

Bylaws of the Board

MEETINGS AND NOTICES

State open meeting laws define a “meeting” as any congregation of a majority of the Members of the Board at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Board or District. (Government Code 54952.2)

Attendance by a majority of the Board Members at any of the following events is not subject to state open meeting laws provided that a majority of the Board Members do not discuss specific District business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering that involves a discussion of issues of general interest to the public or to school boards.
2. An open, publicized meeting organized by a person or organization other than the District to address a topic of local community concern.
3. A purely social or ceremonial occasion.

Except for authorized video teleconferencing, any use of direct communication, personal intermediaries, or technological devices by a majority of Board Members to develop a collective concurrence as to an action the Members will take on an item is prohibited. (Government Code 54952.2) This includes, but is not limited to, District local area and wide area networked electronic mail (email) applications.

Individual contacts or conversations between a Board Member and any other person are not subject to open meeting laws. (Government Code 54952.2) Electronic mail (email) used as a communication medium for conversations or correspondence between a Board Member and any other person does not constitute a “meeting” and is not subject to open meeting laws. (Government Code 54952.2(b)(1))

Board meetings shall be open to the public and held within District boundaries, except as allowed by law. They shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54954)

Regular Meetings

The Board shall hold a minimum of one regular meeting each month. Regular meetings shall be held at 6 p.m. on Wednesdays at the Chula Vista Elementary School District Education Service and Support Center.

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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 District's Internet web site. (Government Code 54954.2)

A copy of each regular meeting agenda shall be mailed to any person who has filed a written request for such notice. The agenda shall be mailed at the time it is posted or upon distribution to all, or a majority of all, Board Members, whichever occurs first. Requests are valid for one year from the date filed unless renewed. Renewal requests must be filed within 90 days after January 1 of each year. (Government Code 54954.1)

Persons requesting agendas shall pay an annual fee as determined by the Superintendent/designee.

Special Meetings

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

Notice of special meetings shall be delivered either by mail or personally at least 24 hours before the meeting to all Board Members, the Superintendent, and the local media who have requested such notice in writing. This 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 these meetings. (Education Code 35144, Government Code 54956)

When a special meeting is called at least one week in advance, the agenda of the meeting shall be mailed at the time it is posted or upon distribution to all, or a majority of all, Board Members, whichever occurs first to any person who has appropriately filed with the Board a written request for such notice. (Government Code 54954.1)

Emergency Meetings

The Board may hold an emergency meeting without complying with the 24-hour notice or 24-hour posting requirements in the following cases: (Government Code 54956.5)

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1. An emergency, defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the Board Members.
2. A dire emergency, defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that severely endangers the public health, safety, or both, as determined by a majority of the members of the Board.

The Board President/designee shall give notice of the emergency meeting to the local media by telephone at least one hour before the meeting. If telephone services are not functioning or the emergency situation poses peril so immediate and significant that it further endangers the public health, safety, or both, the notice requirement of one hour is waived. As soon after the meeting as possible, the Board shall notify local media that have requested notices for special meetings, describing the purpose of the meeting and any action taken by the Board. (Government Code 54956.5)

A closed session may be held during an emergency meeting if it is agreed to by a two-thirds vote of the Members of the Board or a unanimous vote if less than two-thirds of the Board Members are present. All other rules governing special meetings shall be observed, with the exception of the 24-hour notice requirement. The minutes of the meeting, a list of persons the President/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 ten 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 meeting to a later time and place that shall be specified in the order of adjournment. Within 24 hours after a meeting has been adjourned to a later date and/or time, a copy of the order of adjournment shall be posted at the meeting site.

If no members are present at any regular or adjourned regular meeting, the Secretary or the Clerk may declare the meeting adjourned to a later date and/or time and shall give notice in the same manner required for special meetings. (Government Code 54955)

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Video Teleconferencing

The Board may use video teleconferences for Board meetings when receiving public comment or testimony and during Board deliberations. Agendas shall be posted at all video teleconference locations, and each teleconference location shall be identified in the agenda and accessible to the public. (Government Code 54953)

All Board Policies and Administrative Regulations shall apply equally to meetings that are video teleconferenced. The Superintendent/designee shall establish procedures to facilitate public participation in the meeting at each video teleconference location.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Conduct and Reports)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)
(cf. 1340 - Access to District Records)

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings
35143 Annual organizational meeting, date, and notice
35144 Special meetings
35145 Public meetings
35146 Closed sessions
35145.5 Agenda; public participation; regulations
35147 Open meetings law exceptions and applications

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
54954.1 Mailed notices
54954.2 Agenda posting requirements, Board actions
54956 Special meetings; call; notice
54956.5 Emergency meetings

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UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF REGULATIONS, TITLE 28
35.160 Effective Communications
36.303 Auxiliary aids and services
COURT DECISIONS
Wolfe v. City of Fremont, (2006) 144 Cal.App. 544
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. (1996)
78 Ops.Cal.Atty.Gen. (1995)

Management Resources:

CSBA PUBLICATIONS
The Brown Act: School Board and Open Meeting Laws, rev. 2009
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
The ABCs of Open Government Laws
LEAGUE OF CALIFORNIA CITIES PUBLICATIONS
Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010
WEB SITES
CSBA: <http://www.csba.org>
California Attorney General's Office: www.ag.ca.gov
Institute for Local Government: www.ca-ilg.org
League of California Cities: www.cacities.org

Bylaw

Adopted: 11/30/90
Revised: 06/07/94
Revised: 02/21/95
Revised: 09/05/95
Revised: 09/17/02
Revised: 09/12/12

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California