

MINUTES AND RECORDINGS OF BOARD MEETINGS

The Monterey County Board of Education (County Board) recognizes that maintaining accurate minutes of County Board meetings provides a record of County Board actions for use by staff and the public. Accurate minutes also help foster public trust that County Board actions are occurring in public in accordance with the law.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9323 - Meeting Conduct)

The Monterey County Superintendent of Schools (County Superintendent), as Secretary to the County Board, is expected to develop a system of codifying minutes to enable their use as a ready reference on county school policy and operation. The County Board's minutes shall be public records and shall be made available to the public upon request. [Education Code (EC) 35145, 35163]

(cf. 1340 - Access to County Board Records)

(cf. 9122 - Secretary)

(cf. 9323.2 - Actions by the County Board)

The County Superintendent or designee should distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the County Board shall approve the minutes as circulated or with necessary amendments.

A majority of the County Board must be present at a meeting in order to hear, discuss, or deliberate on any matter within the subject matter jurisdiction of the County Board. Thus, the minutes should reflect any occasion on which a member is not present for the entire meeting in order to document that a majority of the County Board remained in attendance throughout the meeting. [Government Code (GC) 54952.2]

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

A County Board Member who was absent from a particular meeting, at which action on an agenda item was continued to the next meeting, may vote on the item at a subsequent meeting if the County Board member has become familiar with the substance of the topic and reviewed any related documents.

The minutes shall reflect the actual order of business as enacted by the County Board at its meeting. In order to ensure that the minutes are focused on County Board action, the minutes shall include only a brief summary of the County Board's discussion, but shall not include a verbatim record of the County Board's discussion on each agenda topic or the names of County Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion, the names of members

who made and seconded the motion, and the vote count. In addition to publicly reporting any action taken, the minutes must note the vote or abstention of each member present for the action. [GC 54953]

Motions or resolutions shall be recorded as having passed or failed. All motions and County Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

The minutes shall reflect the names, if provided, of those individuals who comment during the meeting's public comment period as well as the topics they address.

Upon request by a student's parent/guardian, or by the student if age 18 or older, the minutes shall not include the student's or parent/guardian's address, telephone number, date of birth, or email address, or the student's name or other directory information as defined in EC 49061. The request to exclude such information shall be made in writing to the County Superintendent as Secretary of the Board. [EC 49073.2]

(cf. 5125.1 - Release of Directory Information)

Upon approval by the County Board, the minutes shall be signed by the County Board President. The County Superintendent has an obligation to maintain an official file for the minutes and any recordings of each County Board meeting, to ensure the security of such files, and to retain them in accordance with the law.

If any minutes or recordings are kept for County Board meetings held in closed session, they shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. [GC 54957.2]

(cf. 9321.1 - Closed Session Actions and Reports)

Recording or Broadcasting of Meetings

Pursuant to GC 54953.5 and 54953.6, any person attending an open meeting may record or broadcast the meeting unless the County Board makes a reasonable finding that the recording or broadcast cannot continue without noise, illumination, or obstruction of view, which would persistently disrupt the meeting. See BB 9323, "Meeting Conduct" for language regarding recording by the public.

The County Board may tape, film, or broadcast any open County Board meeting. The County Board president shall announce that a recording or broadcasting is being made at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting. Any recording may be erased or destroyed 30 days after the meeting. Recordings made during a meeting are public records and, upon request, shall be made available for inspection by members of the public on a county office recorder without charge. [GC 54953.5]

Legal Reference:

EDUCATION CODE

1011-1017 *Election, Jurisdiction, Organization and Procedure*
1040 *Duties of the county board*
49061 *Student records; definitions*
49073.2 *Privacy of student and parent/guardian personal information*

GOVERNMENT CODE

6250-6270 *Public Records Act*
54952.2 *Meeting defined*
54953 *Public recording the vote*
54953.5 *Audio or video recording of proceedings*
54957.6 *Broadcasting of proceedings*
54957.2 *Closed sessions; clerk; minute book*
54960 *Violations and remedies*

PENAL CODE

632 *Unlawful to intentionally record a confidential communication without consent*

CODE OF REGULATIONS, TITLE 5

16020-16027 *Classification and retention of records*

Adopted: 5/13/64

Revised: 2/3/88; 11/06/02; 11/05/08; 04/06/16; 4/10/19