

Section 3.2 PROPORTIONAL REPRESENTATION REQUIREMENT

If the Board of Trustees is required by law to have proportional representation in its membership based on residence, political affiliation, gender, minority racial composition or professional qualifications, the Governor may remove any Trustee and replace him or her with another individual in order to bring the membership into compliance with the proportional representation requirement for the Board of Trustees, provided that the Governor shall:

- (a) Only exercise the removal authority granted in this Section 3.2 if appointment at the end of the next expiring term of a Trustee, or at the end of the next expiring term of Trustees if two (2) or more Trustees' terms expire at the same time, cannot cure the deficiency in the proportional representation requirement;
- (b) Remove the fewest number of Trustees necessary to bring the membership into compliance with the proportional representation requirement for the Board of Trustees;
- (c) Identify the order in which the Trustees were appointed to their current terms on the Board of Trustees and, beginning with the most recently appointed Trustee who may be removed and replaced to bring the membership into compliance with the proportional representation requirement, remove the Trustee or Trustees according to the length of their tenure on the Board of Trustees, without taking into account any prior term of service on the Board of Trustees by the Trustee;
- (d) Provide any Trustee proposed to be removed with the following:
 - (1) Written notice, at least seven (7) days prior to the Trustee's removal from the Board of Trustees, stating the proportional representation requirement that the Trustee does not satisfy; and
 - (2) An opportunity during the seven (7) day notice period for the Trustee to voluntarily resign or to provide evidence to the Governor that the Trustee does satisfy the proportional representation requirement or that another Trustee on the Board of Trustees who also does not satisfy the requirement has a shorter tenure than the Trustee proposed to be removed;
- (e) Replace any removed Trustee with only those individuals who will bring the Board of Trustees into compliance with the proportional representation requirement; and
- (f) Appoint any new Trustee in the same manner as provided by law for the Trustee being removed and to fill the remainder of the removed Trustee's unexpired term.