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**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 state 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 opportunities for comments by members of the public. 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)

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. (Government Code 54953, 54953.2, 54954.1, 54954.2)

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)

**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 web site for the County Board and County Superintendent. (Government Code 54954.2)

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

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shall make the materials available for public inspection at a public office or location designated 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.

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)

An emergency situation means either of the following (Government Code 54956.5):

1. A work stoppage, crippling activity, or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the County Board.
2. A crippling disaster, mass destruction, terrorist activity, or threatened terrorist act 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

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public health, safety, or both, as determined by a majority of the members of the County Board.

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)

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)

#### 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, a copy of the order or notice of adjournment 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.

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**FRESNO COUNTY BOARD OF EDUCATION**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 (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 are not subject to the Brown Act. (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)

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.

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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.
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.

Meetings exempted from the boundary requirements, as specified in items #1-7 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 of the County Board 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. (Government Code 54954)

#### Traditional Teleconferencing

A teleconference is a meeting of the County Board in which County Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The County Board may use teleconferences for all purposes in connection with any meeting within its subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the County Board shall participate from locations within Fresno County. (Government Code 54953)

Unless a County Board member participates by teleconference pursuant to the provisions described in the sections "Teleconferencing for an Emergency Circumstance" or "Teleconferencing For 'Just Cause'" below, agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. 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 County Board, including the right to address the County Board directly at each teleconference location. (Government Code 54953)

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Teleconferencing for an Emergency Circumstance

Until January 1, 2026, with approval from the majority of the County Board, a County Board member may be permitted to participate in a meeting remotely when a physical or family medical emergency prevents the County Board member from attending in person. The County Board member requesting to appear remotely shall notify the County Board of the emergency situation as soon as possible and provide a concise general description of the circumstances relating to the County Board member's need to appear remotely. 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)

A County Board member may not appear remotely under emergency circumstances for more than 20 percent of the County Board's regular meetings or for more than three consecutive months. (Government Code 54953)

When a County Board member is approved to participate remotely due to emergency circumstances, the County Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If permitted to participate remotely, the County Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the County Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

In order to utilize teleconferencing for an emergency circumstance, the County Board shall provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. Also, in order to utilize teleconferencing for an emergency circumstance, the agenda shall include information describing how members of the public can participate remotely. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the County Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the County Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

Teleconferencing for "Just Cause"

Until January 1, 2026, a County Board member may be permitted to appear remotely, pursuant to the provisions below, for just cause for no more than two meetings per calendar year. A County Board member appearing for just cause shall notify the County Board at the earliest possible opportunity of the need to participate in the meeting remotely, including at the start of a regular meeting. (Government Code 54953)

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Just Cause may exist for any of the following: (Government Code 54953)

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

When a County Board member participates remotely for just cause, the County Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If the County Board member participates remotely, the County Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the County Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

In order to utilize teleconferencing for just cause, the County Board shall provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. Also, in order to utilize teleconferencing for just cause, the agenda shall include information describing how members of the public can participate remotely. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the County Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the County Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

All County Board policies and bylaws shall apply equally to meetings that are teleconferenced.

Adopted: 04/20/1995

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

**Legal Reference**Education Code

1009 Annual organizational meeting, date, and notice

1011 Time and place of meetings

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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  
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  
7920.000-7930.170 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

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Web Sites

CSBA: <http://www.csba.org>

CSBA, Agenda Online:

<https://www.csba.org/ProductsAndServices/AllServices/AgendaOnline.aspx>

California Attorney General's Office: <http://www.ag.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>