BYLAWS OF THE SAN BERNARDINO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

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ANNOTATION

100 ROLE OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

110 Purpose, Powers, Duties

The San Bernardino County Committee on School District Organization, hereinafter referred to as the Committee, shall conduct hearings on petitions to reorganize school districts and shall either approve, disapprove and make a recommendation to the California Department 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, created by California State Legislation in 1949, exists under the authority of the California Constitution and acts of the California Legislature and the California Code of Regulations.

Reference: E.C. 35700 et seq. E.C. 35720 et seq., 5 Cal. Code of Regs 18570 et seq.

200 ORGANIZATION

210 Annual Election

The Committee consists of eleven members – two residing within each of the five supervisorial districts in the county and one member at-large.

Committee members are elected by voice vote at an annual election of the school trustee representatives called and held between October 1 and December 1. Nominations may be made by any board representative, regardless of the supervisorial district he/she represents.

If a quorum is not present at the annual election of school trustee representatives, the County Superintendent of Schools will fill the vacant positions.

211 Term of Membership

The term of each member of the Committee shall begin upon election or appointment by the County Superintendent of Schools, pursuant to Education Code Section 4006 as appropriate, and shall be for four years.

212 Membership Eligibility

Any member of a community or a governing board of a school district or community college district in the same or any other county who is otherwise eligible, may simultaneously serve as a member of the Committee pursuant to Education Code 4007.

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 Committee.

Reference: E.C. 4002, 4005, 4006, 4007, 4012

213 Vacancies in Office

- If the office of Chairman is vacated for any reason, the Vice Chairman shall become Chairman for the remainder of the year, and the office of Vice Chairman shall be vacated.
- If the office of Vice Chairman is vacated for any reason, the vacancy shall be filled by appointment by the majority of the Committee, and the appointee shall hold office for the remainder of the year.

– If the offices of Chairman and Vice Chairman are vacated at the same time for any reason, the vacancies shall be filled by appointment by the majority of the quorum for the remainder of the year.

Reference: E.C. 4006, G.C. 1770

214 Attendance, Removal from Membership

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~~ grounds 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: G.C. 1770

220 **Compensation**

The members of the Committee shall serve without compensation. However, they shall receive reimbursement for any actual and necessary travel expenses incurred in the performance of their duties.

Reference: E.C. 4010

221 Forms. All expenses will be recorded on the appropriate forms as authorized by the San Bernardino County Superintendent of Schools.

222 Reimbursement Calendar. Claims may be submitted at any time.

223 Use of privately owned automobiles. Mileage is allowed at the current County Superintendent rate of reimbursement. San Bernardino County Superintendent of Schools requires submission of documented proof of liability insurance and a valid California driver's license annually for mileage reimbursement.

224 Compensation and Expense Claims. Actual and necessary travel expenses incurred as a result of official Committee activity shall be allowed.

225 Allowance for Meals. Allowance for meals shall be reimbursed at the current County Superintendent rate for breakfast, lunch or dinner meetings.

230 **Officers and Auxiliary Personnel**

At the first meeting following the annual meeting of school trustee representatives, the Committee shall organize by electing one member Chairman and one member Vice Chairman. No member may serve in the same office more than two complete consecutive years plus a portion of a third year if appointed mid-term.

231 Vacancies

If the office of Chairman is vacated for any reason, the Vice Chairman shall become Chairman for the remainder of the year, and the office of Vice Chairman shall be vacated.

If the office of Vice Chairman is vacated for any reason, the vacancy shall be filled by appointment by the majority of the quorum, and the appointee shall hold office for the remainder of the year.

If the offices of Chairman and Vice Chairman 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.

232 Secretary

The County Superintendent of Schools or his designee shall serve as secretary to the Committee.

233 Attorney

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

Reference: E.C. 4011

240 **Special Committees**

The Chairman may appoint such special committees and designate a Chairman, as deemed necessary or advisable. The Chairman shall be an ex officio member of each committee. The duties of the special committee shall be outlined at the time of appointment, and it shall be considered dissolved when its final report has been accepted. Special committees shall be entitled to the same travel expense reimbursement as provided in Section 220 hereof.

250 **Liability Insurance**

Liability coverage shall be provided to protect against personal liability of the members of the Committee while acting within the course and scope of their duties.

Reference: E.C. 35208

300 MEETINGS

The Committee must have one organizational meeting each year within 30 days of the annual meeting of the school trustee representatives. Regular meetings or special meetings of the Committee may be called by the Chairman or by a quorum of the Committee. Regular monthly meetings, if needed, shall be held on the third Wednesday of each month, unless the Chairman or a quorum of the Committee designates that the work of the Committee is better served by meeting on an alternate date for that month. All meetings are subject to the provisions of the Ralph M. Brown Act.

Reference: E.C. 4013, G.C. 54950 et seq.

310 **Quorum**

A majority (6 - six) of the members of the Committee shall constitute a quorum.

Reference: E.C. 4014

311 Motion Carried

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

312 Abstentions

Abstentions shall be counted in determining the presence of a quorum, but they shall not count as either an affirmative or a negative vote. The affirmative vote of the majority of the quorum is required.

320 **Construction of Agenda**

The County Superintendent, as Secretary to the Committee or his designee as Acting Secretary, shall prepare an agenda for each regular meeting. Any committee member may call the Secretary or Acting Secretary or the Committee Chairman and request an item to be placed on the agenda.

321 Posting of Agenda

At least 72 hours prior to the time of the regular meeting, or at least 24 hours prior to a special meeting, the items to be included on the agenda will be posted in a place readily available to the public and on the agency's Internet Web site.

Items to be included on the agenda of a public hearing shall be posted at least ten (10) days prior to the time of the public hearing. Notice of the public hearing shall be given at least 10 days in advance hereof to not more than three persons designated in the petitions the chief petitioners, to the governing board of all districts affected by the proposed reorganization, and to all other persons requesting notice of the hearing.

Reference: E. C. 35705 and G. C. 54954.2

330 **Meeting Conduct**

Meetings of the Committee shall be conducted by the Chairman, Vice Chairman, designee of the Chairman, or, in the absence of the foregoing, by majority vote of the quorum or by the Secretary/Acting Secretary.

All Committee meetings shall commence at the stated time and shall be guided by an agenda which will have been prepared and delivered in advance to all Committee members and others who have requested the agenda.

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

331 Individuals/Groups Addressing the Committee

Any member of the public may address the Committee: (1) on an agenda item before or during the Committee's consideration of the item, and (2) on any matter not on the agenda that is within the subject matter jurisdiction of the Committee at the time provided on the agenda for Public Comments. The person may submit a "Request to Speak" card. The person wishing to address the Committee shall, when recognized by the Chairman, step up to the rostrum and announce his or her name and place of residence. In the interest of facilitating the business of the Committee, the Chairman shall limit the amount of time which a member of the public may use in addressing the Committee to three minutes total on the consent calendar and to three minutes on each discussion item, unless the Chairman, or a majority of the Committee present, determines that a different limit is appropriate. In addition, the Chairman shall, in the interest of facilitating the business of the Committee, limit the total amount of time, which a member of the public may use in addressing the Committee on all agenda items to twelve (12) minutes, unless the Chairman, or a majority of the Committee present, determines that a different limit is appropriate.

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

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

331.2 The Committee discourages a repetition of arguments previously presented by the same or another speaker. However, the Committee will consider new facts relating to arguments previously submitted.

331.3 The Committee Chairman will, at the appropriate time, call upon the members of the audience who have submitted a "Request to Speak." The "Request to Speak"

forms may be waived at the discretion of the Chairman. These forms are available to all members of the audience.

331.4 The person addressing the Committee may asked to indicate the basis of his/her 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 representative of an organization having legitimate concern with the subject under discussion, or having other bona fide individual interest in the proceedings.

331.5 The person addressing the Committee shall state his/her name and place of residence.

331.6 The person speaking shall address all comments and questions to the Chairman, not to individual Committee members.

331.7 At the discretion of the Chairman, the Chair will endeavor to allot equal time to persons having opposing views.

331.8 The Chairman, at his/her discretion, may terminate all proceedings and adjourn the meeting when hazardous circumstances exist.

Reference: E.C. 35145.5, 72121.5

340 **Parliamentary Procedure**

Robert's Rules of Order shall serve as a guide only in the parliamentary procedure to be followed; otherwise, an informal expedient procedure consistent with California law will be followed.

Reference: Robert's Rules of Order

350 **Amendment of Bylaws**

Bylaws may be amended by majority vote of the quorum upon thirty (30) days notice of the proposed amendment.

Reference: Robert's Rules of Order

360 **Actions by the County Committee**

- No action shall be taken except in a regular or special meeting of the Committee.
- No action will be taken unless the subject acted upon was listed for action 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 San Bernardino County Committee meeting.

370 **Minutes**

The County Superintendent as Secretary, or his/her designee as Acting 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 each Committee meeting must be maintained at the Office of the County Superintendent.

371 Recording of Votes

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

372 Maintaining the Minutes

The Committee minutes shall be maintained as outlined below:

372.1 Content – County Committee Procedure

- The date, place, and type of each meeting or public hearing
- Members present and members absent by name
- Call to Order and Pledge of Allegiance to the Flag
- Members arriving after commencement by name
- Departure of members by name before adjournment or if absence takes place when any agenda items are being acted upon
- Approval of minutes
- Public Comments
- Action Items
- Correspondence
- Date and place of meeting
- Date and place of next meeting
- Adjournment of the meeting

Reference: E.C. 35145, 35145.5, 72121

372.2 Content – Committee Actions

- Approval or amended approval of the minutes of preceding meetings
- Information as to each subject of the Committee's deliberation
- Information as to each subject including the roll call record of the vote on a motion if not unanimous or by request
- A record of all important correspondence
- A written record of all motions; recording author and member seconding the motion
- A record of the County Superintendent's or Designee's reports to the Committee
- A record of all consultant's reports to the Committee
- Approval of all Bylaws

400 CODE OF ETHICS

410 County Committee Community Responsibility

411 Member Responsibility

- Think always in terms of "students first."
- Refuse to "play politics" in either the traditional partisan, or in any petty sense.
- Represent at all times the entire San Bernardino County school community, in addition to their respective supervisorial districts.
- Recognize responsibility as a County official to seek the improvement of education throughout the County.

- Attempt to appraise fairly both the present and future educational needs of the community.
- Accept the responsibility of becoming well informed concerning the duties of committee members, and the laws regarding the organization of school districts.
- Insist that all school district organization transactions be in an open, ethical, and above-board basis.
- Refuse to use the position of committee member in any way, whatsoever, for personal gain or for personal prestige.
- Win the community's confidence that all is being done in the best interest of school children.

420 **County Committee Member-to-Member Responsibility**

421 Member-to-Member Responsibility

- Recognize 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.
- Recognize the integrity of his/her predecessors and associates, and the merit of their work.
- Refuse to make statements or promises as to how the members will vote on any matter which should properly come before the Committee as a whole.
- Make decisions only after all facts bearing on a question have been presented and discussed.
- Respect the opinion of others by graciously conforming to the principle of majority rules.
- Refuse to participate in meetings that do not conform to the Brown Act, which are not official, and to which all members do not have the opportunity to attend.