
FRESNO COUNTY BOARD OF EDUCATION

Board Bylaws
MEETING CONDUCT

The County Board 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 County Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with County Board bylaws, and posted and distributed in accordance with the Ralph M. Brown Act and other applicable laws.

The County Board president shall conduct County Board meetings in accordance with County Board bylaws and procedures adopted for the orderly conduct of the County Board's business.

Quorum, Voting, and Abstentions

A majority of the members of the County Board shall constitute a quorum for the transaction of business. (Education Code 1013.)

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

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

In an interdistrict appeal hearing before the County Board, if the County Board fails to take action to grant or deny the appeal, the student shall attend the school district of residence. In a student expulsion appeal hearing, if the County Board fails to take action to grant or deny the appeal, the district's action shall remain unchanged.

The County Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, the abstention shall not be counted as an affirmative vote for the purposes of determining whether a majority of the membership of the County Board has taken action.

Public Participation

Members of the public are encouraged to attend County Board meetings and to address the County Board concerning any item on the agenda or within the County Board's jurisdiction. So as not to inhibit public participation, persons attending County Board 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 County Board president may ask those who wish to address the County Board to voluntarily complete a form and may ask any speaker to identify himself/herself for proper recording of the minutes.

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

1. The County Board shall give members of the public an opportunity to address the County Board on any item of interest to the public that is within the subject matter jurisdiction of the County Board, either before or during the County Board'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 County Board matters that are not listed on the agenda but are within the County Board's jurisdiction. The County Board may refer such a matter to the County Superintendent 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 County Board. (Government Code 54954.2.)
3. Without taking action, County Board 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 County Board 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 County Board or a County Board member may provide a reference to the County Superintendent or other resources for factual information, ask the County Superintendent to report back to the County Board at a subsequent meeting concerning any matter, or place a matter of business on a future agenda. (Government Code 54954.2.)

4. The County Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of County Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the County Board determines that the item has been substantially changed since the committee heard it, the County Board shall provide an opportunity for the public to speak. (Government Code 54954.3.)
5. A person wishing to be heard by the County Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the County Board on each agenda or non-agenda item. The County Board shall limit the total time for public input to 20 minutes. With County Board consent, the president 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

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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 County Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the County Board, unless simultaneous translation equipment is used to allow the County Board to hear the translated public testimony simultaneously. (Government Code 54954.3.)

6. The County Board president 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 president may indicate the time and place when it should be presented.
 - b. The County Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3.)
 - c. The County Board 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 County Board president shall inform the complainant that the County Board has no jurisdiction over the County Superintendent's staff and cannot hear the complaint, and that the complaint should be made to the County Superintendent using the appropriate complaint procedure.

7. The County Board President or designee may remove an individual for disrupting a County Board meeting. Prior to removal, the individual shall be warned that their behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the County Board president, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

When an individual's behavior constitutes the use of force or a true threat of force, the individual shall be removed from a County Board meeting without a warning. (Government Code 54957.95)

Disrupting means engaging in behavior during a County Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force. (Government Code 54957.95)

True threat of force means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. (Government Code 54957.95)

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Additionally, the County Board may order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the County Board. When the room is ordered cleared due to a disturbance, further 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 County Board 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 County Board may designate locations from which members of the public may make such recordings without causing a distraction. If the County Board 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 County Board. (Government Code 54953.5, 54953.6.)

Adopted: 04/20/1995

Amended: 10/20/2011, 11/15/2018, 09/21/2023

Legal References**Education Code**

1013 Quorum

1015 Voting

1040 Duties and responsibilities; county boards of education

1042 County boards; authority

1090 County board member compensation

32210 Willful disturbance of public school or meeting a misdemeanor

35164 Majority vote

35165 Effect of vacancies upon majority and unanimous votes by seven member board

Code of Civil Procedure

527.8 Workplace Violence Safety Act

Government Code

54952.2 Meetings defined

54953 Teleconferencing

54953.3 Prohibition against conditions for attending a board meeting

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954 Time and place of regular meetings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

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54956 Special meetings
54956.5 Emergency meetings
54957 Closed sessions
54957.9 Disorderly conduct of general public during meeting; clearing of room
54957.95

Penal Code

403 Disruption of assembly or meeting

Court Decisions

City of San Jose v. Garbett (2010) 190 Cal.App.4th 526
Norse v. City of Santa Cruz (9th Cir. 2010) 629 F3d 966
McMahon v. Albany Unified School District (2002) 104 Cal.App.4th 1275
Rubin v. City of Burbank (2002) 101 Cal.App.4th 1194
Baca v. Moreno Valley Unified School District (1996) 936 F.Supp. 719

Attorney General Opinions

90 Ops.Cal.Atty.Gen. 47 (2007)
76 Ops.Cal.Atty.Gen. 281 (1993)
66 Ops.Cal.Atty.Gen. 336 (1983)
63 Ops.Cal.Atty.Gen. 215 (1980)
61 Ops.Cal.Atty.Gen. 243 (1978)
59 Ops.Cal.Atty.Gen. 532 (1976)
55 Ops.Cal.Atty.Gen. 26 (1972)

Management Resources

CSBA Publications

The Brown Act: School Boards and Open Meeting Laws, rev. 2014
A Call to Order, A Blueprint for Great Board Meetings, 2018

Attorney General Publications

The Brown Act: Open Meetings for Legislative Bodies, 2003

Web Sites

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