

San Benito County Office of Education

County Committee on School District Organization



By Laws

The guidance in this handbook is not binding on local educational agencies or other entities. Except for statutes, regulations, and court decisions that are referenced herein, the handbook is exemplary, and compliance with it is not mandatory (see California *Education Code* Section 33308.5).

**BYLAWS OF THE COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION**

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**BYLAWS OF THE COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION**

ROLE OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION 100

Purpose, Powers, Duties 101

The San Benito County Office of Education County Committee on School District Organization shall conduct hearings on petitions to reorganize school districts and shall either approve, disapprove or make recommendations to the State Board of Education or County Board of Education as appropriate regarding such petitions; and the Committee shall formulate plans and recommendations for the organization or reorganization of school districts in the county or any portion thereof including, if appropriate, a portion of one or more adjacent counties. The Committee exists under the authority of the California Constitution and acts of the legislature of the State of California and the regulations of the California State Board of Education.

Reference: E.C. 35700 et seq.
E.C. 35720 et seq.

ORGANIZATION 200

Membership - Terms of Office 210

The County Committee consists of eleven members one from each district in San Benito County.

***No county superintendent of schools, employee of the office of a county superintendent of schools, employee of a school district, or employee of a community college district shall be a member of the county committee.

Term of Membership 211

The term of each member of the Committee shall begin upon election or upon appointment, as appropriate, and shall be subject to the member remaining a member of their district board.

Vacancies in Membership 212

Vacancies created by the expiration of the term of office of a member of the Committee shall be filled by the majority vote of the representatives of the

governing boards at the annual meeting called and held between October 1 and December 1.

A vacancy created by the early resignation of a committee member or for any other reason, shall be filled by the majority vote of the remaining members of the committee and such an appointment shall be for the duration of the unexpired term.

Reference: *E.C. 4006*

Attendance, Removal from Membership 213

Attendance at meetings shall be on a regular basis to ensure continuity of thought and discussion to achieve the purposes and goals of the committee. Absence from three (3) consecutive called meetings, except when prevented by good cause, constitutes cause for removal from membership. Removal from membership pursuant to these bylaws requires a majority vote of the members in attendance. Notification to any member so removed shall be made in writing by the secretary.

Reference: *Government Code 1770*

Compensation 220

The members of the county committee shall serve without compensation. However, they shall receive reimbursement for any actual and necessary travel expenses incurred in the performance of their duties. These travel expenses shall be approved by the County Board of Education and shall be paid out of the County School Service Fund.

Reference: *E.C. 4000 et seq.*

Officers and Auxiliary Personnel 230

At the first meeting of each calendar year, the committee shall organize by electing one member Chairperson and one member Vice Chairperson.

Vacancies in Office 231

If the office of Chairperson is vacated for any reason, the Vice-Chairperson shall become Chairperson for the remainder of the year, and the office of Vice-Chairperson shall be vacated. If the office of Vice-Chairperson is vacated for any reason, the vacancy shall be filled by appointment by the majority of the Committee, if it desires to do so, and the appointee shall hold office for the remainder of the year. If the offices of Chairperson and Vice-Chairperson are vacated at the same time for any reason, the vacancies shall be filled by appointment by the majority of the Committee for the remainder of the year.

Secretary 232

The county superintendent of schools shall serve as secretary to the Committee.

Attorney 233

The office of the County Counsel shall provide legal services for the County Committee, except that other counsel may be employed as needed.

Reference: E.C. 4011 Legal Services

Temporary Special Committees 240

The Chairperson may appoint such temporary and special committees as deemed necessary or advisable and the Chairperson shall be, ex officio, a member of each committee. The duties of the special committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

Travel Reimbursement 241

1. Forms. All expenses will be recorded on the San Benito County Superintendent of Schools Travel Expense Claim form
2. Reimbursement Calendar. Claims may be submitted at any time.

Means of Travel/Travel Reimbursement 242

1. Privately Owned Automobiles. Mileage is allowed at the rate of 57 cents per mile.
2. Compensation and Expense Claims. Actual and necessary travel expenses incurred as a result of official School District Organization Committee activity shall be allowed.
3. Allowance for Meals
 - a. Breakfast, lunch, or dinner meetings may be reimbursed up to \$7.00, \$11.00, or \$23.00, respectively, when ordered from the menu (receipt and form required).
 - b. Actual expenses will be allowed for a “fixed price” breakfast, lunch, or dinner.

Liability Insurance 250

Liability coverage shall be provided to protect against personal liability of the members of the Committee while acting in the scope of office as required by law.

Reference: E.C. 35208
E.C. 35214

MEETINGS 300

Meetings of the County Committee may be called by the Chairperson or by a quorum of the committee.

Reference: E.C. 4013

Quorum 310

A majority of the members of the County Committee shall constitute a quorum.

Reference: E.C. 4014

Motion Carried 311

If a quorum is duly assembled, affirmative votes by a majority of the Committee members present are required to approve any action item under consideration unless otherwise provided by law.

Abstentions 312

Abstentions shall be counted in determining the needed majority, but they shall not count as either an affirmative or a negative vote. The affirmative vote of the majority rule prevails in all cases.

Construction of Agenda 320

The county superintendent, as secretary to the County Committee, shall prepare an agenda for each regular meeting. Any committee member may call the superintendent and request an item to be placed on the agenda.

Posting of Agenda 321

At least 72 hours prior to the time of the regular meeting, the items to be included on the agenda will be posted in a place readily available to the public. Items to be included on the agenda of a public hearing shall be posted at least 10 days prior to the time of the public hearing.

Reference: *E.C. 35705 (Government Code 54954.2[a])*

MEETING CONDUCT 330

Meetings of the County Committee shall be conducted by the Chairperson in a manner consistent with the adopted bylaws of the Committee.

All Committee meetings shall commence at the stated time and shall be guided by an agenda that will have been prepared and delivered in advance to all committee members and other designated persons.

The conduct of meetings shall, to the fullest possible extent, enable members of the Committee (1) to consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems, and (2) to receive, consider, and take any needed action with respect to the organization of school districts.

Adopted:

Individuals/Groups Addressing the Committee 331

Provisions for permitting an individual or group to address the Committee concerning any subject that lies within its jurisdiction shall be as follows:

1. During a hearing, the Committee will receive oral and/or written arguments regarding the subject under consideration.

2. The Committee will not entertain a repetition of arguments previously presented by the same or another speaker. However, the Committee will consider new facts relating to arguments previously submitted.
3. The Committee Chairperson will, at the appropriate time, call upon the members of the audience who have submitted a "Request to Speak" form. These forms are available to all members of the audience.
4. The person addressing the Committee may be required to show a reasonable basis of interest in the subject of the hearing, such as being a legal resident of the school district(s) affected by the subject under discussion or being a representative of an organization having legitimate interest in the subject under discussion, or having other bona fide individual interest in the proceedings.
5. The person addressing the Committee shall state his/her name and place of residence.
6. The person speaking shall address all comments and questions to the Chairperson, not to individual committee members.
7. At the discretion of the Chairperson, time may be allotted to persons wishing to address the Committee; the Chairperson will endeavor to allot equal time to persons having opposing views.
8. Remarks or charges by any person addressing the Committee which reflect adversely upon the character or motives of any person are out of order.
9. Conduct by a participant declared out of order shall be grounds for termination of that person's privilege of addressing the Committee.

Adopted:

Parliamentary Procedure

340

Robert's Rules of Order shall govern the parliamentary procedure when procedures are questioned; otherwise, an informal, expedient procedure will be followed.

Reference: *Robert's Rules of Order*

Suspension of Bylaws 350

Bylaws shall be subject to suspension for a specified purpose and limited time by vote of members of the Board.

Reference: *Robert's Rules of Order*

Actions by the Committee 360

No action shall be taken except in a regular meeting of the Committee.

No action will be taken unless the subject acted upon was listed in the agenda published for that meeting, or as specifically authorized by law.

The Committee shall adopt resolutions when it is required by law or when the Committee intends to publish a status position of the Committee.

All actions taken by the Committee shall be clearly identified in the minutes of the Committee meeting.

Minutes 370

The county superintendent, as secretary to the Committee, shall keep minutes of all meetings of the Committee. Copies of the proceedings shall be made for distribution to the Committee members with the agenda for the next regular meeting. The official minutes of the Committee meetings shall be kept in a reasonably secure place.

Recording of Votes 371

Motions or resolutions shall be recorded as having passed or failed. Individual votes will be recorded only if the action was not unanimous or if requested by any Committee member.

Maintaining the Minutes 372

The Committee minutes shall be maintained as outlined below:

1. Content - Committee Procedure
 - a. The date, place, and type of each meeting or public hearing
 - b. Members present and members absent by name
 - c. Call to order and pledge of allegiance to the flag
 - d. Arrival of tardy members by name
 - e. Departure of members by name before adjournment or if absence takes place when any agenda items are acted upon

- f. Date and place of next meeting
 - g. Adjournment of the meeting
2. Content - County Committee Actions
- a. Approval or amended approval of the minutes of preceding meetings
 - b. Information as to each subject of the Committee's deliberation
 - c. Information as to each subject including the roll call record of the vote on a motion if non-unanimous or by request
 - d. A record of all important correspondence
 - e. A record of the county superintendent's reports to the Committee
 - f. A record of all consultants' reports to the Committee
 - g. Approval of all bylaws

CODE OF ETHICS 400

Committee Responsibility to the Community 401

A County Committee member should honor the high responsibility which committee membership demands by:

- Thinking always in terms of "students first";
- Refusing to "play politics" in either the traditional partisan or in any petty sense;
- Representing at all times the entire school community;
- Accepting the responsibility of becoming well informed concerning the duties of committee members and the laws regarding the organization of school districts;
- Recognizing responsibility as a county official to seek the improvement of education throughout the county;
- Attempting to appraise fairly both the present and future educational needs of the community;
- Insisting that all school district organization transactions be on an open, ethical, and above-board basis;
- Refusing to use the position of Committee Member in any way whatsoever for personal gain or for personal prestige; and
- Winning the community's confidence that all is being done in the best interest of schoolchildren.

Committee Relationship with Other Members

402

A County Committee member should respect relationships with other members of the committee by:

- Recognizing that authority rests only with the Committee in official meetings and that the individual member has no legal or moral status to bind the Committee outside of such meetings.
- Recognizing the integrity of his/her predecessors and associates and the merit of their work.
- Refusing to make statements or promises as to how the member will vote on any matter which should properly come before the Committee as a whole;
- Making decisions only after all facts bearing on a question have been presented and discussed;
- Respecting the opinion of others and by graciously conforming to the principle of majority rules; and
- Refusing to participate in irregular meetings, such as “secret” or “star chamber” meetings, which are not official and which all members do not have the opportunity to attend.