

BOARD PROTOCOLS

Why have Protocols?

Protocols support and promote the effectiveness of the Board by identifying how governance teams operate and how they do business. They also provide a practical way to introduce a new member to the common operating procedures the Board follows.

How are Protocols established?

Protocols are established by the common practices exercised by the Board over time and are often written into Board Bylaws. In some cases, public law and California Education Code establish certain rules of conduct.

How do I become an effective Board member?

One of the most difficult adjustments for new Board members is recognizing that decisions are made by a collective authority. Board members bring different perspectives to the table and provide the opportunity for good deliberations to occur. An open mind on the issues under discussion allows the Board to make positive, meaningful decisions.

How do I balance my own beliefs and values, which is why I ran and maybe had a great deal to do with why I was elected, with the Board's overall responsibilities?

As an elected official, your role as a voice for your community and a valued representative of your constituents and their interests are key components in the conduct of Board business. As a member of a Board with county wide responsibilities, it is also critical to serve the county as a whole, and act in the best interests of all children throughout Monterey County. In addition, all Board members have a vested interest in ensuring the integrity of the Board and its reputation in the community remain at the highest level. Therefore, Board members have the responsibility to stand behind Board decisions once an issue has been discussed and voted on, even if you voted to the contrary.

How can a new Board member begin to get up-to-speed on school finance and other related matters that would be required to be a good Board member?

Early in each December, the California School Board Association (CSBA) holds an annual conference which includes an Orientation for New Board Members. It would be

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important to attend this full day session on finance and other critical board matters. In addition, the staff and experienced board members will conduct an orientation on a whole variety of vital issues you will need to become acquainted with and introduce you to the key members of the organization.

What's expected of me during the Board meetings and as an elected official?

- Understand the Board's and Superintendent's roles and responsibilities
- Recognize that Board members are members of a team; support the Board's decision even though you may have opposed the proposal.
- Be in time and be prepared for the meetings Actively participate in the discussion and decision-making process
- Maintain a positive attitude
- Be respectful and sensitive toward others; be open to ideas and opinions even if you do not agree; look for a common ground
- Acquaint yourself with the Board's policies. Bylaws and Protocols
- Be aware of the provisions of "Robert's Rules of Order, Newly Revised" that constitute the parliamentary procedure of the Board Address the process not the personalities
- Expedite the meeting by staying on the subject of each agenda item
- Ask questions for understanding and/or to help the public understand
- Factor comments from the public into the discussion
- Keep the big picture in mind; stay focused on the agency's vision
- Look to the future — learn from the past
- Most importantly, be attentive to the students' best interests
[Board Bylaw 9005, 9005.1, 9005.3, 9005.5]

How do items get selected into the Board meeting agenda?

The Board President and the Superintendent generally collaborate to develop the agenda for each regular or special Board meeting. Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda at a regular Board meeting. The request from a member of the public shall be in writing. [Board Bylaw 9322]

Are all Board meetings conducted in open session?

Most Board meetings are conducted in open session that allows the public to comment on any subject not of the agenda that is within the jurisdiction of the Board, and on any items on the agenda. The process is regulated by legislative procedures commonly known as the Brown Act. Any meeting in which four or more Board members are

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present must be conducted under auspices of the Brown Act. Social occasions and conferences are exceptions. [Government Code 54950 – 549627]

Closed sessions, which exclude the public and any employee not directly involved in the matter, may be held by the County Board of Education for the following purposes only: student expulsion appeals; real property negotiations; confer with legal counsel on existing or anticipated litigation; threat to public services or facilities; national security; and a few other specific situations specified in the Brown Act.

How should Board members respond during the public's open comment section of the agenda?

As mentioned in the previous paragraph, every agenda for regular meetings provides an opportunity for members of the public to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the County Board. At this time no discussion shall be permitted on any item appearing on the posted agenda.

Usually there is no interaction between the speaker and the Board except Board members or staff may briefly respond to statements made or question posed or may ask a question for clarification. [Government Code 54954.2 and 54954.3]

The Board may not prohibit the public from criticizing Board or county office policies, procedures, programs, or services or the acts or omissions of the Board and/or the County Office of Education. This is regardless of whether the criticism implicates the performance of any of the County Office's employees. [Government Code 54954.3]

At special meetings, public comments are limited to the specific topic of the meeting.

How do agenda items get brought up for discussion during the Board meeting?

The common practice, although there may be some exceptions, is: The Chair calls the item. Staff presents the item. Chair asks if any Board members have questions of the staff. Staff responds. Chair opens the matter for public comment. Chair closes public comment. Chair asks for a motion and a second. After the second is received, the Chair asks for discussion from the Board. If no motion or second is received, the item is withdrawn without further discussion.

How many members have to be present to make a quorum?

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A majority of the membership (4) shall constitute a quorum. However if only four Board members are present at the time of the vote, a unanimous vote is required for the issue to be decided. [Board Bylaw 9323. and Education Code Section 1013]

How do I get recognized if I want to participate in the discussion?

The generally accepted way is to get the attention of the Board Chair is with the wave of a hand or a nod. Wait for the Chair to recognize you before speaking.

What if I have a question about an agenda item during my review of the Board packet prior to the meeting?

It would be appropriate to contact the Superintendent or the MCOE staff official who is sponsoring the agenda item to seek clarification on the issue in question. Getting a clarification before the Board meeting might obviate the need to discuss the issue during the regular Board session thus saving everyone's time.

What if I have a conflict of interest in the matter requiring a vote?

A Board member should not participate in making or influencing a governmental decision in which the member has reason to believe there may be a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on the Board member's "economic interests." [Board Bylaw 9270]

Board members should not be financially interested in any contract made by the Board on behalf of the county office, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the county office is barred from entering into the contract. [Government Code 1090]

Because this area of law is complex, it is strongly recommended that the Superintendent be consulted as soon as a Board member believes he or she may be remotely involved. If the Board member perceives a conflict of interest, the member should leave the Board room before the item is brought up for discussion.

Can I abstain if I don't want to vote on an issue?

The Board believes that unless there is a conflict of interest that requires an abstention, Board members have a duty to vote on issues before them. [Board Bylaw 9323]

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Why doesn't the Board get involved in personnel matters like the districts do?

The California Education Code has identified the County Superintendent as the employer of county office employees. The Board has the authority to approve the county office budget that contains reference to the number and kind of positions and the organizational structure; however, the supervision of employees and all other personnel matters remain with the County Superintendent. [Education Code Sections 1293, 1294, 1311]

What should I do if I can't make it to a regular or special scheduled meeting?

Anticipated absences to Board meetings should be reported to the Superintendent's Senior Executive Assistant.

What if I want some information or research from the staff?

Board members should normally request information and facts through the Superintendent. This keeps the Superintendent aware of Board concerns, and the Superintendent can better facilitate the obtaining of the information or facts.

If the information or facts sought are of an extensive nature requiring substantial staff time or research or is to be a report, there must be prior Board approval or clear consensus, as determined by the Board President. [Board Bylaw 9295]

However in rare cases, if the question or information sought would take a minimum of time to comply, it would be appropriate to contact the staff person directly. Be certain the information or facts sought are needed for Board business

What are the normal procedures if I want to visit one of the county office's schools?

All visits to a County Office school should be coordinated through the County Superintendent, except when there is an open house at the school,

How can I resolve a question I may have during my review of the warrants (payables)?

Questions should be asked of the Executive Director of Fiscal Services, Finance and Business Services Division, prior to the Board meeting when a review of warrants is on the agenda. Any unresolved issues may be discussed at that Board meeting.

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How much latitude do I have to discuss Board matters outside Board meetings with other Board members?

All meetings of the Board are open and public. A "meeting" includes any congregation of a majority of the Board members at the same time and place to hear, discuss, or deliberate on any item that is within the jurisdiction of the Board. There are some exceptions: Individual contacts or conversations between a Board member and any other person; Attending a conference or social occasion with a majority of the Board; Attending an open and noticed meeting of a standing committee provided the person who is not a member of the committee attends only as an observer and does not participate in any discussion during the meeting.

For a complete listing of acceptable Board behavior during public meetings and discussions among fellow Board members, refer to the provisions of "the Brown Act" as it is commonly called. [Government Code 54950-54962]

What should I do if a reporter or constituent asks me about a current Board matter?

All official public statements in the name of the County Board shall be issued by the Board president or, if appropriate, by the Superintendent at the direction of the Board president. No individual Board member shall make public statements in the name of the Board. [Board Bylaw 9010]

How do I respond to a community person who approaches me outside an official board meeting with a school related question?

An informal discussion with a constituent is acceptable providing your conversation should not be construed as the "official" position of the Board and that any information discussed or revealed during a closed session remains confidential.

Board members should be aware of the lines of authority and chain of command and advise the constituent the correct avenue to follow. Furthermore, board members should recognize if research is needed on an issue raised by the constituent, that's the staff's responsibility to pursue.

If a board member hears about critical concerns expressed in the community, he or she should notify the superintendent so that responsive action can be taken.

Who provides me with clerical support should I need it?

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Requests for clerical support should be made to the Superintendent's Senior Executive Assistant.

What are the rules regarding the acceptance of gifts or special favors?

Under the Political Reform Act, a gift is any payment or other benefit provided to you for which you did not provide goods or services of equal or greater value.

No Board member shall knowingly accept any commission, expense paid trip or gift of anything of value from individuals or companies selling equipment, materials or services to the County Office of Education, or from any other source with respect to having relationship with the performance of official duties. There are some minor exceptions. [Board Bylaw 9253]

What do I do if I have a problem with a staff member or a fellow Board member?

If the problem cannot be resolved amicable between the two parties, confer with the County Superintendent for staff member issues and the Board Chair for matters with fellow Board members.

How are the officers of the Board and Chairs of committees selected?

The Board conducts an annual organizational meeting on the first meeting in December at which time officers are elected and committee assignments are made. [Board Bylaw 9100]

How are chair assignments made?

Generally, the vice chair sits next to the Board chair. The other chair assignments are made by the chair who will usually accept special requests by individual Board members.

How do I get reimbursed if I incur personal expenses as a result of an official assignment?

There is a special travel reimbursement form for recording your travel expenses. This completed form should be submitted to the Superintendent's Senior Executive Assistant for processing.

What are my obligations if the staff invites me to their celebratory functions?

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These occasions are an opportunity for the staff to become acquainted with Board members and for the Board member to meet staff members in an informal setting. Board members are encouraged to attend if their schedules permit.

Legal References:

EDUCATION CODE

- 1013 Quorum
- 1293 Contracts with Certificated Employees
- 1294 Rights of Certificated Employees
- 1311 Non-certificated Employees

GOVERNMENT CODE

- 1090-1099 Financial Interest; prohibitions applicable to specific officers
- 54950-54962 Brown Act
- 87100-87500.1 Conflict of Interest

CODE OF REGULATIONS, TITLE 2

- 18110-18997, specifically 18702.5, Conflict of Interest

ATTORNEY GENERAL OPINIONS

- 72.12, 1989 County Superintendent is the employer
- 85.77, 2002 County Superintendent is the employer

PERB Order

- 323, 1983 County Superintendent is the employer

BOARD BYLAWS

- 9005 Governance Standards
- 9005.1 Boardsmanship
- 9005.3 Principles of Ethics
- 9005.5 Code of Ethics
- 9322 Board Meeting Agenda
- 9323 Conducting County Board Meetings in Public
- 9270 Conflict of Interest Code for Officers & Employees
- 9295 Board Member Request for Information & Reports
- 9010 Public Statements by the Board
- 9253 Gifts, Honoraria & Travel
- 9100 Annual Organizational Meeting