

BYLAWS

POLICY – AGENDA/MEETING MATERIALS

BP 9322

Development of Agenda

~~Development of the agenda for both regular and special meetings shall be the responsibility of the County Superintendent and the Board President. Board agendas shall state the meeting date, time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session.~~

~~Any member of the public may request that items be placed on the agenda of a regular meeting, as long as those items fall within the scope of board authority. The request must be submitted in writing to the County Superintendent with supporting documents and information at least ten working days before the scheduled meeting date. The County Superintendent or designee will determine whether a request is within the scope of authority of the Board and whether an item is appropriate for discussion in open or closed session.~~

Posting of Agenda: Regular Meeting

~~The agenda for each regular meeting shall be posted at least seventy-two (72) hours before the meeting at the entrance of the board meeting room and on a bulletin board in the switchboard/reception area of the County Education Office.~~

Posting of Notice and Agenda: Special Meeting

~~The notice and agenda of a special meeting of the County Board of Education shall be posted at least twenty-four (24) hours prior to the meeting at the entrance of the board meeting room and on a bulletin board in the switchboard/reception area of the County Education Office. The notice and agenda must include the date, time and place of the meeting and the business to be transacted.~~

Changes to Agenda

~~Any changes to a board agenda shall be announced by the Board President following the approval of the minutes of the previous meeting.~~

ADOPTED BY COUNTY BOARD:
REVISED:

February 5, 1987
April 7, 1994
November 2, 1995

Agenda Preparation

The County Board president and the County Superintendent of Schools, as secretary to the County Board, shall work together to develop the agenda for each regular and special meeting.

Any County Board member or member of the public may request that a matter within the jurisdiction of the County Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the County Superintendent and County Board president with supporting documents and information, if any, at least ten working days before the scheduled meeting date. The date upon which the item may appear on the agenda will be based on sufficient time for consideration and research of the request as determined by the County Superintendent of Schools and Board President.

The County Board president and County Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the County Board. Items not within the subject matter jurisdiction of the County Board shall not be placed on the agenda. In addition, before placing the item on the agenda, the County Board president and County Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing County Board policy, administrative regulation, or other guidance document.

If a request from a County Board member to place an item on the agenda is denied, the member may ask the County Board to take action to determine whether the item shall be placed on the agenda.

The County Board president and County Superintendent shall also decide whether an agenda item is appropriate for an information item that does not require immediate action, discussion in open or closed session, or whether the item should be an action item subject to County Board vote.

Agenda Content

Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

Each agenda for a regular meeting shall list the address designated for public inspection of documents related to an open session item that have been distributed to the County Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall include information regarding how, when, and to whom a request should be made if an individual requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the County Board meeting. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the County Board on any agenda item, including any consent agenda item, before or during the County Board's consideration of the item. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting of a committee comprised exclusively of County Board members, provided that members of the public were afforded an opportunity to comment on the item at that meeting and the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The agenda for a regular County Board meeting shall also provide members of the public an opportunity to comment on matters which are not on the agenda, but which are within the subject matter jurisdiction of the County Board. (Government Code 54954.3)

The County Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature for which County Board discussion is not anticipated and for which approval is recommended. When any County Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

Any County Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

Agenda Dissemination to County Board Members

At least 72 hours before each regular meeting, each County Board member shall be provided a copy of the agenda and agenda packet, including any reports from the County Superintendent; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available documents pertinent to the meeting.

When special meetings are called, County Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

County Board members shall review agenda materials before each meeting. Individual members may confer directly with the County Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of County Board members shall not, outside of a noticed meeting, directly or through

intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the County Board.

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the County Board shall be made available to the public upon request without delay. Only those documents which are public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (Government Code 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the agenda shall be posted on the homepage of the county office of education (COE) web site. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the COE's agenda management platform in accordance with Government Code 54954.2. When the COE utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the County Board meeting agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a document which relates to an open session agenda item of a regular County Board meeting is distributed to the County Board less than 72 hours prior to the meeting, the document shall be made available for public inspection at a designated location at the same time the document is distributed to all or a majority of the County Board. (Government Code 54957.5)

As County Board secretary, it is the responsibility of the County Superintendent or designee to mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the County Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the County Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the County Board or COE and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person and presented at the meeting shall be made available for public inspection after the meeting. These requirements shall not apply to a document

that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the County Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Federal	Description
12101-12213	Americans with Disabilities Act
28 CFR 35.160	Effective communications
28 CFR 36.303	Auxiliary aids and services
35.160	Communications, general
35145.5	Right of public to place matters on agenda
36.303	Auxiliary aids and services
42 USC 12101-12213	Americans with Disabilities Act
49061	Student records; definitions
49073.2	Privacy of student and parent/guardian personal information
53635.7	Separate item of business
54954.1	Mailed agenda of meeting
54954.2	Agenda posting requirements, county board actions
54954.3	Opportunity for public to address legislative body
54954.5	Closed session item descriptions
54956	Special meeting notices
54956.5	Emergency meeting notices
54957.5	Public records
54960.2	Challenging board actions; cease and desist
6250-6270	California Public Records Act
78	Ops.Cal.Atty.Gen. 327 (1995)
99	Ops.Cal.Atty.Gen. 11 (2016)
Management Resources	Description
Attorney General Opinion	99 Ops. Cal. Atty. Gen. 11 (2016)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Mooney v. Garcia, (2012) 207 Cal.App.4th 229
Court Decision	Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2014
CSBA Publication Website	Call to Order: A Blueprint for Great Board Meetings, 2015 California Attorney General's Office

State	Description
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation; regulations
Gov. Code 53635.7	Separate item of business
Gov. Code 54954.1	Mailed notice to property owners
Gov. Code 54954.2	Agenda posting requirements, board actions
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54954.5	Closed session item descriptions
Gov. Code 54956.5	Emergency meetings
Gov. Code 54957.5	Public records
Gov. Code 54960.2	Challenging board actions; cease and desist
Gov. Code 6250-6270	California Public Records Act
Gov. Code 95000-95029	California Early Intervention Services Act

Cross References

Code Description

- 9012 [Board Member Electronic Communications](#)
- 9121 [President](#)
- 9320 [Meetings And Notices](#)
- 9321 [Closed Session](#)
- 9321 [Closed Session](#)
- 9323 [Meeting Conduct](#)

ADOPTED BY COUNTY BOARD:

February 5, 1987

REVISED:

April 7, 1994

November 2, 1995

Remuneration

~~Each member of the County Board of Education may receive a monthly compensation for attendance at official meetings of the board or attendance at board-appointed committee meetings. The amount of such compensation shall be determined by the County Board of Education, and shall not exceed the maximum monthly compensation provided by law.~~

~~Board members are not required to accept compensation for meetings attended.~~

~~Members may be paid for meetings missed when the Board, by resolution, finds that they were performing designated duties of the County Education Office at the time of the meeting. During any fiscal year, members also may be paid for up to two meetings when the Board, by resolution, finds that they were absent because of illness.~~

Reimbursement of Expenses

~~Board members may be reimbursed for mileage and other expenses incurred in attending meetings or making trips on official business of the County Education Office. The rate of reimbursement shall not exceed limitations specified for employees of the County Education Office.~~

Health and Welfare Benefits

~~During their terms of office, board members may participate in the health and welfare benefits programs by selecting one of the following options:~~

- ~~1. Select health and welfare benefit coverage under the same terms and conditions as those provided to employees.~~

- ~~1. Receive reimbursement for any health insurance premiums paid for by the board member, up to the annual maximum amount provided employees who do not elect full-family health insurance coverage.~~

- ~~1. Deposit funds into a taxable annuity, up to the annual maximum amount provided employees who do not elect full-family health insurance coverage.~~

ADOPTED BY COUNTY BOARD:

July 3, 1975
April 7, 1994
November 2, 1995
October 4, 2001

BYLAWS

POLICY – REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS REVISED BP 9250

Compensation

Compensation for County Board of Education members shall be determined by the County Board of Education subject to the applicable limitation in Education Code 1090.

County Board members are not required to accept payment for meetings attended.

Any County Board member who does not attend all County Board meetings during the month is eligible to receive not greater than a percentage of the maximum monthly compensation allowed by law equal to the percentage of meetings the County Board member attended. (Education Code 1090)

A County Board member may be compensated for up to two meetings the County Board member missed when the County Board, by resolution, finds that the County Board member was performing designated County Board functions at the time of the meeting or that the County Board member was absent because of illness, jury duty, or a hardship deemed acceptable by the County Board. (Education Code 1090)

Reimbursement of Expenses

County Board members shall be reimbursed for actual and necessary expenses for travel, printing, or membership in any state or local organization of governing boards of school districts or county boards of education. County Board members shall also be reimbursed for the actual expenses of attending, with prior approval by the County Board of Education at a board meeting, or, if timely approval is needed, by the County Superintendent of Schools, meetings or conferences of any society, association, or organization to which the County Board subscribes for membership. Meetings or conferences of a society, association, or organization to which the County Board does not subscribe for membership may also be considered for reimbursement of travel expenses with prior approval by the County Board.

All requests to attend a meeting or conference and be reimbursed for expenses shall be brought forward to the County Board for consideration for approval. All reimbursements shall be made in accordance with County Education Office reimbursement policies. (Education Code 1091, 1094-1096)

Personal expenses shall be the responsibility of individual County Board members.

Health and Welfare Benefits for Current Board Members

County Board members may participate in the health and welfare benefits program provided for county office of education (COE) employees.

Health and welfare benefits for County Board members shall be no greater than that received by employees with the most generous schedule of benefits. (Government Code 53208.5)

County Board members electing to participate in the County Board's health and welfare benefits program shall have the premiums required for the benefit selected paid to the same extent as COE employees.

County Board members may decline to participate in the County health and welfare benefits program provided for COE employees and instead may elect to be reimbursed \$4,020 per fiscal year (or \$335.00 per month) before taxes for costs of approved health plans that have been paid by them. Health and welfare benefits provided to County Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as extended to employees and as specified in law and the health plan.

Health and Welfare Benefits for Former Board Members

Any former County Board member leaving the County Board after at least one term of office may participate in the health and welfare benefits program at the former County Board member's own expense if coverage is in effect at the time of retirement. (Government Code 53201)

If health and welfare benefits are provided to a former County Board member, it shall be extended, at the former County Board member's expense and at the same level, to the former County Board member's spouse/registered domestic partner and eligible dependent children as authorized by law and the health plan.

Federal	Description
1.403(b)-2	Tax-sheltered annuities, definition of employee
10277-10278	Group and individual health insurance, coverage for dependent children
1090-1096	Stipends and expenses
1373	Health services plan, coverage for dependent children
20322	Elective officers; election to become member
20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
26 CFR 1.403(b)-2	Tax-sheltered annuities, definition of employee
26 USC 403	Tax-sheltered annuities
297-297.5	Rights, protections and benefits under law; registered domestic partners
300	Definition of marriage
42 USC 18011	Right to maintain existing health coverage
53200-53209	Group insurance
54952.3	Simultaneous or serial meetings; announcement of compensation
83	Ops.Cal.Atty.Gen. 181 (2000)
8314	Use of public resources
91	Ops.Cal.Atty.Gen. 37 (2008)

Management Resources	Description
Attorney General Opinion	91 Ops.Cal.Atty.Gen. 37 (2008)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 124 (2000)
Court Decision	Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Court Decision	Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578
Institute for Local Government Publication	Sample Expense and Use of Public Resources Policy Statement, January 2006
Internal Revenue Service Publication	Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013
Website	Public Employees' Retirement System
Website	Internal Revenue Service
Website	Institute for Local Government
Website	CSBA

State	Description
18011	Right to maintain existing health coverage
403	Tax-sheltered annuities
Ed. Code 33050-33053	General waiver authority
Ed. Code 33362-33363	Reimbursement of expenses; board member or member-elect
Ed. Code 35012	Board members; number, election and terms
Ed. Code 35044	Payment of traveling expenses of representatives of board
Ed. Code 35120	Course credit for student board members
Ed. Code 35172	Promotional activities
Ed. Code 44038	Cash deposits for transportation purchased on credit
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 20322	Elective officers; election to become member
Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Gov. Code 53200-53209	Group insurance
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation
Gov. Code 8314	Use of public resources
H&S Code 1373	Health services plan, coverage for dependent children
Ins. Code 10277-10278	Group and individual health insurance, coverage for dependent children

Cross References

Code Description

9324 [Minutes And Recordings](#)

ADOPTED BY COUNTY BOARD:
REVISED:

July 3, 1975
April 7, 1994
November 2, 1995
October 4, 2001