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 place to hear, discuss, or deliberate 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, 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 his/her 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. (Government Code 54953.2, 54954.1.)

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 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 also shall 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 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 number 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 he/she notifies 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 he/she shall cause a written notice of the adjournment to be given in the same manner as in Government Code 54956. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjournment regular, special or adjournment special meeting was held within 24 hours after the time of adjournment. (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 (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, including, but not limited to, religion, sex, or sexual orientation. 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.

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.)

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.)

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.)

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

Adopted: 04/20/1995
Amended: 11/15/2018

Legal Reference

Education Code
1009 Annual organizational meeting, date, and notice
1011 Time and place of meetings
1012 Special meeting
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; attendance
54954 Time and place of regular meetings
54954.2 Agenda posting requirements, board actions
54956 Special meetings; call; notice
54956.5 Emergency meetings

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

Attorney General Opinions

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

Web Sites
CSBA: http://www.csba.org
CSBA, Agenda Online:
https://www.csba.org/ProductsAndServices/AllServices/AgendaOnline.aspx
FRESNO COUNTY BOARD OF EDUCATION

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

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