

BOARD MEETING AGENDA

Agenda Content

The Monterey County Board of Education (County Board) meeting agenda shall briefly describe, generally not to exceed 20 words, each business item to be transacted or discussed, including items to be discussed in closed session. [Government Code (GC) 54954.2]

At least 72 hours before a regular meeting and 24 hours before a special meeting of the County Board, the Monterey County Superintendent of Schools (County Superintendent) as the Secretary to the County Board shall post an agenda for public review. The agenda shall specify the time and location of the meeting and shall be posted in a location that is freely accessible to the public.

Each meeting agenda shall list the address, designated by the County Superintendent, for public inspection of agenda documents that have been distributed to the County Board. [GC 54957.5]

(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 County Board on any agenda item before or during the County Board's consideration of the item. The public is also entitled to comment at special meetings even where the agenda item was covered at a prior committee meeting. [GC 54954.3; 54954.3(a)]

The agenda for a regular County Board meeting shall also provide members of the public an opportunity to comment on matters that are not on the agenda but which are within the subject matter jurisdiction of the County Board. [Education Code (EC) 35145.5; GC 54954.3]

The agenda shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, or language translation, in order to participate in the County Board meeting should contact the County Superintendent or designee at least 48 hours before the scheduled meeting. [GC 54954.2]

The County Board may take no action or conduct an in-depth discussion on any matter that does not appear on the posted County Board agenda except under any of the following conditions: [GC 54956.5]

1. When a majority vote of the County Board determines that an emergency situation exists as defined by GC Section 54956.5.
2. When a two-thirds of the members present or, if less than two-thirds of the members are present, a unanimous vote of those members present determine that the need to take immediate action arose subsequent to the agenda being posted.
3. When an item is on the agenda from a prior meeting that was continued from a meeting that occurred no more than five (5) calendar days earlier.

Agenda Preparation

The County Board president and the County Superintendent, as secretary to the County Board, shall work together to develop the agenda for each regular and special meeting.

Any County Board member or member of the public may request that a matter within the jurisdiction of the County Board be placed on the agenda of a regular meeting. The request from the member of the public shall be in writing and be submitted to the County 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.

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

Agenda items should be within the purview authority and responsibility of the County Board. The County Board president and County Superintendent shall decide whether a request is within the subject matter jurisdiction of the County Board. Items not within the subject matter jurisdiction of the County Board may not be placed on the agenda. In addition, the County Board president and County Superintendent shall determine if the item is merely a request for information or likely to need a lengthy discussion, research or investigation or extensive demand on staff time. Such an agenda item should first be scheduled for discussion only. A determination should also be made whether the issue is covered by an existing County Board policy.

The County Board president and County 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 subject to County Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Any County 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. [GC 53635.7]

Consent Agenda/Calendar

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

At the request of any member of the County Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

In accordance with law, the public has a right to comment on any consent agenda item that has not been previously considered. However, an opportunity need not be provided for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the County 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. [GC 95954.3]

Agenda Dissemination to County Board Members

At least three days before each regular meeting, each County Board member shall be provided a copy of the agenda and agenda packet, including any reports from the County Superintendent or designee; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting. If any controversial item is to be considered, the County Superintendent or designee is requested to give a synopsis of the facts for study prior to the meeting.

When special meetings are called, the County Superintendent or designee is requested to make every effort to distribute the agenda and supporting materials to County Board members as soon as possible or at least 24 hours before the meeting. [GC 54956]

County Board members shall review agenda materials before each meeting. Individual members may confer directly with the County Board President, the County Superintendent or County Superintendent's designee to ask questions and/or request

additional information on agenda items. However, a majority of County 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 the County Board.

(cf. 9012 – Board Member Electronic Communications)

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the County Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. [GC 54957.5]

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. [GC 54954.2]

In addition, the County Superintendent or designee is required to post the agenda on the home page of the Monterey County Office of Education's (MCOE's) website in a format which is retrievable, downloadable, indexable, electronically searchable by commonly used internet search applications, and without any restriction that would impede the reuse or redistribution of the agenda. [GC 54954.2]

(cf. 1113 – MCOE Web Sites)

(cf. 1350 – Access to MCOE Records)

If a document, which relates to an open session agenda item of a regular County Board meeting is distributed to the County Board less than 72 hours prior to a meeting, the County Superintendent or designee is required to 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 County Board provided that the document is a public record under the Public Records Act. [GC 54957.5]

As County Board secretary, it is the responsibility of the County Superintendent or designee to mail or transmit electronically 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 transmitted at the time the agenda is posted or upon distribution of the agenda to the County Board, whichever occurs first. [GC 54954.1]

Any documents prepared by MCOE or the County Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents 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. [GC 54957.5]

Upon request, the County 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. [GC 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. [GC 54954.1]

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the County Superintendent or designee, not to exceed the cost of providing the service. However, a surcharge may not be imposed for providing the agenda and other public record documents, in alternative formats to persons with disabilities. [GC 54954.1]

Each school district in the county shall be emailed a copy of the agenda of each meeting of the County Board. Copies shall also be emailed to local newspapers, television and radio stations and designated public libraries.

Legal Reference:

EDUCATION CODE

35144 *Special meetings*
 35145 *Public meetings*
 35145.5 *Right of public to place matters on agenda*

GOVERNMENT CODE

6250-6270 *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) Cal.App.4th 229

Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

Preven v. City of Los Angeles, (2019), 2nd District Court of Appeal

ATTORNEY GENERAL OPINIONS

99 Ops. Cal. Atty. Gen. 11 (2016)

78 Ops. Cal. Atty. Gen. 327 (1995)

Adopted: 3/16/84

Revised: 2/3/88, 3/2/94; 5/98; 9/01/99; 10/15/08; 06/01/16; 05/08/19