



NOVEMBER 2020

NO. 20-14

## Annual Organization Meetings

### *Important Reminder Regarding Timing of Board Seat Transitions*

Last year, Education Code section 5017 was revised to state that newly elected Board members' four-year terms commence on the second Friday in December following their election, rather than after the first Friday in December. This year, that date falls on Friday, December 11<sup>th</sup>. Therefore, new terms may not commence until the member is sworn in *and* the date is on or after Friday, December 11, 2020. Following December 11<sup>th</sup>, and until a Board member is sworn in or takes his/her oath of office, an incumbent whose term is expiring continues to serve until the new member has been sworn in. (See Educ. Code § 5017; Gov. Code § 1360.) Importantly, since the term for recently elected Board members may not commence until December 11<sup>th</sup>, such persons may not engage in their duties or functions until that date. Please also note that any person who exercises any function of public office without first taking the oath of office is guilty of a misdemeanor. (Gov. Code § 1303.)

On a related front, Education Code section 35143 requires the Board to hold an annual organizational meeting within a 15-day period from the date newly elected members take office. This year, that window is from December 11-25, 2020, which is the 15 days from the second Friday in December. Education Code section 35143 also requires the Board to select "the day and time of the annual meeting ... at its regular meeting held *immediately prior to the first day of such 15-day period*, and the board shall notify the county superintendent of schools of the day and time selected." (Emphasis added.) The current clerk of the Board must then, within 15 days prior to the date of the annual meeting, notify in writing all members and members-elect of the date and time selected for the annual organizational meeting. (Id.)

In short, a new Board member's term does not start until the second Friday in December (December 11, 2020) following an election **and** only upon taking the oath of office. This year, Annual Organizational Meetings must occur between December 11-25, 2020. It is recommended that your District review, and if needed, amend your Board Bylaws to reflect this change in Trustee term start dates.

If you have questions regarding this guidance and how it affects your agency, please call one of our six offices.

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