Board Bylaws
BOARD MEMBER ELECTRONIC COMMUNICATIONS

The County Board recognizes that electronic communication is an efficient and convenient way for County Board members to communicate and expedite the exchange of information within the county office of education and with members of the public. County Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the County Board to deliberate outside of an agendized meeting nor to circumvent the public's right to access records regarding County Board business.

A majority of County Board members shall not, outside of a noticed meeting, use a series of electronic 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. (Government Code 54952.2.)

To avoid inadvertently violating the prohibition of law against a serial meeting, a County Board member shall not forward his/her comments on an electronic communication he/she receives from another County Board member regarding an issue within the subject matter jurisdiction of the County Board to any other County Board member.

When communicating electronically, County Board members shall make every effort to adhere to the same standards and protocols established for other forms of communication. A County Board member may respond to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the County Board as a whole. As appropriate, complaints or requests for information may be forwarded to the County Superintendent so that the issue may receive proper consideration and be handled through the appropriate process. Communication received from the media shall be handled in accordance with Superintendent and Board Policy No. 1112, Media Relations.

A County Board member's electronic communications, including, but not limited to, emails and text messages, which are related to the conduct of the County Board’s business may be subject to disclosure under the California Public Records Act, regardless of whether they are sent or received on the County Board member's personal or county office of education-provided account or device. To the extent possible, electronic communications regarding any County Board business shall be transmitted through a county office of education-provided device or account. When any such communication is transmitted through a County Board member's personal device or account, he/she shall copy the communications to a county office of education electronic storage device for easy retrieval.

County Board members may use electronic communications to discuss matters that are outside the jurisdiction of the County Board, regardless of the number of members participating in the discussion, and such personal communications are generally not subject to public disclosure.

Adopted: 11/15/2018

Legal Reference

Education Code
1011  Time and place of meetings
35145 Public meetings
35145.5 Agenda; public participation; regulations
35147 Open meeting law exceptions and applications

Government Code
6250-6270 California Public Records Act
11135 State programs and activities, discrimination
54950-54963 The Ralph M. Brown Act, especially:
54952.2 Meeting, defined
54953 Meetings to be open and public; attendance
54954.2 Agenda posting requirements, board actions

Court Decisions
City of San Jose v. Superior Court (2017) 2 Cal.5th 608

Management Resources

CSBA Publications
Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

Attorney General Publications
The Brown Act: Open Meetings for Legislative Bodies, 2003

Web Sites
CSBA: http://www.csba.org
California Attorney General's Office: https://oag.ca.gov