERNING BOARD SPECIAL ELECTION MONTEREY COUNTY BOARD OF EDUCATION

NOTICE IS HEREBY GIVEN to the qualified electors of the Monterey County Board of Education that in accordance with the provisions of the Education Code and the Elections Code of the State of California, on Tuesday, June 7, 2022, a special election will be held within the boundaries of the Monterey County Office of Education at which the following office will be filled:

MONTEREY COUNTY BOARD OF EDUCATION, TRUSTEE AREA ONE

This notice is provided pursuant to Education Code Sections 5324, 5361, and 5363 and Elections Code Section 12112.

By execution of this formal Notice of Election, the Monterey County Superintendent of Schools orders that the special election be conducted on the established election date of June 7, 2022, in accordance with the provisions of Education Code Section 5091.

The Monterey County Superintendent of Schools has called the election pursuant to a Resolution and Order of the Monterey County Superintendent of Schools adopted January 10, 2022, in accordance with the provisions of Education Code Sections 5321, 5322, and 5324.

Dated this 10th day of January, 2022.

Dr. Deneen Guss
Monterey County Superintendent of Schools

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