

ALAMEDA COUNTY SUPERINTENDENT OF SCHOOLS
Resolution No. 01-22/23

**ORDERING AND PROVIDING THE SPECIFICATIONS OF AN ELECTION
TO FILL A VACANCY ON THE
OAKLAND UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES**

RESOLVED, by the Alameda County Superintendent of Schools, County of Alameda, State of California that:

RECITALS

WHEREAS, on March 21, 2023, Oakland Unified School District Board of Trustees Member Mr. Mike Hutchinson, resigned from his seat on the Board of Trustees (“Board”), Region 5; and

WHEREAS, Trustee Hutchinson’s resignation created a vacancy on the Board; and

WHEREAS, California Education Code Section 5091(a)(1) requires the Board to either appoint a provisional board member or order an election to fill the vacancy created by the death or resignation of a board member within 60 days of the event creating the vacancy; and

WHEREAS, the 60th day following the March 21, 2023, resignation was May 19, 2023; and

WHEREAS, on March 22, 2023, the Board of Trustees for Oakland Unified School District were unable to agree upon a provisional appointment and failed to call for a special election; and

WHEREAS, California Education Code Section 5091(a) provides that in the event the 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 call an election to fill the vacancy; and

WHEREAS, the Alameda County Superintendent of Schools calls for an election to be conducted by the Alameda County Registrar of Voters; and

WHEREAS, Education Code Section 5322 provides that whenever an election is ordered, the officer authorized by this code to make such designation shall, concurrently with or after the order of election but not less than 123 days prior to the date of the election in the case of an election for governing board members, by resolution delivered to the officer conducting the election, specify the following, or such of the following as he may have authority to designate:

1. The date of the election.
2. The purpose of the election; and

WHEREAS, this Resolution calling for an election submitted to the Registrar of Voters is being submitted in compliance with the requirements of Education Code Section 5322 and contains its legal authority for ordering elections; and

WHEREAS, if an election is ordered to fill a vacancy, it shall be held on the next established election date provided pursuant to Section 1000 et seq. of the Elections Code, but not less than 130 days after the order of election (Education Code Section 5091); and

WHEREAS, the next established election date provided pursuant to Section 1000 of the Elections Code that is not less than 130 days after the order of election, will be the election held on the first Tuesday after the first Monday in November 2023, i.e. November 7, 2023; and

WHEREAS, the successful candidate elected to serve as the trustee at the November 7, 2023, election will serve out the remaining years of Trustee Hutchinson's term; and

WHEREAS, Trustee Hutchinson's term would have ended on the second Monday in January of 2025; and

WHEREAS, pursuant to Elections Code Section 10002, the County Superintendent of Schools may by resolution request the Board of Supervisors of the County to permit the county elections officials to render specified services to the district relating to the conduct of an election; and

WHEREAS, pursuant to Education Code Section 5421, Oakland Unified School District will fully reimburse the County of Alameda for all costs associated with the election of a trustee for Area 5 called for in this Resolution; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections of any public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, any election ordered to fill the vacancy should be consolidated or partially consolidated with the election scheduled for November 7, 2023, pursuant to Education Code Section 5342 and Elections Code Section 10400 et seq.; and

~~**WHEREAS**, pursuant to Education Code Section 5016, if the election results in a tie, the Oakland Unified School District Board of Trustees has directed that the winner be determined by a runoff election; and~~

NOW THEREFORE BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. That the County Superintendent of Schools for the County of Alameda took action on May 22, 2023, to order an election pursuant to Education Code section 5090 et seq., to fill the vacancy created by Trustee Hutchinson's resignation from the Oakland Unified School District Board of Trustees, Region 5;

2. That pursuant to this Resolution, the County Superintendent hereby orders an election to be called and consolidated with any and all elections also called to be held on November 7, 2023, insofar as the elections are to be held in the same territory or in territory that is in part the same as the territory of the Oakland Unified School District;

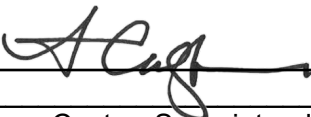
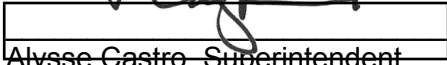
3. That the County Superintendent of Schools hereby requests that the Board of Supervisors permit the Alameda County Registrar of Voters to provide any and all services necessary for conducting the election;

4. That pursuant to Education Code 5322 and its action taken on this date, May 22, 2023, the County Superintendent hereby orders an election be held with the following specifications:

1. The election shall be held on Tuesday, November 7, 2023;
2. The purpose of the election shall be to elect a Board Member to fill the term of office of Mr. Mike Hutchinson, Oakland Unified School District Board of Trustees, Region 5 until January 13, 2025;

5. That the County Superintendent has all authority necessary and proper to the accomplishment of the purposes of this Resolution.

The foregoing Resolution is hereby adopted by the Alameda County Office of Education Superintendent on May 22, 2023.



Alysse Castro, Superintendent
Alameda County Office of Education