

MEETINGS AND NOTICES

Purpose

Meetings of the Monterey County Board of Education (County Board) are conducted for the purpose of accomplishing the business and educational activities of the Monterey County Office of Education (MCOE).

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

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

Regular Board Meetings

The schedule for regular meetings shall be established at the annual organizational meeting of the County Board in December. A predetermined regular meeting of the County Board may be rescheduled or cancelled by the County Board for good and sufficient reason.

Meetings of the County Board shall be held in the Ray Charlson Board Chambers of the Monterey County Office of Education, 901 Blanco Circle, Salinas, California, unless specifically scheduled elsewhere in Monterey County.

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 MCOE's website. Each agenda shall also list the address designated by the County Superintendent for public inspection of agenda documents that have been distributed to the County Board. [G.C. 54954.2; 54957.5]

(cf. 1340 - Access to Public Records)

Meeting notices and agendas shall specify that any individual who requires language translation services or disability-related accommodations in order to participate in the County Board meeting should contact the County Superintendent's office at least 48 hours before the scheduled meeting. [G.C. 54953.2; 54954.1]

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

A majority of the County 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 County Board. However, the Monterey County Superintendent of Schools (County Superintendent) or an MCOE employee may engage in separate conversations with County Board members in order to answer questions or provide information regarding an item within the jurisdiction of the County Board, as long as that person does not communicate the comments or position of any County Board members to other County Board members. [G.C. 54952.2]

(cf. 9012 - Board Member Electronic Communications)

Special Meetings

Special meetings of the County Board may be called at any time by the County Board President when circumstances make it necessary or whenever any three members of the County Board make a written request for such a meeting. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the County Superintendent. [Education Code 1012; G.C. 54956]

Written notice of the special meeting shall be delivered personally or by any other means to all County Board members and the local media at least 24 hours before the time specified. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public and on MCOE's website, specifying the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. [G.C. 54956]

Every notice shall provide an opportunity for members of the public to directly address the County Board concerning any item described in the meeting notice, before or during the item's consideration. [G.C. 54954.3]

Emergency Meeting

In the event of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the County Board may hold an emergency meeting without complying with the 24-hour notice requirement for special meetings. The County Board shall comply with all other requirements for special meetings during an emergency meeting. [G.C. 54956.5]

For purposes of this policy, "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, safety or both as determined by a majority of the members of the County Board.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

- 2) A dire emergency, which shall be defined as a crippling disaster of mass destruction, terrorist activity, or threatened terrorist activity that poses peril so immediate and significant that requiring a County Board 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 County Board.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of extreme emergency, the County Board President or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media. In case communications are unavailable, the notice requirement of this policy is waived. Media outlets shall be informed of the meeting and any action taken as soon after the meeting as possible.

During a meeting held pursuant to this policy, the County Board may meet in closed session if agreed to by a two thirds vote of the members of the County Board present, or if less than two thirds of the members are present, by a unanimous vote of the members present.

The minutes of the meeting, a list of persons the County Board President or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meetings shall be posted for at least 10 days in a public place as soon after the meeting as possible. [G.C. 54956.5]

Adjourned/Continued Meetings

A majority vote by the County Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the County Board may adjourn such a meeting. If no County Board members are present, the secretary to the County Board may declare the meeting adjourned to a later time and shall give notices in the same manner required for special meetings. [G.C. 54955]

Within 24 hours after the time of the adjournment, a copy of the order or notice of

adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. [G.C. 54955]

Study Sessions, Retreats, Public Forums, and Discussion Meetings

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

Public notice shall be given in accordance with the law when a quorum of the County Board is attending any aforementioned meetings. All such meetings shall comply with the Brown Act and shall be held in open session and within Monterey County. Action items shall not be included on the agenda for these meetings.

(cf. 2000 - Concepts and Roles)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9400 - Board Self-Evaluation)

Other Gatherings

Attendance by a majority of County 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 district business among themselves other than as part of the scheduled program: [G.C. 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 school board members
2. An open, publicized meeting organized by a person or organization other than the MCOE to address a topic of local community concern
3. An open and noticed meeting of another body of MCOE
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the County Board provided that the County Board members who are not members of the standing committee attend only as observers. According to the Attorney General, those "observers" may not ask questions or make statements, and they must sit in the area designated for members of the public.

(cf. 9130 - Board Committees)

Individual contacts or conversations between a County Board member and any other person are not subject to the Brown Act. [G.C. 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 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. [G.C. 54961]

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Meetings shall be held within Monterey County, except to do any of the following: [G.C. 54954]

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the County Office of Education is involved.
2. Inspect real or personal property, which cannot conveniently be brought into the county, provided that the topic of the meeting is limited to items directly related to the property.
3. Participate in meetings or discussions of multi-agency 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 in the closest meeting facility if MCOE has no meeting facility within its boundaries.
5. Meet with elected or appointed county, state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the County Office over which the county, state or federal officials have jurisdiction.
6. Visit the office of the County Board's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs.
7. Interview residents of another county regarding the County Board's potential appointment of an applicant for interim County Superintendent.

Meetings exempted from the boundary requirements, as specified above, shall still be

subject to the notice and open meeting requirements for regular and special meetings when a quorum of the County 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 County Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. [G.C. 54954]

Teleconference Meetings

A teleconference is a meeting of the County Board in which County Board members are in different locations, connected by electronic means, through either audio and/or video. [G.C. 54953]

Requirements for a teleconference meeting:

1. All votes taken during the teleconferenced meeting shall be by roll call.
2. At least a quorum of the members of the Board shall participate from locations within Monterey County.
3. Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere.
4. All teleconference locations must be accessible to the public.
5. 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.
6. All County Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced.

Legal Reference:

EDUCATION CODE

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| 1009 | <i>Annual organizational meeting, date, and notice</i> |
| 1011 | <i>Time and place of meeting</i> |
| 1012 | <i>Special meetings</i> |
| 1040-1042 | <i>Duties and responsibilities of County Boards</i> |

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*
54954.2 *Agenda posting requirements, board actions*
54955 *Adjourned/continued meetings*
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*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 218 (2005)
84 Ops.Cal.Atty.Gen. 181 (2001)
84 Ops.Cal.Atty.Gen. 30 (2001)
79 Ops.Cal.Atty.Gen. 69 (1996)
78 Ops.Cal.Atty.Gen. 327 (1995)

Revised: 2/3/88; 1/20/93; 9/01/99; 10/15/08; 04/06/16