

## **BYLAWS OF THE BOARD**

### **Meetings and Notices**

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board.

In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board Bylaws.

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or San Joaquin County Office of Education (SJCOE) official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or SJCOE official does not communicate the comments or position of any Board members to other Board members.

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act.

### **Regular Meetings**

The Board shall adopt a yearly calendar specifying the date, time, and place of each regular meeting.

The Board shall hold one (1) regular meeting each month. Regular meetings shall be held at 12:00 p.m. on the third Wednesday of the month unless otherwise noted. -Meetings shall be held at the Gaylord A. Nelson Education Center, unless otherwise noted.

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 and on the SJCOE website. No action shall be taken on any item not appearing on the posted agenda, except as allowed by law.

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose.

Upon request, the local media shall be mailed the annual calendar of regular Board meetings. Any changes to the calendar shall be mailed prior to the changed meeting.

A notice of each regular meeting shall be mailed to any person who has filed a written request for such notice with the Board. The notice shall be mailed at least one week prior to the meeting. Requests are valid for one year from the date filed unless renewed. Renewal requests must be within 90 days after January 1 of each year.

### **Special Meetings**

Special meetings of the Board may be called by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent.

Written notice of special meetings shall be delivered personally or by any other means at least 24 hours before the meeting to all Board members, the Superintendent, and to the local media who have requested such notice in writing. This notice also shall be posted at least 24 hours before the meeting in a location freely accessible to the public and on SJCOE's website. This notice shall specify the time and place of the meeting and the business to be transacted or discussed; no other business shall be considered at these meetings.

### **Emergency Meeting**

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice requirement and/or 24-hour posting requirement for special meetings as described above. An emergency situation means either of the following:

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety, as determined by a majority of the members of the Board.
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety, as determined by a majority of the members of the Board.

Except in the case of a dire emergency, the Board president, Superintendent, or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of meetings. If telephone services are not functioning, the notice requirement of one hour is waived. As soon after the meeting as possible, the Board shall notify the local media that the meeting was held and shall describe the purpose of the meeting and any action taken by the Board.

In the case of a dire emergency, the Board president, Superintendent, or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting.

No closed session may be held during an emergency meeting. All other rules governing special meetings shall be observed, with the exception of the 24-hour notice requirement. The minutes of the meeting, a list of persons the Board president, Superintendent, or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible.

### **Adjourned/Continued Meetings**

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place, which shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such meeting. If no Board members are present, the secretary may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. Within 24 hours after a meeting has been adjourned to a later time, a copy of the order of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held.

If no members are present at any regular or adjourned regular meeting, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings.

### **Annual Organizational Meeting**

The Board shall hold an annual organizational meeting within the time limits prescribed by law.

At this meeting the Board shall:

1. Elect a president/vice president from its members.
2. Appoint a secretary to the Board.

### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public. The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within SJCOE boundaries. Action items shall not be included on the agenda for these meetings.

### **Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific SJCOE business among themselves other than as part of the scheduled program:

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members.
2. An open, publicized meeting organized by a person or organization other than SJCOE to address a topic of local community concern.
3. An open and noticed meeting of another body of SJCOE.
4. An open and noticed meeting of a legislative body of another local agency.
5. A purely social or ceremonial occasion.

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act.

### **Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility that is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted.

Meetings shall be held within SJCOE boundaries, except to do any of the following:

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which SJCOE is a party.
2. Inspect real or personal property, which cannot conveniently be brought into SJCOE boundaries, provided that the topic of the meeting is limited to items directly related to the property.
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law.

4. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting SJCOE over which the state or federal officials have jurisdiction.
6. Meet in or near a facility owned by SJCOE but located outside SJCOE boundaries, provided the meeting agenda is limited to items directly related to that facility.
7. Visit the office of the SJCOE's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs.

Meetings exempted from the boundary requirements, as specified in items #1-7 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or Superintendent who shall so inform local media who have requested notice of special meetings by the most rapid available means of communication.

### **Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video.

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference shall be by roll call vote.

During the teleconference, at least a quorum of the members of the Board shall participate from locations within SJCOE boundaries. Agendas will be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public.

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location.

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

- cf: 1120 Governing Board Meetings  
9100 Organization  
9321 Closed Sessions  
9322 Agenda/Meeting Materials  
9323 Meeting Conduct  
9323.2 Actions of the Board

Legal Reference:

EDUCATION CODE

- 35140 Time and place of meetings  
35143 Annual organizational meeting date, and notice  
35144 Special meeting  
35145 Public meetings

GOVERNMENT CODE

- 11135 State programs and activities; discrimination  
3511.1 Local agency executives  
54950-54957.9 Meetings, especially  
54953 Meetings to be open and public; attendance  
54954 Time and place of regular meetings; holidays; emergencies  
54954.2 Agenda posting requirements, bd. Actions  
54955 Brown Act – open meeting laws  
54956 Special meetings; call; notice  
54956.5 Emergency meetings in emergency situations  
54961 Brown Act; open meeting laws