
FRESNO COUNTY BOARD OF EDUCATION

Board Bylaws**MEETINGS AND NOTICES**

Meetings of the County Board are conducted for the purpose of accomplishing County Board business. In accordance with applicable open meeting laws (Brown Act), the County Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, County Board meetings shall provide the opportunity for members of the public to directly address the County Board. All meetings shall be conducted in accordance with law and the County Board's bylaws and policies.

A County Board meeting exists whenever a majority of County Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, 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, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the County Board. However, the County Superintendent or County Superintendent employee may engage in separate conversations with County Board members in order to answer questions or provide information regarding an item within the subject matter 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. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at County Board meetings, appropriate disability-related accommodations or modifications shall be provided upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. Notice of the procedure for receiving and resolving requests for accommodation described above shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 54954.2)

Regular Meetings

The County Board shall hold one regular meeting each month. The regular meetings shall be according to a schedule adopted by the County Board at its annual organizational meeting. The schedule shall specify the date, time and place of each regular meeting. Schedule adjustments may be made during the year by County 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 and on the website for the County Board and County Superintendent. (Government Code 54954.2)

Consistent with Government Code 54957.5 and Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular meeting are distributed to the County Board 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

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for that purpose. (Government Code 54957.5)

Special Meetings

Special meetings of the County Board may be called by the County Board president when exigencies require them to be held or by written request of any three County Board members. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by other means to all County Board 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 for the County Board and County Superintendent. The notice shall be received at least 24 hours before the time of the 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 County Board. (Government Code 54956)

Any County 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 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 County Board 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 County Board 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 County Board 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 County Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

Except in the case of a dire 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 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 County Board president 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 County Board, as soon after the emergency meeting as possible. In the case of a dire emergency, the County Board president or designee shall give such notice at or near the time notification is given to the other members of the County Board about the emergency meeting. (Government Code 54956.5)

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No closed session may be held during an emergency meeting unless agreed to by a two-thirds vote of the County Board members present, or, if less than two-thirds of the County Board members are present, by a unanimous vote of the County Board 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 County Board president or designee notified or attempted to notify, a copy of the roll-call vote, and any actions taken at the emergency meeting by the County Board 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)

An *emergency* means 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 County Board. (Government Code 54956.5)

A *dire emergency* means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the County 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 County Board. (Government Code 54956.5)

Adjourned Meetings

A majority vote by the County Board 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 County Board members are present at any regular or adjourned regular meeting, the County Superintendent, as the ex officio secretary and executive officer, may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as in Government Code 54956. Within 24 hours after the time of adjournment/continuance, 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. (Government Code 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 law when a quorum of the County 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 Fresno County. Action items shall not be included on the agenda for these meetings.

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 County Board members do not discuss specific County Board business among themselves other than as part of the scheduled program

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(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 board members.
2. An open, publicized meeting organized by a person or organization other than the County Board to address a topic of local community concern.
3. An open and noticed meeting of the County Superintendent.
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.

Individual contacts or conversations between a County Board member and any other person that are not part of a series of communications prohibited by the Brown Act are permitted. (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 11135. In addition, meetings shall not be held in a facility which 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 the County Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings 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 County Board is a party.
2. Inspect real or personal property that cannot conveniently be brought into Fresno County, 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 in the closest meeting facility if the County Board has no meeting facility within its boundaries or if its principal office is located outside Fresno County.
5. 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 County Board or the county office of education over which the state or federal officials have jurisdiction.

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6. Meet in or near a facility owned by the County Board but located outside Fresno County, provided the meeting agenda is limited to items directly related to that facility.
7. 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.

All meetings, regardless of location shall comply with the applicable notice and open meeting requirements.

If a fire, flood, earthquake, or other emergency renders the regular or special meeting location of the County Board unsafe and the deadline for posting the location has passed, the meeting shall be held for the duration of the emergency at a location 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. (Government Code 54954)

Traditional Teleconferencing

A County Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency, including the right to address the County Board directly at each teleconference location
3. The location of the County Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the County Board member participating by teleconference, may hear/listen to the meeting to the same extent as the County Board member participating by teleconference, and may make public comment during the same portion of the agenda as other members of the public from the same location as the County Board member participating by teleconference
4. The location of the County Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the County Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the members of the County Board participates from locations within Fresno County

Teleconferencing by Individual County Board Member Due to Just Cause

Until January 1, 2026, when there is "just cause" preventing a County Board member from attending a County Board meeting in person, that County Board member may participate in that meeting by teleconference without: (Government Code 54953)

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1. Including the location of the County Board member participating by teleconference in the agenda
2. Making the location of the County Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the County Board member participating by teleconference

A County Board member needing to participate by teleconference for just cause shall notify the County Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)

For the County Board member to participate by teleconference under this section, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda
3. The County Board member utilizes both audio and visual technology to participate in the meeting
4. The County Board member participating by teleconference publicly discloses, before any action is taken, whether any individuals 18 years of age or older are present at the County Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the County Board.

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

A County Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953)

For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)

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1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a County Board member to participate remotely
2. A contagious illness prevents a County Board member from attending in person
3. A County Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A County Board member is traveling while on official business of the County Board or another state or local agency

Teleconferencing by Individual County Board Member Due to Emergency Circumstances

Until January 1, 2026, when a physical or family medical emergency would prevent a County Board member from attending a County Board meeting in person, that County Board member may request to participate in such meeting by teleconference. The County Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The County Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the County Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the County Board. (Government Code 54953, 54954.2)

If the request is granted by the County Board, the County Board member may participate by teleconference without: (Government Code 54953)

1. Including the location of the County Board member participating by teleconference in the agenda
2. Making the location of the County Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the County Board member participating by teleconference

For the County Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda
3. The County Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting

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4. The County Board member participating by teleconference publicly discloses, before any action is taken, whether any individuals 18 years of age or older are present at the County Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the County Board.

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

In total, a County Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the County Board's regular meetings or for more than three consecutive months. If the County Board meets less than 10 times in a calendar year, a County Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

Teleconference Meetings During a Proclaimed State of Emergency

The County Board may conduct a County Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the County Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

The County Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953)

1. Including the location of County Board members in the agenda
2. Making the locations of County Board members open and accessible to the public
3. Posting the agenda at the locations of County Board members

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For the County Board to hold such meeting, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting must be taken by rollcall
2. The public must be able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service

If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the County Board.

3. The agenda for the meeting must include information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

For any public comment period with a time limit, the County Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the County Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The County Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the County Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the County Board to meet safely in person. (Government Code 54953)

Adopted: 04/20/1995

Amended: 11/15/2018, 09/21/2023, 11/21/2024

Legal ReferenceEducation Code

- 1009 Annual organizational meeting, date, and notice
- 1011 Time and place of meetings
- 1012 Special meeting
- 1016 Special meeting business
- 1040-1042 Duties and responsibilities of County Boards

Government Code

- 3511.1 Local agency executives
- 11135 State programs and activities, discrimination

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54950-54963 The Ralph M. Brown Act, especially:
54953 Meetings to be open and public; teleconferencing
54954 Time and place of regular meetings
54954.2 Agenda posting requirements, board actions
54956 Special meetings; call; notice
54956.5 Emergency meetings
7920.000-7930.215 California Public Records Act

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

California Constitution

Article 9, Section 3 County superintendents

Court Decisions

Wolfe v. City of Fremont (2006) 144 Cal.App. 544

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)

Management Resources

CSBA Publications

The Brown Act: School Boards and Open Meeting Laws, 2014

Institute for Local Government Publications

The ABCs of Open Government Laws

League of California Cities Publications

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Open and Public IV: A Guide to the Ralph M. Brown Act Supplement, September 2013

Web Sites

California Attorney General's Office: <https://oag.ca.gov/>
Institute for Local Government: <https://www.ca-ilg.org/>
League of California Cities: <https://www.calcities.org/>