

**BB 9010 - Public Statements (8/13)**

(Revise BB)

Bylaw updated to add concepts related to communicating the district's message in a manner that promotes public confidence in the Board's leadership, refraining from disclosing confidential information, and adhering to the same standards and protocols established for other Board communications when participating on social networking sites, blogs, or other electronic media.

**BB 9012 - Board Member Electronic Communications (11/08)**

(Add BB)

New bylaw added to provide guidelines for Board use of electronic communications and to clarify circumstances under which the use of email by the Board could result in a prohibited serial meeting and violate the Brown Act, as defined in **NEW LAW** (SB 1732). Bylaw contains sample language listing permissible electronic communications, protocol for responding to emails received by community members and the press, confidential communications, and disclosure of messages under the Public Records Act.

**BB 9100 – Organization (7/15)**

(BB revised)

Bylaw updated to clarify the time periods during which the annual organizational meeting must be held pursuant to law and to expand items to be addressed during the meeting to include a review of resources on board governance and leadership roles and responsibilities.

**BB 9123 – Clerk (3/11)**

(BB revised)

Bylaw revised to clarify which boards are required by law to appoint a clerk from among their members at the annual organizational meeting, and to clarify duties of the clerk.

**BB 9124 - Attorney (7/08)**

(Revise BB)

Bylaw updated to create new section detailing qualifications to consider when soliciting a proposal for legal service and for evaluating the performance of service provided. Bylaw also contains optional language authorizing the Board president or Superintendent to confer with legal counsel and for other Board members to seek advice upon approval of a majority of the Board.

**BB 9130 - Board Committees (4/13)**

(BB revised)

Bylaw updated to clarify applicability of the Brown Act to Board-created committees, describe the circumstances under which committees may meet in closed session, and reflect an Attorney General opinion that a committee created through a collective bargaining agreement is not a committee created by the board and thus is not necessarily subject to open meeting requirements. Bylaw also revised to specify decisions that will be made at the time a committee is established, address who is responsible for appointing committee members, and delete material re: board not obligated to provide for public comment at board meeting on matters that were open to public comment during meeting of board subcommittees (now addressed in BB 9322 - Agenda/Meeting Materials).

**BB 9140 - Board Representatives (3/11)**

(BB revised)

Revised bylaw recognizes that participation of Board members on district or community committees supports the Board's community leadership role. Bylaw also adds responsibility of Board representative to report back to the Board regarding committee activities and/or actions, and clarifies which boards must designate a voting representative to elect members of the county committee on school district organization.

**BB 9150 - Student Board Members (12/15)**

(BB revised; E deleted)

Bylaw updated to reflect **NEW LAW** (SB 532) which requires the board, upon receiving a petition from students at a high school requesting student representation on the board or preferential voting rights for a student board member, to act on the request within 60 days of receipt of the petition or at the next regularly

scheduled board meeting if no meeting is held within those 60 days. Bylaw also reflects a requirement of SB 532 for a majority vote of the board at a public meeting in order to eliminate the student member position. Two Exhibits were deleted since the material is covered in the bylaw.

(BB revised 7/11)

Updated bylaw clarifies that student board members must be selected by district high school students. Bylaw also includes new section on "Student Board Member Development" which (1) authorizes student board members to participate in trainings, workshops, and conferences at district expense to enhance their knowledge, understanding, and performance of board responsibilities and (2) authorizes the superintendent to provide an orientation to student board member candidates regarding board responsibilities.

#### **BB 9220 - Governing Board Elections (4/13)**

(BB revised)

Bylaw updated to reflect **NEW LAW (AB 2410, 2012)** which provides that a person is ineligible to hold public office if he/she has been convicted of a felony involving bribery, offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any of these crimes. Bylaw also adds section which addresses the methods of electing board members (i.e., by trustee area, at-large election, or at-large election but candidate resides in trustee area) and reflects the California Voting Rights Act which prohibits the use of the at-large voting method when its use prevents members of a protected class (voters of a minority race, color, or language group) from being elected to the board.

#### **BB 9222 – Resignation (5/16)**

(BB revised)

Bylaw updated to clarify the effective date of a resignation of a member of the board, the need for the board to fill the vacancy by ordering an election or making a provisional appointment as appropriate, and the need for the resigning member to file a revised Statement of Economic Interest/Form 700.

#### **BB 9223 - Filling Vacancies (8/14 MR) (7/15 MR)**

(BB revised 11/11)

Bylaw updated to reflect **NEW LAW (AB 334)** which allows governing boards to approve a board member's out-of-state absence for illness or urgent necessity for an unlimited duration. Updated bylaw also reflects current law which provides that, when an interim board member is appointed to fill an absence created by a member's military deployment that exceeds six months, the term of the interim member cannot extend beyond the return of the absent board member or beyond the next regularly scheduled election for that office, whichever occurs first.

(Revise BB 11/08)

Bylaw updated to include new language re: failure to elect when no candidate or an insufficient number of candidates have filed to run for a seat, including an event causing a vacancy (item #13) and new section detailing procedure when filling such a vacancy. Bylaw also contains new note re: **NEW LAW (SB 1482)** which specifies that an elected official forfeits office when convicted of a crime involving a false claim of receipt of a military decoration. In section entitled "Provisional Appointments," option deleted whereby nominations for a vacancy would be taken at the meeting.

#### **BB 9230 - Orientation (8/14 MR)**

(Revise BB 7/08)

Updated bylaw revises section on "New Board Member Orientation" to provide for a Board meeting to orient new members, expand the types of materials to be provided to new members, and require Board approval of workshop/conference attendance by incoming members at district expense.

#### **BB 9240 - Board Training (12/16)**

(BB revised)

Bylaw retitled and updated to address the purposes and importance of board training, recommended topics of training for new and first-term board members, and the district's process for selecting board training activities. The bylaw also reinforces the prohibition against a majority of the board members discussing district business of a specific nature while attending a conference or similar public gathering.

#### **BB/E 9250 - Remuneration, Reimbursement and Other Benefits (8/13)**

(Revise BB, add E)

Bylaw updated to delete material requiring the district to establish a minimum percentage of the Board meeting that must be attended in order for a Board member to receive compensation, add statement clarifying that student Board members do not receive compensation, and reflect legal requirement to announce any additional compensation received whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting. Section on "Reimbursement of Expenses" revised to give examples of authorized travel and to prohibit use of district credit card for personal expenses even if the Board member intends to reimburse the district. Material on health and welfare benefits updated to (1) reflect current law which provides that the age at which a person ceases to be a dependent child is age 26 years or higher as specified in the health plan and (2) clarify the circumstances under which the district may offer health and welfare benefits to former Board members.

New exhibit added to provide a sample Board resolution, as required by law in order to authorize compensation for a Board member who missed meeting(s) because he/she was performing other designated duties on behalf of the district at the time of the meeting, was ill or on jury duty, or had another hardship deemed acceptable by the Board.

### **BB/E 9270 - Conflict of Interest (5/16)**

(BB/E revised)

Bylaw reorganized and updated to reflect requirement to submit the conflict of interest code to the code reviewing body (i.e., county board of supervisors or Fair Political Practices Commission, as appropriate) by the deadline established by the code reviewing body, merge material on the "rule of necessity" into the section "Conflict of Interest under the Political Reform Act," expand material on "noninterests" in the section "Conflict of Interest under Government Code 1090 - Financial Interest in a Contract" to include additional examples of noninterests, and include the exceptions to the gift limitation. Exhibit revised to update legal citations.

(BB revised; E added 7/10)

**MANDATED** bylaw revised and reorganized to clarify three types of analysis that must be conducted pursuant to different statutes and the common law doctrine to determine whether a conflict exists and, if so, whether the board member must abstain and/or if the contract is prohibited. Material comprising the conflict of interest code (i.e., incorporation statement, designated positions and disclosure categories) moved into a sample resolution in new Exhibit to clarify material that needs to be biannually reviewed and submitted to the code reviewing body.

Districts are encouraged to read CSBA's fact sheet, *Conflict of Interest: Key Issues for Governing Board Members*, prior to adopting this bylaw.

### **BB 9320 - Meetings and Notices (11/11)**

(BB revised)

**MANDATED** bylaw updated to reflect **NEW LAW (AB 1344)** which prohibits boards from calling special meetings to address the salaries, salary schedules, or other compensation of the superintendent, assistant superintendent, or other specified employees. Bylaw also reflects requirement added by AB 1344 to post the agenda for a regular meeting and the notice of a special meeting on the district web site, if there is one.

For further information, see article in the accompanying *Policy News*.

(Revise BB 11/08)

**MANDATED** bylaw revised to reflect **NEW LAW (SB 1732)** which amends the definition of a prohibited serial meeting by deleting the requirement that the Board reach a "collective concurrence" as to action to be taken. As amended, a prohibited serial meeting is now defined as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business.

### **BB 9321 - Closed Session Purposes and Agendas (6/16)**

(BB revised)

Bylaw updated to clarify that the Board may not meet in closed session under the "personnel exception" (Government Code 54957) of the Ralph M. Brown Act to discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline. "Negotiations/Collective Bargaining" section revised to reflect that the Board may meet with the district's designated representatives in closed session under the "labor exception" (Government Code 54957.6) of the

Ralph M. Brown Act to discuss salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent.

(12/14 MR)

To more accurately reflect Government Code 54957, including addition of Governor by AB 246 (Ch. 11, Statutes of 2013) and current name of agency consistent with Government Code 54954.5.

(BB revised 7/12)

Updated bylaw reflects **NEW ATTORNEY GENERAL OPINION** which concludes that only three specified subjects related to real property negotiations may be considered in closed session. Bylaw also (1) includes board philosophical statement expressing commitment to transparency and compliance with open meeting laws, (2) includes requirement to reconvene in open session to report decisions of closed session with link to BB 9321.1 - Closed Session Actions and Reports, and (3) revises section on "Pending Litigation" to add definitions of "party" and "significant exposure to litigation."

#### **BB 9322 - Agenda/Meeting Materials (11/12)**

(BB revised)

**MANDATED** bylaw revised to update material related to the consent agenda/calendar, including deleting outdated information and reflecting **NEW LAW (SB 1003)** which requires the Board to have a separate agenda item (not on consent agenda) when it is considering approving or rescinding its unconditional commitment to refrain from taking certain actions in violation of the Brown Act.

(Revise BB 3/08)

**MANDATED** bylaw revised to reflect **NEW LAW (SB 343)** which requires the agenda to specify the location where the public can inspect supporting agenda documents that have been distributed to the Board less than 72 hours before the meeting. Bylaw reorganized to create separate sections detailing dissemination of the agenda to the Board and dissemination to members of the public to include the public's right to inspect public record agenda documents that have been distributed less than 72 hours before the meeting, as added by SB 343.

#### **BB 9323 - Meeting Conduct (12/16)**

(BB revised)

Bylaw updated to reflect **NEW LAW (AB 1787, 2016)** which requires the board to provide a member of the public who uses a translator at least twice the allotted time to address the board during board meetings, unless simultaneous translation equipment is used. Bylaw also clarifies that the board may refer a member of the public to an appropriate complaint procedure, but cannot prohibit criticism of district employees, programs, or policies during a board meeting.

#### **BB/E 9323.2 - Actions by the Board (10/16)**

(E revised)

Minor revision made in E(1) to add requirement for two-thirds vote of the board when a K-8 district chooses to establish a community day school.

(5/16 MR)

(E revised 8/14)

Exhibit updated to reflect **NEW LAW (AB 97, 2013)** which repealed Education Code 17583, including the requirement for a two-thirds vote of the board to transfer excess local funds from a deferred maintenance fund under certain circumstances. List of actions requiring a four-fifths vote of the board expanded to add two resolutions related to district borrowing.

(BB revised; E(2) added 11/12)

Bylaw updated to reflect **NEW LAW (SB 1003)** which expands the types of past Board actions that may be challenged by the district attorney or other interested person provided that certain requirements are met, including the sending of a "cease and desist" letter to the Board within nine months of the alleged violation. New exhibit provides a sample letter that the Board may use to respond to the cease and desist letter with an unconditional commitment to desist from repeating the past action, which would prevent the district attorney or other interested person from filing an action in court.

(BB revised 3/11)

Bylaw updated and reorganized to clarify the circumstances under which the Brown Act permits the Board to discuss or take action on items that are not on the posted agenda. Bylaw also revised to delineate the Board's options upon a receipt of a demand to "cure and correct" an alleged Brown Act violation.

**BB 9324 - Minutes and Recordings (4/14)**

(BB revised)

Bylaw updated to reflect **NEW LAW** (SB 751, 2013) which requires that minutes of board meetings report the vote or abstention of each member present for the action. Bylaw also adds optional space for the district to specify the position responsible for signing the minutes after approval by the board.

(Revise BB 7/08)

Bylaw revised to include new, optional language specifying that minutes of Board meetings should include a brief summary of the Board's discussion, record which members are present, and record whether a member is not present