

## **Board Bylaws**

### **MEETINGS AND NOTICES**

Meetings of the Governing Board are conducted for the purpose of accomplishing district business.

In accordance with state open meeting laws (Brown Act), all meetings of the Board shall be open to the public. Closed sessions shall be conducted during these meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board procedures.

*(cf. 9321 – Closed Session Purposes and Agendas)*

*(cf. 9231.1 – Closed Session Actions and Reports)*

*(cf. 9323 – Meeting Conduct)*

A board meeting exists whenever a majority of the members of the Board gather at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

Except as otherwise authorized by law, direct communication, personal intermediaries and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action to be taken by the Board on any item of district business. (Government Code 54952.2).

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws.

Board meetings shall be open to the public and held within district boundaries, except as allowed by law (*see E 9320*). They shall be held in a facility that is accessible to all persons, including disabled persons, without charge.

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting, should contact the Superintendent or designee at least two days before the meeting date. (Government Code 54954.2)

Each agenda shall also list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

*(cf. 9322 – Agenda/Meeting Materials)*

### **Regular Meetings**

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

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The Board shall hold one regular meeting each month at 7:00 p.m. on the 2<sup>nd</sup> Thursday in the district Board room unless otherwise specified by Board action.

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)

Upon request, the local media shall be notified of 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 requests it in writing. Requests are valid for one year from the date filed and must be renewed yearly. The district may charge persons requesting notices an annual mailing fee.

A copy of the notice of a regular or special meeting shall be mailed to the Westminster City Manager and shall be made available to the president of each employee organization, PTA Council President, Superintendent's Executive Council, and Personnel Commission members.

If notice of a regular or special meeting is of such public interest that the Board deems it advisable to give notice to the public of such meeting by publishing the same in a newspaper of general circulation published in the district, the Superintendent or designee may be authorized to prepare and publish such notice to appear in a newspaper published in the week preceding the date of the meeting. The cost of publishing such a notice shall be deemed a legal charge against the general fund of the district.

If a fire, flood, earthquake or other emergency renders the regular meeting place unsafe, meetings may temporarily be held at a place designated by the president or designee, who shall so inform, by the most rapid available means of communication, all news media who have requested notice of special meetings.

### **Special Meetings**

Special meetings of the Board may be called by the presiding officer or a majority of the Board members.

Written notice of special meetings shall be delivered personally or by any other means to all Board members, the local media, the Superintendent or designee, and members of the public who have requested such notice in writing. This notice shall be posted at least 24 hours prior to the meeting in a location freely accessible to the public and shall include the business to be transacted or discussed. No other business shall be considered at these meetings. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

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Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration.

#### **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 specific meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956).

An emergency situation means either of the following: (Government Code 54956.5):

1. An emergency, which shall be defined as a work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

*(cf. 4141.6/4241.6 – Concerted Action/Work Stoppage)*

2. A dire emergency, which shall be defined as a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

*(cf. 3516 – Emergencies and Disaster Preparedness Plan)*

Except in the case of a dire emergency, the Board president 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 special meetings. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify the local media of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

No closed session may be held during an emergency special 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 president 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 ten days in a public place as soon after the meeting as possible.

#### **Adjourned Meetings**

A majority vote by the Board may adjourn/continue any regular/special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting

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adjourned to a later time and shall give notice in the same manner required for special meetings.  
(Government Code 54955)

Within 24 hours after the time of an adjourned meeting, a copy of the order of adjournment/continuance shall be conspicuously posted on or near the door of the meeting site.  
(Government Code 54955)

### **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.

*(cf. 2000 – Concepts and Roles)*

*(cf. 2111 – Superintendent Governance Standards)*

*(cf. 9000 – Role of the Board)*

*(cf. 9005 – Governance Standards)*

*(cf. 9400 - Board Self-Evaluation)*

At least 72-hours public notice shall be given in accordance with law when a quorum of the Board is attending a retreat, study session, public forum, training session or discussion meeting. All such meetings shall be held in open session and within district boundaries and action items shall not be included on the agenda for these meetings.

### **Other Gatherings**

Attendance by a majority of the Board's 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 district business among themselves other than as part of the scheduled program :(Government Code 54952.2)

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

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6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers.

Individual contracts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

### **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. (Government Code 54954)

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 meeting shall be by roll call.

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall 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. (Government Code 45953)

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 teleconferenced location.

### **Hearings**

The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the board and members of the public to receive information. A hearing may take place immediately prior to a Board meeting.

If a quorum of Board members is present at a hearing, notice of the hearing shall be provided according to procedures specified above for regular meetings.

### **Annual Organizational Meeting**

The Board shall hold an annual organizational meeting. This meeting shall be held within the time limits prescribed by Education Code §35143.

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At this meeting the Board shall:

1. Elect a president, vice president and clerk from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of regular meetings for the year.
5. Develop a calendar of Board activities for the year.
6. Designate a Board member representative for the purpose of electing members to the County Committee on School District Organization and other Board representatives as needed.

Legal Reference:

#### **EDUCATION CODE**

- 35140 Time and place of meetings
- 35143 Annual organizational meeting date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

#### **GOVERNMENT CODE**

- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially
- 54953 Meetings to be open and public; attendance
- 54954 Time and place of regular meetings
- 54954.1 Mailed notices
- 54954.2 Agenda posting requirements, board action
- 54956 Special meetings; call; notice
- 54956.5 Emergency meetings
- 54961 Prohibition on use of certain facilities

#### **UNITED STATES CODE, TITLE 42**

- 12101 – 12213 Americans with Disabilities Act

#### **CODE OF FEDERAL REGULATIONS, TITLE 28**

- 35.160 Effective Communications
- 36.303 Auxiliary aids and services\_

#### **COURT DECISIONS**

- Wolfe v. City of Fremont, (2006) 144 Cal.App. 544
- 216 Sutter Bay Associates v. County of Sutter, (1997) 58 Cal.Ap.4<sup>th</sup> 860

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ATTORNEY GENERAL OPINIONS

88 Ops. Cal.Atty.Gen. 218 (2005)

84 Ops. Cal.Atty.Gen.181 (2001)

84 Ops. Cal.Atty.Gen.181 (2001)

84 Ops. Cal.Atty.Gen.30 (2001)

79 Ops. Cal. Atty. Gen. 69 (1996)

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS:

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

**WESTMINSTER SCHOOL DISTRICT**

Westminster, California

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