

FRESNO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

BYLAWS

1. ROLE - PURPOSE, POWERS, AND DUTIES.

The Fresno County Committee on School District Organization ("FCCSDO") is organized and authorized to act pursuant to applicable laws. (Education Code § 4000 et seq., 35500 et seq., and 74000 et seq.) The FCCSDO shall exercise all powers and take all actions as authorized by applicable laws, including but not limited to, conducting hearings on petitions to reorganize school districts or community college districts; approving, disapproving, or making recommendations, as appropriate, to the State Board of Education or Board of Governors of the California Community Colleges regarding such petitions; and formulating plans and recommendations for the organization or reorganization of school districts in Fresno county or any portion thereof including, if appropriate, a portion of one or more adjacent counties.

The FCCSDO is the unit of authority for matters within its jurisdiction. Unless approved by the FCCSDO, individual FCCSDO members shall not exercise any authority with respect to any matter within the FCCSDO's jurisdiction. Apart from his/her normal function as a member of the FCCSDO, a FCCSDO member may not commit the FCCSDO to any policy or act without the FCCSDO's approval.

2. ORGANIZATION.

2.1 Membership. The FCCSDO shall consists of 11 members: two from each of the five supervisorial districts in Fresno County and one member at large. (EC 4003, 4008.) 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 FCCSDO. (Education Code § 4007.) Any member of the 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 FCCSDO. (Education Code § 4007.)

2.2 Term of Office. The term of office of each member of the FCCSDO shall begin upon election pursuant to Education Code section 4006 or upon appointment pursuant to Education Code section 4002, as appropriate, and shall be for four years. (Education Code § 4009.)

2.3 Vacancies.

2.3.1 **Vacancy Created by Expiration of Term of Office.** Any vacancy created by the expiration of the term of office of a member of the FCCSDO shall be filled by the majority vote of the designated, voting representatives of the governing boards at the annual meeting of the Fresno County School Trustees Association, Inc. called and held between October 1 and December 1. (Education Code § 4005, 4006.) The FCCSDO may authorize the designated, voting representatives of the governing boards to vote through the use of absentee ballots that are submitted, in the form and manner prescribed by the FCCSDO, prior to the date set for the annual meeting. (Education Code § 4006.) If the designated, voting

representatives of the governing boards fail to elect members to fill the vacancies on the FCCSDO, the vacancies shall be filled by the Fresno County Superintendent of Schools ("County Superintendent"). (Education Code § 4006.) In the event a vote of the Fresno County School Trustees Association, Inc. results in a tie, the winner(s) shall be determined by the County Superintendent, or designee, by lot.

- 2.3.2 **Vacancy Created Prior to Expiration of Term of Office.** Any vacancy that occurs prior to the expiration of the term of office of a member of the FCCSDO, which are caused by the happening of any of the events specified in Government Code section 1770 shall be filled by the majority vote of the remaining members of the FCCSDO. (Education Code § 4006.) However, if the remaining members of the FCCSDO do not fill the vacancy within 70 days of its occurrence, the County Superintendent shall fill the vacancy by his or her appointment. (Education Code § 4006.) Persons elected or appointed to fill a vacancy shall hold office for the remainder of the unexpired term. (Education Code § 4006.)
- 2.4 **Attendance and Removal from Office.** Attendance by FCCSDO members at meetings of the FCCSDO shall be on a regular basis to ensure continuity of thought and discussion to achieve the purposes and goals of the FCCSDO. Absence from three consecutive, called meetings of the FCCSDO, except when prevented by good cause, constitutes cause for removal from office. Removal of a member of the FCCSDO from office pursuant to these Bylaws requires a majority vote of the members of the FCCSDO in attendance.

2.5 Compensation and Reimbursable Expenses.

- 2.5.1 *No Compensation.* The members of the FCCSDO shall serve without compensation. (Education Code § 4010.)
- 2.5.2 *Reimbursable Expenses.* Member of the FCCSDO shall receive reimbursement for any actual and necessary travel expenses incurred in the performance of their duties. (Education Code § 4010.) Except for travel and other expenses related to FCCSDO meetings, all other expenses shall be pre-approved by the County Superintendent or designee. All reimbursable expenses shall be submitted to the County Superintendent or designee monthly or quarterly, and will be processed in accordance with the requirements and procedures established by the County Superintendent.

2.6 Officers.

- 2.6.1 *Election of Officers.* At the first meeting of the FCCSDO called by the County Superintendent pursuant to Education Code section 4012, the FCCSDO shall organize by electing one member Chairperson and one member Vice Chairperson. (Education Code § 4012.) The first meeting shall occur within 30 days after the election of the members of the FCCSDO. (Education Code § 4012.)
- 2.6.2 *Vacancy in Chairperson Position.* If the office of Chairperson is vacated for any reason, the Vice Chairperson shall become Chairperson for the remainder of the

year. The FCCSDO, by a majority vote of those members present, shall appoint amongst its members a Vice Chairperson to serve the remainder of the year.

2.6.3 *Vacancy in Vice Chairperson Position.* If the office of Vice Chairperson is vacated for any reason, the FCCSDO, by a majority vote of those members present, shall appoint a Vice Chairperson to serve the remainder of the year.

2.6.4 *Vacancy in Chairperson and Vice Chairperson Position.* If the offices of Chairperson and Vice Chairperson are vacated at the same time for any reason, the FCCSDO, by a majority vote of those members present, shall appoint a Chairperson and Vice Chairperson to serve the remainder of the year.

2.8 Secretary. The County Superintendent shall serve as secretary to the FCCSDO. (Education Code § 4012.)

2.8 Attorney. The Legal Services Department of the County Superintendent shall provide legal services for the FCCSDO, except that other legal counsel may be retained as needed and approved by the County Superintendent and the FCCSDO. (Education Code § 4011.)

2.9 Temporary Special Committees. 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 to the FCCSDO.

2.10 Liability Coverage. Self-insurance or insurance necessary to protect the FCCSDO and its members against liability caused by their negligent act or omission when acting within the course and scope of their offices shall be provided in coordination with the County Superintendent.

3. CONFLICT OF INTEREST.

3.1 Common Law Doctrine Against Conflict of Interest. A FCCSDO member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties. The FCCSDO shall consult legal counsel whenever an actual or potential conflict of interest arises.

3.2 Matters Relating to School District Where FCCSDO Member is Member of School District Board. Should any matter come before the FCCSDO relating to a school district of which a FCCSDO member also serves as a governing board member, that member shall declare a conflict of interest that prevents the member from performing his/her public duty as a member of the FCCSDO. The member may not merely abstain but must recuse him/herself, which requires that the member not participate in deliberations or debates, make recommendations, give advice, consider findings, or in any other way assume responsibility for or participate in any aspect of the work or decision-making related to the matter where there is a conflict of interest. The member shall state his/her recusal verbally and identify him/herself by name, name the matter wherein there is a conflict, and state the conflict. Such recusal shall be recorded in the meeting minutes. The recused member shall not be counted to establish a quorum of the FCCSDO. In an open meeting, the recused member may leave the room; however, recusal does not

require the recused member to do so. The recused member has the same rights of any other member of the public.

- 3.3 Hardship Exception.** Should a matter come before the FCCSDO that would require several FCCSDO members to recuse themselves and such recusals would cause the FCCSDO to lack a sufficient quorum, the FCCSDO may declare a hardship, thereby allowing one or more of the recused members to vote. Any declaration of hardship shall be made by a majority vote of those FCCSDO members present, which shall include the recused members. The vote shall be recorded in the meeting minutes.

4. MEETINGS AND MEETING CONDUCT.

4.1 Meetings and Notices.

Meetings of the FCCSDO are conducted for the purpose of accomplishing FCCSDO business. All meetings of the FCCSDO shall be conducted in accordance with the Ralph M. Brown Act, Government Code § 54950, et seq. ("Brown Act") and the provisions of these Bylaws. Meetings of the FCCSDO may be called by the Chairperson or by a quorum of the FCCSDO. (Education Code § 4013.)

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

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

A majority of the FCCSDO 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 FCCSDO. However, the County Superintendent or his/her employee may engage in separate conversations with FCCSDO members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the FCCSDO, as long as that person does not communicate the comments or position of any FCCSDO members to other FCCSDO members. (Government Code 54952.2.)

In order to help ensure the participation of individuals with disabilities at FCCSDO meetings, appropriate disability-related accommodations or modifications shall be provided upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1.)

First Meeting/Regular Meeting

The County Superintendent shall call and the FCCSDO shall hold the first meeting of the FCCSDO to organize by electing one member Chairperson and one member Vice Chairperson. (Education Code § 4012.) At the first meeting, the FCCSDO shall also set the date and time of the first meeting for the subsequent year. The first meeting shall

occur within 30 days after the election of the members of the FCCSSDO. (Education Code § 4012.)

At least 72 hours prior to the first meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the web site used by the FCCSSDO. (Government Code 54954.2.)

Whenever agenda materials relating to the first meeting are distributed to the FCCSSDO less than 72 hours before the meeting, the County Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5.)

Special Meetings

Special meetings of the FCCSSDO may be called by the Chairperson or by a quorum of the FCCSSDO. (Education Code § 4013.)

Written notice of special meetings shall be delivered personally or by other means to all FCCSSDO members and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice also shall be posted on the website used for the FCCSSDO. The notice shall be received at least 24 hours before the time of the special meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public.

The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at the special meeting by the FCCSSDO. (Government Code 54956.)

Any FCCSSDO 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 County Superintendent or by being present at the meeting at the time it convenes. (Government Code 54956.)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the FCCSSDO concerning any item that has been described in the special meeting notice, before or during the item's consideration. (Government Code 54954.3.)

An agenda with any supporting documents shall be prepared and delivered to all FCCSSDO members. The agenda shall be posted according to law.

Emergency Meetings

In the case of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the FCCSSDO may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code section 54956. The FCCSSDO shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5.)

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

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

Except in the case of a dire emergency, the Chairperson 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. All telephone numbers provided by the media in the most recent request for notification must be exhausted. In the event that telephone services are not functioning, the notice requirement of one hour is waived, and the Chairperson or designee shall notify those media representatives of the emergency meeting and describe the purpose of the emergency meeting and of any action taken by the FCCSDO, as soon after the emergency meeting as possible. In the case of a dire emergency, the Chairperson or designee shall give such notice at or near the time he/she notifies the other members of the FCCSDO about the emergency meeting. (Government Code 54956.5.)

No closed session may be held during an emergency meeting unless agreed to by a two-thirds vote of the FCCSDO members present, or, if less than two-thirds of the FCCSDO members are present, by a unanimous vote of the FCCSDO members present. All other rules governing special meetings shall be observed with the exception of the 24-hour notice. The minutes of the emergency meeting, a list of persons the Chairperson or designee notified or attempted to notify, a copy of the roll-call vote, and any actions taken at the emergency meeting by the FCCSDO shall be posted for a minimum of 10 days in a public place as soon after the emergency meeting as possible. (Government Code Section 54956.5.)

Adjourned Meetings

A majority vote by the FCCSDO may terminate any meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no FCCSDO members are present at any regular or adjourned regular meeting, the County Superintendent, as the secretary for the FCCSDO, may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of the adjournment to be given in the same manner as in Government Code 54956. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjournment regular, special or adjournment special meeting was held within 24 hours after the time of adjournment. (Government Code 54955.)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The FCCSDO 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 FCCSDO may also convene a retreat or discussion meeting to discuss FCCSDO roles and relationships.

Public notice shall be given in accordance with law when a quorum of the FCCSDO 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 Fresno County. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of FCCSDO members at any of the following events is not subject to the Brown Act provided that a majority of the FCCSDO members do not discuss specific FCCSDO business among themselves other than as part of the scheduled program (Government Code 54952.2):

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 county committees on school district organization.
2. An open, publicized meeting organized by a person or organization other than the FCCSDO to address a topic of local community concern.
3. An open and noticed meeting of a legislative body of another local agency.
4. A purely social or ceremonial occasion.

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

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 section 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. (Government Code 54961.)

Unless specifically authorized by applicable laws, all meetings of the FCCSDO shall be held within Fresno County, except to do any of the following (Government Code 54954):

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the FCCSDO is a party.
2. 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.
3. Meet in the closest meeting facility if the FCCSDO has no meeting facility within its boundaries.
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 the FCCSDO over which the state or federal officials have jurisdiction.

5. Visit the office of the FCCSDO'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 1-5 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the FCCSDO attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place of the FCCSDO unsafe, meetings shall be held for the duration of the emergency at a place designated by the Chairperson or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954.)

Teleconferencing

A teleconference is a meeting of the FCCSDO in which FCCSDO members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953.)

The FCCSDO may use teleconferences for all purposes in connection with any meeting within its subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953.)

During the teleconference, at least a quorum of the members of the FCCSDO shall participate from locations within Fresno County. (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 54953.)

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 FCCSDO, including the right to address the FCCSDO directly at each teleconference location. (Government Code 54953.)

4.2 Closed Sessions.

The FCCSDO is committed to complying with state open meeting laws and modeling transparency in the conduct of its business. The FCCSDO shall hold a closed session only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2.)

The FCCSDO shall disclose in open session the items to be discussed in closed

session. In the closed session, the FCCSDO may consider only those matters covered in its statement.

The FCCSDO shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of sexual misconduct or child abuse shall be identified in any FCCSDO agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961.)

A FCCSDO member shall not disclose confidential information received in a closed session unless the FCCSDO authorizes the disclosure of that information. (Government Code 54963.)

After each closed session, but before adjourning the meeting, the FCCSDO shall reconvene in open and, when applicable, report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. (Government Code 54957.7.)

Pending Litigation

Based on the advice of its legal counsel, the FCCSDO may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the FCCSDO's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9.)

Litigation is considered "pending" in any of the following circumstances (Government Code 54956.9):

1. Litigation to which the FCCSDO is a party has been initiated formally. (Government Code 54956.9(a).)
2. A point has been reached where, in the FCCSDO's opinion based on the advice of its legal counsel regarding the existing facts and circumstances, there is a significant exposure to litigation against the FCCSDO or the FCCSDO is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b).)

Existing facts and circumstances for these purposes are limited to the following (Government Code 54956.9):

- a. Facts and circumstances that might result in litigation against the FCCSDO but which the FCCSDO believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the FCCSDO, which are already known to

potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.

- c. The receipt of a claim pursuant to the Government Code or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
 - d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the FCCSDO.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the FCCSDO, provided that the employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the FCCSDO has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c).)

Before holding a closed session pursuant to the pending litigation exception, the FCCSDO shall state on the agenda or publicly announce the subdivision of Government Code section 54956.9 under which the closed session is being held. If authority is based on Government Code section 54956.9(a), the FCCSDO shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9.)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5.)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the FCCSDO states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5.)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the FCCSDO expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code section 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2b-e above. (Government Code 54954.5.)

The FCCSDO shall report the following actions related to pending litigation, and the

votes or abstentions thereon, at the public meeting during which the closed session is held (Government Code 54957.1):

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the ability to serve process on unserved parties or the ability of the FCCSDO to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties that finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the FCCSDO shall report the fact of approval, the substance of the agreement, and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1.)

Time and Place of Closed Sessions

The FCCSDO may adjourn a regular or special public meeting at any time and go into closed session, returning to public session as soon as the closed session is over.

4.3 Agenda/Meeting Materials.

Agenda Content

FCCSDO meeting agendas 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.)

The agenda shall provide members of the public the opportunity to address the FCCSDO on any agenda item before or during the FCCSDO's consideration of the item. The agenda shall also provide members of the public an opportunity to speak at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the FCCSDO. (Education Code 35145.5; Government Code 54954.3.)

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

The agenda shall specify that an individual should contact the County Superintendent or designee if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in a FCCSDO meeting. (Government Code 54954.2.)

Agenda Preparation

The Chairperson and the County Superintendent or designee shall work together to develop the agenda for each regular and special meeting.

Any FCCSDO member may request that a matter within the jurisdiction of the FCCSDO be placed on the agenda of a regular meeting. The request shall be submitted in writing to the County Superintendent or designee and the Chairperson with supporting documents and information, if any.

The Chairperson and County Superintendent shall decide whether a request is within the subject matter jurisdiction of the FCCSDO. Items not within the subject matter jurisdiction of the FCCSDO may not be placed on the agenda.

The Chairperson and County Superintendent shall also decide whether an agenda item is appropriate for discussion in open or required to be in closed session, whether the item should be an action item subject to FCCSDO vote or an information item that does not require action, and at which meeting the item should be presented to the FCCSDO.

Agenda Dissemination to FCCSDO Members

At least three days before each regular meeting, each FCCSDO member shall be provided a copy of the agenda and agenda packet, including minutes to be approved; copies of communications; reports from committees, staff, community members, and others; and other available documents pertinent to the meeting.

When special meetings are called, the County Superintendent or designee shall make every effort to distribute the agenda and supporting materials to FCCSDO members as soon as possible before the special meeting.

FCCSDO members shall review agenda materials before each meeting. Individual FCCSDO 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 FCCSDO members shall not, directly or through intermediaries or electronic means, discuss, deliberate, or take action on any matter within the jurisdiction of the FCCSDO.

Agenda Dissemination to Members of the Public

The County Superintendent or designee shall mail a copy of the agenda or a copy of any or 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 FCCSDO, whichever occurs first. (Government Code 54954.1.)

If a document that relates to an open session agenda item of a regular FCCSDO meeting is distributed to the FCCSDO less than 72 hours prior to a meeting, the County Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the FCCSDO, provided the document is a public record under the California Public Records Act. The County Superintendent or designee may post the document on the

web site used for the FCCSDO in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5.)

Any document prepared by the FCCSDO or any of its members and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by some other person 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)

For meetings of the FCCSDO occurring on or after January 1, 2019, an online posting of each agenda shall be posted on the primary Internet homepage of the website used for the FCCSDO and comply with the requirements set forth in Government Code section 54954.2.

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

4.4 Meeting Conduct.

The FCCSDO endeavors to conduct its business efficiently and in a manner that promotes a full and fair consideration of the issues before it, and allows for meaningful participation of members of the public.

Meeting Procedures

All FCCSDO meetings shall begin on time and shall be guided by an agenda prepared in accordance with these Bylaws, and posted and distributed in accordance with the Brown Act and other applicable laws.

The Chairperson shall conduct FCCSDO meetings in accordance with these Bylaws.

Quorum, Voting, and Abstentions

A majority of the members of the FCCSDO shall constitute a quorum. (Education Code § 4014.)

A roll call vote shall be taken for all actions before the FCCSDO and the minutes shall reflect each FCCSDO member's vote.

Unless otherwise provided by law, affirmative votes by a majority of the FCCSDO members are required to approve any action under consideration, regardless of the number of members present.

A tie vote means the action item moved before the FCCSDO failed to pass.

Public Participation

Members of the public are encouraged to attend FCCSDO meetings and to address the FCCSDO concerning any item on the agenda or within the FCCSDO's jurisdiction. So as not to inhibit public participation, persons attending FCCSDO meetings shall not be required to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting. However, the Chairperson may ask those who wish to address the FCCSDO to voluntarily complete a form and may ask any speaker to identify himself/herself for proper recording of the minutes.

To conduct the FCCSDO's business in an orderly and efficient manner, the FCCSDO requires that public presentations to the FCCSDO comply with the following procedures:

1. The FCCSDO shall give members of the public an opportunity to address the FCCSDO on any item of interest to the public that is within the subject matter jurisdiction of the FCCSDO, either before or during the FCCSDO's consideration of the item. (Government Code 54954.3.)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the FCCSDO matters that are not listed on the agenda but are within the FCCSDO's jurisdiction. The FCCSDO may refer such a matter to the County Superintendent or designee or take it under advisement, but shall not take action or discussion on any item not appearing on the posted agenda, except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the FCCSDO. (Government Code 54954.2.)
3. Without taking action, FCCSDO members, the County Superintendent, and/or County Superintendent staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a FCCSDO member, the County Superintendent, or County Superintendent staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2.)

Furthermore, the FCCSDO or a FCCSDO member may provide a reference to the County Superintendent or other resources for factual information, ask the County Superintendent or designee to report back to the FCCSDO at a subsequent meeting concerning any matter, or place a matter of business on a future agenda. (Government Code 54954.2.)

4. The FCCSDO need not allow the public to speak on any item that has already been considered by a committee composed exclusively of FCCSDO members at a public meeting where the public had the opportunity to address the committee on that item. However, if the FCCSDO determines that the item has been substantially changed since

the committee heard it, the FCCSDO shall provide an opportunity for the public to speak. (Government Code 54954.3.)

5. A person wishing to be heard by the FCCSDO shall first be recognized by the Chairperson and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the FCCSDO on each agenda or non-agenda item. The FCCSDO shall limit the total time for public input to 20 minutes. The Chairperson may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

In order to ensure that non-English speakers receive the same opportunity to directly address the FCCSDO, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the FCCSDO, unless simultaneous translation equipment is used to allow the FCCSDO to hear the translated public testimony simultaneously. (Government Code 54954.3.)

6. The Chairperson may rule on the appropriateness of a topic, subject to the following conditions:
 - a. If the topic would be more suitably addressed at a later time, the Chairperson may indicate the time and place when it should be presented.
 - b. The FCCSDO shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3.)
 - c. The FCCSDO shall not prohibit public criticism of County Superintendent staff. Whenever a member of the public initiates specific complaints or charges against such a staff of the County Superintendent, the Chairperson shall inform the complainant that the FCCSDO has no jurisdiction over the County Superintendent's staff and cannot hear the complaint, and that his/her complaint should be made to the County Superintendent using the appropriate complaint procedure.

7. The Chairperson shall not permit willful interruption of FCCSDO meetings. The Chairperson may remove individuals who are willfully interrupting the meeting and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the Chairperson. When the room is ordered cleared due to a disturbance, further FCCSDO

proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9.)

When such disruptive conduct occurs, local law enforcement shall be contacted as necessary.

Recording by the Public

Members of the public may record an open FCCSDO meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The FCCSDO may designate locations from which members of the public may make such recordings without causing a distraction. If the FCCSDO finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the FCCSDO. (Government Code 54953.5, 54953.6.)

4.5 Actions.

The FCCSDO shall act by a majority vote of all of the members of the FCCSDO, unless otherwise required by law.

An "action" by the FCCSDO means (Government Code 54952.6):

1. A collective decision by a majority of the FCCSDO members.
2. A collective commitment or promise by a majority of the FCCSDO members to make a positive or negative decision.
3. A vote by a majority of the FCCSDO members when sitting as the FCCSDO upon a motion, proposal, resolution, or order.

The FCCSDO shall not take action by secret ballot, whether preliminary or final. (Government Code 54953.)

Actions taken by the FCCSDO in open session shall be recorded in the FCCSDO minutes.

Action on Non-Agenda Items

After publicly identifying the item, the FCCSDO may take action on a subject not appearing on the posted meeting agenda under any of the following conditions (Government Code 54954.2):

1. When a majority of the FCCSDO determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code section 54956.5.
2. When two-thirds of the FCCSDO members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the FCCSDO's attention after the agenda was posted.

3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier.

Actions Requiring a Two-Thirds Vote of the FCCSDO Members Present at the Meeting

A two-thirds vote of the FCCSDO members present at the meeting shall be required for the following actions:

1. Determination that there is a need to take immediate action and that the need for action came to the FCCSDO's attention after the posting of the agenda. (Government Code 54954.2.)
2. Determination that a closed session is necessary during an emergency meeting. (Government Code 54956.5.)

If less than two-thirds of the FCCSDO members are present at the meeting, a unanimous vote of all members present shall be required for the above actions.

Challenging Board Actions

The district attorney's office or any interested person may file an action in court to stop or prevent the FCCSDO's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened FCCSDO actions, to determine the validity, under California or federal law, of any FCCSDO rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the FCCSDO to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960.)

The district attorney or any interested person may present a demand that the FCCSDO cure and correct a FCCSDO action which he/she alleges is in violation of law regarding any of the following (Government Code 54960.1):

1. Open meeting and teleconferencing. (Government Code 54953.)
2. Agenda posting. (Government Code 54954.2.)
3. Closed session item descriptions. (Government Code 54954.5.)
4. New or increased tax assessments. (Government Code 54954.6.)
5. Special meetings. (Government Code 54956.)
6. Emergency meetings. (Government Code 54956.5.)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation, and shall be presented to the FCCSDO in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code section 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1.)

Within 30 days of receiving the demand, the FCCSDO shall do one of the following (Government Code 54960.1):

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the FCCSDO takes no action within the 30-day period, its inaction shall be considered a decision not to cure or correct the action. (Government code 54960.1.)

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past FCCSDO action not specified in Government Code section 54960.1, if the following conditions are met (Government Code 54960.2):

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the FCCSDO, clearly describing the past FCCSDO action and the nature of the alleged violation.
2. The time for the FCCSDO to respond has expired and the FCCSDO has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

4.6 Minutes and Recordings.

The FCCSDO recognizes that maintaining accurate minutes of FCCSDO meetings provides a record of FCCSDO actions for use by the FCCSDO, the County Superintendent and his/her staff, and the public, and helps foster public trust in FCCSDO governance.

The FCCSDO shall keep a record of its proceedings and record the votes of FCCSDO members in the meeting minutes. The FCCSDO's minutes shall be public records and shall be made available to the public in accordance with applicable laws.

The minutes shall reflect which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

In order to ensure that the minutes are focused on FCCSDO action, the minutes may include a brief summary of the FCCSDO's discussion but shall not include a verbatim record of the discussion on each agenda topic or the names of FCCSDO members who made specific points during the discussion.

The minutes shall include the specific language of each motion and the names of the FCCSDO members who made and seconded the motion.

The minutes shall also report any action taken and the vote or abstention on that action of each FCCSDO member present. (Government Code 54953.)

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

The County Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. The FCCSDO shall approve the minutes as circulated or with necessary amendments.

Approved minutes shall be signed by the County Superintendent as secretary to the FCCSDO.

Official FCCSDO minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

Recording or Broadcasting of Meetings

The FCCSDO may tape, film, or broadcast any open FCCSDO meeting. As practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any FCCSDO recording may be erased or destroyed once the minutes of a meeting has been approved by FCCSDO. Recordings made at the direction of the FCCSDO during a meeting and that have not been erased or destroyed in accordance with these Bylaws are public records and, upon request, shall be made available for inspection by members of the public on County Superintendent equipment without charge. (Government Code 54953.5.)

Adopted: 05/15/2009

Amended: 03/14/2012, 11/5/2018

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