

KERN COUNTY BOARD OF EDUCATION

BOARD BYLAWS

MEETING CONDUCT

The Kern County Board of Education endeavors to conduct business efficiently and in a manner that promotes full and fair consideration of the issues 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 (open meeting requirements) and other applicable laws.

The county board president shall conduct meetings in accordance with county board bylaws and approved meeting procedures.

QUORUM AND ABSTENTATIONS

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

The County Board shall report any action taken and the vote or abstention of each member present for the action. On a call by any county board member, a voice vote shall be taken upon any proposition and the vote shall be recorded in the minutes. (Government Code section 54953(c)(2), Education Code section 1015)

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

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 purposes of determining whether a majority of the membership of the County Board has taken action.

If the County Board consists of seven members and not more than two vacancies occur on the County Board, the vacant position(s) shall not be counted for purposes of determining how many members of the County Board constitute a majority. In addition, whenever any provision of the Education Code requires unanimous action of all or a specific number of the members, any vacant position(s) shall not be counted for purposes of determining the total membership constituting the County Board.

PUBLIC PARTICIPATION

Members of the public are encouraged to attend county board meetings and may address the County Board concerning any item on the agenda or within the County Board's jurisdiction. Although they may voluntarily do so, members of the public attending a county board meeting 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.

In order to conduct business in an orderly and efficient manner, the County Board requires public presentations to the County Board to 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, before the County Board's consideration of the item. (Government Code section 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 and which are within the County Board's subject matter jurisdiction. The County Board shall undertake no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Government Code section 54954.2)
3. Without taking action, county board members or Kern County Superintendent of Schools 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, county board members may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code section 54954.2)

Furthermore, the County Board may refer requests for factual information to the Kern County Superintendent of Schools, ask the Kern County Superintendent of Schools to report back to the County Board at a subsequent meeting concerning any matter within the County Board's jurisdiction, or take action to direct that a matter of business within the County Board's jurisdiction or authority be placed on a future agenda. (Government Code section 54954.2)

4. The County Board need not allow members of 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 the item, the County Board shall provide an opportunity for the public to speak. (Government Code section 54954.3)
5. A person wishing to be heard by the County Board shall first be recognized by the president and shall address the County Board as a whole rather than individual members.

In general, individual speakers will be allowed three minutes to address the County Board on each agenda or non-agenda item, and the total time for public input on each item will be limited to 20 minutes. In exceptional circumstances, however, the county board president may, with county board consent, adjust the amount of time allowed for public input and/or the time allotted for each speaker, when such adjustment is necessary to ensure full opportunity for public input. Any such adjustment shall be done to the extent possible in an equitable manner to allow a diversity of viewpoints. The county board president may also ask members of the public with the same viewpoint to select a few individuals to address the County Board on that viewpoint.

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 section 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 county board 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 section 54954.3)

c. The County Board shall not prohibit public criticism of county board members or persons employed by the Kern County Superintendent of Schools. However, if a member of the public initiates specific complaints or charges against an individual Kern County Superintendent of Schools employee, the county board president shall inform the complainant that employment matters are under the jurisdiction of the Kern County Superintendent of Schools and shall advise the complainant to address the complaint to the Kern County Superintendent of Schools using the appropriate complaint procedure.

7. The county board president shall not permit any disturbance or willful interruption of meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the county board president to terminate the privilege of addressing the County Board.

The County Board may order a recess, remove disruptive individuals, and 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 section 54957.9)

When such disruptive conduct occurs, 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 sections 54953.5, 54953.6)

Legal Reference:

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
- 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

- 54953 et seq. Brown Act

Penal Code

- 403 Disruption of assembly or meeting