**Bylaws of the Board** BB 9320(a)

**MEETINGS AND NOTICES**

Meetings of the Governing Board are conducted for the purpose of accomplishing College and Career Advantage (CCA) Regional Occupational Program (ROP) business.

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or CCA. (Government Code 54952.2)

In accordance with state open meeting laws (Brown Act), the 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, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

Direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action to be taken by the Board on any item of CCA business. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Executive Director shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Executive Director in writing.

**Regular Meetings**

The date, time and place of regular meetings of the Board shall be determined by resolution adopted at the regular organizational meeting held in December of each year.

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)

**Notification of Cancellation of Change**

Notification of cancellation or change of time or place of regular meetings shall be given to Board members and local newspapers at least 24 hours in advance of the meeting. If at any time any

 BB 9320(b)

**MEETINGS AND NOTICES** (continued)

regular meeting falls on a holiday, such regular meeting shall be determined at the regular meeting prior to said holiday.

**Special Meetings**

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. 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 meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive a failure to receive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the vice president/clerk or secretary of the Board or by being present at the meeting. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or after the item's consideration. (Government Code 54954.3)

**Emergency Meetings**

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the 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 54956. The 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. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

 BB 9320(c)

**MEETINGS AND NOTICES** (continued)

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

Except in the case of a dire emergency, the 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. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

**Adjourned Meetings**

A majority vote by the Board may adjourn any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

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 within 24 hours after the time of adjournment. (Government Code 54955)

**Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The 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 Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

*(cf. 2000 - Concepts and Roles)*

*(cf. 2111 – Executive Director Governance Standards)*

*(cf. 9000 - Role of the Board)*

*(cf. 9005 - Governance Standards)*

*(cf. 9400 - Board Self-Evaluation)*

 BB 9320(d)

**MEETINGS AND NOTICES** (continued)

Public notice shall be given in accordance with law when a quorum of the 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 CCA boundaries. No action item shall be included on the agenda for these meetings.

**Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific CCA 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 school board members

2. An open, publicized meeting organized by a person or organization other than CCA to address a topic of local community concern

3. An open and noticed meeting of another body of CCA

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 Board, provided that the Board members who are not members of the standing committee attend only as observers

*(cf. 9130 - Board Committees)*

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

**Location of Meetings**

Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54961)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

 BB 9320(e)

**MEETINGS AND NOTICES** (continued)

Meetings shall be held within CCA boundaries, 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 CCA is a party

2. Inspect real or personal property which cannot conveniently be brought into CCA, 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 CCA has no meeting facility within its boundaries or if its Executive Director’s office is located outside the CCA

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 CCA over which the state or federal officials have jurisdiction

6. Visit the office of the CCA's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs

7. Interview residents of another ROP regarding the Board's potential employment of an applicant for Executive Director of CCA

8. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform, by the most rapid available means of communication, all news media who have requested notice of special meetings. (Government Code 54954)

 BB 9320(f)

**MEETINGS AND NOTICES** (continued)

**Teleconferencing**

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

The Board may use teleconferences for all purposes in connection with any meeting within the Board's 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 Board shall participate from locations within CCA boundaries. (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 teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Executive Director shall facilitate public participation in the meeting at each teleconference location.

*Legal Reference:*

*EDUCATION CODE*

*35140 Time and place of meetings*

*35143 Annual organizational meeting, date, and notice*

*35144 Special meeting*

*35145 Public meetings*

*35145.5 Agenda; public participation; regulations*

*35146 Closed sessions*

*35147 Open meeting law exceptions and applications*

*GOVERNMENT CODE*

*54950-54963 The Ralph M. Brown Act, especially:*

*54953 Meetings to be open and public; attendance*

*54953.2 Compliance with Americans with Disabilities Act*

*54954 Time and place of regular meetings*

*54954.1 Mailed notices*

*54954.2 Agenda posting requirements, board actions*

*54956 Special meetings; call; notice*

*54956.5 Emergency meetings*

*54957.5 Agenda distribution*

*54961 Prohibition on use of certain facilities*

*UNITED STATES CODE, TITLE 42*

*12101-12213 Americans with Disabilities Act*

 BB 9320(g)

**MEETINGS AND NOTICES** (continued)

*Legal Reference (continued)*

*CODE OF FEDERAL REGULATIONS, TITLE 28*

*35.160 Effective communications*

*36.303 Auxiliary aids and services*

*COURT DECISIONS*

*216 Sutter Bay Associates v. County of Sutter (1997) 58 Cal.App. 4th 860*

*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, rev. 2005*

*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://www.caag.state.ca.us*

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