

Twin Rivers USD

Board Bylaw

Agenda/Meeting Materials

REVISED

BB 9322

Board Bylaws

Agenda Content

Board of Trustees meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing. **(Government Code 54954.2)**

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall prepare work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. 0000 – Vision)

(cf. 0200 - Goals for the School District)

(cf. 9121 - President)

(cf. 9122 - Secretary)

Any Board member or any member of the public may request that a matter within the jurisdiction

of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

~~If an individual Board member requests orally at a Board meeting that an item be placed on an upcoming Board agenda, the item will not be placed on a future Board agenda unless a majority of the Board concurs and directs the placement of the item on an upcoming Board agenda, or unless the Board member makes the request in writing one week before the scheduled meeting date. An item requested for a later Board meeting by a Board majority shall be placed on the Board agenda in accordance with this Board bylaw.~~

~~If an individual Board member requests in writing that a matter be placed on the agenda of a regular Board meeting, the item will be placed in a portion of the agenda entitled "Agenda Items Requested by Individual Board Members." In such case, unless a Board majority directs the expenditure of district staff time and district resources for preparation regarding such a Board agenda item, the individual Board member who requested the agenda item will prepare all supporting documentation and information, and shall not expend or seek to direct the expenditure of district time and resources on preparation for the presentation of the Board agenda item. At the Board meeting when the agenda item is presented, the individual Board member who requested the item will present the item without staff assistance. In order to assure the timely conduct of the meeting, the Board member's presentation on the agenda item requested by that Board member will be limited to three (3) minutes, unless the time is extended by a majority of the Board.~~

~~If, after the Board agenda item is presented by the individual Board member, a majority of the Board so directs, the item may be placed on a future Board agenda and district staff can expend district time and resources to make a further presentation on the Board agenda item. If the Board majority does not give such direction, the agenda item will not be re-agendized for future consideration.~~

~~Nothing in state law or these Bylaws shall be construed to require that the Board consider the same agenda item on multiple occasions. Once an item is heard by the Board, the Board may direct that the item not be placed on future Board agendas absent proper written justification for doing so in accordance with these Board bylaws, state law, or Roberts' Rules of Order.~~

~~Written requests for Board agenda items from members of the public will be considered by the Board President and Superintendent or designee. The determination to place a member of the public's requested item on the agenda will rest solely with the Board President and Superintendent.~~

~~In order to ensure sufficient time to discuss each request, requests for potential future agenda items shall be limited to one per Board member per regular Board meeting, unless determined otherwise by the Board President and Superintendent. The decisions of the Board President and Superintendent on the above issues shall be binding on the Board.~~

The Board President and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board President and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation. ~~before placing the item on the agenda.~~

The Board President and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, ~~informational~~ **subject to Board vote, an information item that does not require immediate action**, or consent item **that is routine in nature for which no discussion is anticipated**. ~~The decisions of the Board President and Superintendent on the above issues shall be final and binding on the Board.~~

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 1340 - Access to District Records)
(cf. 3320 - Claims and Actions Against the District)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Consent ~~Items~~ **Agenda/Calendar**

In order to promote efficient meetings, the Board may **bundle a number of items and** act upon ~~them more than one item~~ by a single vote through the use of a consent agenda. Consent **agenda** items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

~~In accordance with law, the public has a right to comment on any consent item.~~

~~At the request of~~ **When** any member of the Board ~~member~~ **any requests the removal of an** item on the consent agenda, **the item** shall be removed and given individual consideration for action as a regular agenda item. ~~If a Board member wishes to pull an item from the consent agenda for action as a regular agenda item, the Board member shall comment on the item only~~

~~when the item is considered during the regular agenda. At the discretion of the Board President, an item pulled from the consent agenda to the regular agenda may be deferred to the next regularly scheduled Board meeting. Any questions raised by a Board member regarding a consent agenda item that is pulled from the consent agenda item will be addressed to the Superintendent, rather than to individual staff members.~~

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)

Agenda Dissemination to Board Members

~~A copy of the agenda shall be forwarded to each Board member~~ **At least three days before each regular meeting, together with each Board member shall be provided a copy of the agenda and agenda packet, including** the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent ~~and President~~ **or designee** shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible **before the meeting**.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to **ask questions and/or** request additional information on agenda items. **However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of Board.**

~~Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)~~

(cf. 9012 - Board Member Electronic Communications)

Agenda Dissemination to Members of the Public

The Superintendent or designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document which relates to an open session agenda item of a regular Board meeting is

distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a public record under the Public Records Act. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

**(cf. 1113 - District and School Web Sites)
(cf. 1340 - Access to District Records)**

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee, **not to exceed the cost of providing the service.**

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

~~6250-6270~~—**6277** Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

54960.2 Challenging board actions; cease and desist

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

COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union-HSD, **High School District**, 2007 U.S. Dist. LEXIS 66318;
2007 WL 2669545

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2010

The Brown Act: School Boards and Open Meeting Laws, rev. 2007-2009

~~Guide to Effective Meetings, rev. 2007~~

~~Maximizing School Board Leadership: Boardsmanship, 1996~~

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, ~~California Attorney General's Office,~~
rev. 2003

~~CALIFORNIA CITY ATTORNEY PUBLICATIONS~~

~~Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000~~

WEB SITES

CSBA, Agenda Online:

~~http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx~~

California Attorney General's Office: <http://www.caag.state.ca.us> <http://www.oag.ca.gov>

Bylaw TWIN RIVERS UNIFIED SCHOOL DISTRICT

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