
FRESNO COUNTY BOARD OF EDUCATION**Board Bylaws**
AGENDA/MEETING MATERIALSAgenda Content

County Board 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 County Board on any agenda item before or during the County Board'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 County Board. (Government Code 54954.3)

The notice and agenda shall describe the means available for the public to access the meeting and provide public comment in-person and, if a County Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option. (Government Code 54953)

Each agenda for a regular meeting shall list the address designated for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the County Board to be discussed in closed session, when such documents have been distributed to the County Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the County Board meeting as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54953, 54954.2)

Agenda Preparation

The County Board president and the County Superintendent shall work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the County Board's vision and goals, and focus on student learning. In the event of the incapacity or prolonged absence of the County Board president, such that the president is unable to participate in the development of the agenda for a regular or a special meeting, the County Board vice president shall fill that role during the incapacity or prolonged absence.

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

The County Board president and County Superintendent shall decide whether a request is within the subject matter jurisdiction of the County Board. Items not within the subject matter jurisdiction of the County Board may not be placed on the agenda. In addition, before placing

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an item on the agenda, the County Board president and County Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation.

The County Board president 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 County Board vote or an information item that does not require action, and at which meeting the item should be presented to the County Board. At the discretion of the County Board president and County Superintendent, any resolution may be placed for first reading at one meeting and for second reading and adoption at a second meeting.

Any County Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

Agenda Dissemination to County Board Members

At least 72 hours before each regular meeting, each County Board 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 County Board members as soon as possible, at least 24 hours before the special meeting.

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

Agenda Dissemination to Members of the Public

The County Superintendent or designee shall mail, or email if technologically feasible, 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, or emailed as applicable, at the time the agenda is posted or upon distribution of the agenda to a majority of the County Board, whichever occurs first. (Government Code 54954.1)

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)

In addition, the agenda shall be posted on the homepage of the County Board and the County Superintendent. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the County Board's agenda management platform in accordance with Government Code 54954.2. When the County Board utilizes an integrated agenda management

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platform, the link to that platform shall take the user directly to the website with the County Board meeting agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a document that relates to an open session agenda item of a regular County Board meeting, or that contains a claim or written threat of litigation which will be discussed in closed session during a regular County Board meeting, is distributed to the County Board 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 County Board, provided the document is a public record under the California Public Records Act. However, if the document is distributed to at least a majority of the County Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the County Board and County Superintendent website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting
2. The writing is immediately posted on the website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting
3. The County Board lists the website address where such writings may be accessed on all County Board meeting agendas
4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the relevant County Board meeting

Any document prepared by the County Board 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)

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 or emailed 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.

Adopted: 03/21/2013

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

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Legal Reference

Education Code

- 1011 Regular meetings
- 1012 Special meetings
- 1016 Special meeting business

Government Code

- 6250-6270 Public Records Act
- 54954.1 Mailed agenda of meeting
- 54954.2 Agenda posting requirements; board actions
- 54954.3 Opportunity for public to address legislative body
- 54954.5 Closed session item descriptions
- 54956.5 Emergency meetings
- 54957.5 Public records
- 54960.2 Challenging board actions; cease and desist

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

- Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86
- Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
- Mooney v. Garcia (2012) 207 Cal.App.4th 229
- Caldwell v. Roseville Joint Union High School District 2007 U.S. Dist. LEXIS 66318

Management Resources

CSBA Publications

- Call to Order: A Blueprint for Great Board Meetings, rev. 2018
- The Brown Act: School Boards and Open Meeting Laws, rev. 2019

Attorney General Publications

- The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Web Sites

- CSBA, Agenda Online: <http://www.csba.org>
- California Attorney General's Office: <http://www.oag.ca.gov>