



**BYLAWS OF THE SAN LUIS OBISPO COUNTY
COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

APRIL 2016

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SAN LUIS OBISPO COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION**

1.0 ROLE OF THE COMMITTEE

- 1.1 Purpose, Powers, Duties

2.0 ORGANIZATION

- 2.1 Membership
 - 2.1.1 Membership – Terms of Office
 - 2.1.2 Terms of Membership
 - 2.1.3 Vacancies in Membership
 - 2.1.4 Attendance/Removal from Membership
- 2.2 Compensation
 - 2.2.1 Travel Reimbursement
- 2.3 Officers and Auxiliary Personnel
 - 2.3.1 Vacancies in Office
 - 2.3.2 Secretary
 - 2.3.3 Attorney
- 2.4 Temporary Special Committees
- 2.5 Liability Insurance

3.0 MEETINGS

- 3.1 Quorum
 - 3.1.1 Motion Carried
 - 3.1.2 Abstentions
- 3.2 Construction of Agenda
 - 3.2.1 Posting of Agenda

4.0 MEETING CONDUCT

- 4.1 Individuals/Groups Addressing the Committee
- 4.2 Parliamentary Procedure
- 4.3 Suspension of Bylaws
- 4.4 Amendments to Bylaws
- 4.5 Actions by the Committee
- 4.6 Minutes
- 4.7 Recording of Votes
- 4.8 Maintaining the Minutes

5.0 CODE OF ETHICS

- 5.1 Committee Responsibility to the Community
- 5.2 Committee Relationship with Other Members

**BYLAWS OF THE
SAN LUIS OBISPO COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION**

1.0 ROLE OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

1.1 Purpose, Powers, Duties

The San Luis Obispo County Committee on School District Organization shall conduct hearings on petitions to reorganize school districts and shall either approve, disapprove or make recommendations to the State Board of Education as appropriate regarding such petitions; and the Committee shall formulate plans and recommendations for the organization or reorganization of school districts in the county or any portion thereof including, if appropriate, a portion of one or more adjacent counties. The Committee exists under the authority of the California Constitution and acts of the legislature of the State of California and the regulations of the California State Board of Education.

Reference: E.C. 35700
E.C. 35720
Adopted: January 31, 2001

2.0 ORGANIZATION

2.1 Membership

2.1.1 Membership - Terms of Office

The County Committee consists of eleven members – two from each of the five supervisorial Districts in the county and one member at large. Committee members are elected by representative governing board members from each school district and the community college in the county.

Elections will be held at the annual meeting, called by the County Superintendent, which shall be held between October 1 and December 1. The County Committee may authorize the representatives of the governing boards to vote, for this purpose, through the use of absentee ballots (Appendix 1) that are submitted in the form and manner prescribed by the County Committee, prior to the date set for the annual meeting. If the representatives fail to elect members to fill the vacancies on the County Committee, the vacancies shall be filled by the County Superintendent.

Candidates for the County Committee must be nominated by any school district or community college district in the county. Nominations must be received by the County Superintendent by October 1. (Appendix 2)

County Committee candidates must be registered voters and residents of the supervisorial district they are seeking to represent (candidates for the at-large seat must be registered voters and residents of the county). No county superintendent of schools, employee of the office of a county superintendent of schools, employee of a school district, or employee of a community college district shall be a member of the county committee. Any member of the governing board of a school district or community college district in the same or any other county who is otherwise eligible may simultaneously serve as a member of the county committee.

Reference: E.C. 4005, 4006, 4007, 4008

Adopted: January 31, 2001

Revised: April 28, 2016

2.1.2 Term of Membership

The term of each member of the Committee shall begin upon election or upon appointment, as appropriate, and shall be for four years.

Reference: E.C. 4009

Adopted: January 31, 2001

2.1.3 Vacancies in Membership

A vacancy is caused by the happening of any of the events specified in Section 1770 of the Government Code including the following:

The expiration of the term of office of a member of the County Committee: Vacancies created by the expiration of the term of office of a member of the Committee shall be filled by the majority vote of the representatives of the governing boards at the annual meeting called and held between October 1 and December 1.

The resignation of any County Committee member: Should a County Committee member choose to resign, the resignation will be in writing and submitted to the Secretary of the County Committee or his/her designee. The vacancy becomes effective upon the date indicated in the written resignation or upon receipt of the written resignation if no date is designated. The Secretary or designee shall send written notification of said resignation to all County Committee members with 10 days of receiving the written resignation.

Excessive absences by a County Committee member:

A vacancy is created where a Committee Member ceases to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or absent from the state with the permission required by law.

A vacancy is created where a Committee member misses three (3) consecutive absences, unless those meeting absences occur over a period of less than three months or are excused by law. A vacancy shall be established upon the conclusion of the County Committee meeting during which this third consecutive unexplained absence occurs. After two (2) absences, the chair will send a letter to the member advising said member of the Bylaws and asking for a commitment or a resignation.

A vacancy created by the early resignation of a Committee member, excessive absences, or for any other reason, other than expiration of term, shall be filled by the majority vote of the remaining members of the committee and such an appointment shall be for the duration of the unexpired term. If the remaining members of the committee do not fill the vacancy within 70 days of its occurrence, the County Superintendent shall fill the vacancy by his or her appointment.

Reference: E.C. 4006; Government Code 1770
Adopted: January 31, 2001
Revised: April 11, 2001; April 28, 2016

2.1.4 Attendance, Removal From Membership

Attendance at meetings shall be on a regular basis to ensure continuity of thought and discussion to achieve the purposes and goals of the Committee. Failure to discharge duties, including failure to attend meetings, for a period of three months constitutes a failure to discharge duties and creates a vacancy in accordance with Bylaw 2.1.3 and Government Code section 1770.

Reference: Government Code 1770
Adopted: January 31, 2001
Revised: April 28, 2016

2.2 Compensation

Committee members shall serve without compensation. However, they shall receive reimbursement for any actual and necessary travel expenses incurred in the performance of their duties. These travel expenses shall be approved by the Secretary of the County Committee or by his/her designee and shall be paid out of the County School Service Fund.

Reference: E.C. 4010
Adopted: January 31, 2001
Revised: April 28, 2016

2.2.1 Travel Reimbursement

Actual and necessary travel expenses incurred as a result of official Committee activity shall be allowed and will be reimbursed at the same rates

in effect for the County Office of Education. Procedures for claiming reimbursement will follow the procedures in effect for the County Office of Education.

Reference: E.C. 4010
Adopted: January 31, 2001
Revised: April 28, 2016

2.3 Officers and Auxiliary Personnel

Within 30 days of the annual election of the County Committee, the County Superintendent shall call a meeting for the purpose of electing one member Chairperson and one member Vice-Chairperson.

Reference: E.C.4012
Adopted: January 31, 2001
Revised: April 28, 2016

2.3.1 Vacancies in Office

If the office of Chairperson is vacated for any reason, the Vice-Chairperson shall become Chairperson for the remainder of the year, and the office of Vice-Chairperson shall be vacated. If the office of Vice-Chairperson is vacated for any reason, the vacancy shall be filled by appointment by the majority of the Committee, if it desires to do so, and the appointee shall hold office for the remainder of the year. If the offices of Chairperson and Vice-Chairperson are vacated at the same time for any reason, the vacancies shall be filled by appointment by the majority of the Committee for the remainder of the year. If the Committee fails to appoint within a specified time, the County Superintendent shall make the appointments.

Adopted: January 31, 2001

2.3.2 Secretary

The County Superintendent shall serve as secretary to the Committee.

Adopted: January 31, 2001

2.3.3 Attorney

The legal counsel for the County Superintendent shall provide legal services for the County Committee, except that other counsel may be employed as needed.

Reference: E.C. 4011
Adopted: January 31, 2001

2.4 Temporary Special Committees

The Chairperson may appoint such temporary and special committees as deemed necessary or advisable and the Chairperson shall be, ex officio, a member of each committee. The duties of the special committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made. Temporary or special committees will be less than a quorum of the full Committee and are not subject to the Ralph M. Brown Act.

Reference: Government Code 54952

Adopted: January 31, 2001

Revised: April 28, 2016

2.5 Liability Insurance

Liability coverage shall be provided to protect against personal liability of the members of the Committee while acting in the scope of office as required by law.

Reference: E.C. 35208

E.C. 35214

Adopted: January 31, 2001

3.0 MEETINGS

Meetings of the County Committee may be called by the Chairperson or by a quorum of the Committee. All meetings are subject to the provisions of the Ralph M. Brown Act.

Reference: E.C.4013

Adopted: January 31, 2001

3.1 Quorum

A majority of the members of the Committee shall constitute a quorum.

Reference: E.C. 4014

Adopted: January 31, 2001

3.1.1 Motion Carried

The Committee shall act by a majority vote of all of the membership constituting the County Committee. A measure must have six affirmative votes to pass.

Reference: E.C. 35164

Adopted: April 11, 2001

3.1.2 Abstentions

Abstentions shall be counted in determining the needed majority, but they shall not count as either a affirmative or a negative vote. The affirmative vote of the majority rule prevails in all cases.

Adopted: January 31, 2001

3.2 Construction of Agenda

The County Superintendent, as secretary to the County Committee, shall prepare an agenda for each regular or special meeting. Any Committee member may call the County Superintendent and request an item to be placed on the agenda.

Members of the public may write a letter to the County Superintendent or his/her designee requesting that an item be considered by the County Committee.

Adopted: January 31, 2001

Revised: April 28, 2016

3.2.1 Posting of Agenda

At least 72 hours prior to the time of the regular meeting, the items to be included on the agenda will be posted in a place readily available to the public. Items to be included on the agenda of a public hearing shall be posted at least 10 days prior to the time of the public hearing.

Reference: E.C. 35705 (Government Code 54954.2[a])

Adopted: January 31, 2001

4.0 MEETING CONDUCT

Meetings of the Committee shall be conducted by the Chairperson in a manner consistent with Robert's Rules of Order Newly Revised and with the adopted bylaws of the Committee.

All Committee meetings shall commence at the stated time and shall be guided by an agenda that will have been prepared and delivered in advance to all committee members and other designated persons.

The conduct of meetings shall, to the fullest possible extent, enable members of the Committee (1) to consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems, and (2) to receive, consider, and take any needed action with respect to the organization of school districts.

Adopted: January 31, 2001

Revised: April 28, 2016

4.1 Individuals Addressing the Committee

The Committee shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Committee's consideration of the item.

At a time so designated on the agenda at a regular meeting, members of the public may bring before the Committee matters that are not listed on the agenda. The Committee shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. Individual speakers shall be allowed three minutes to address the Committee on each agenda or non-agenda item.

Reference: Government Code 54954.2, 54954.3
Adopted: January 31, 2001
Revised: April 28, 2016

4.1.1 Public Hearing Guidelines

Guidelines for speakers at public hearings will be provided in advance of the specific public hearing or special meeting as needed.

Adopted: _____

4.2 Parliamentary Procedure

Unless otherwise provided for by these Bylaws, "Robert's Rules of Order Newly Revised" shall serve as a guide in the parliamentary procedure.

Reference: Roberts's Rules of Order Newly Revised
Adopted: January 31, 2001
Revised: April 28, 2016

4.3 Suspension of Bylaws

Bylaws shall be subject to suspension for a specified purpose and limited time by a vote of 2/3 majority of Committee members present.

Reference: Robert's Rules of Order
Adopted: January 31, 2001
Revised: April 28, 2016

4.4 Amendments to Bylaws

Provisions of these bylaws not governed by the State Education Code may be amended by a majority of the committee voting at the annual meeting or any regular

meeting of the committee, provided notice of the proposed amendments shall have been given at the previous regular meeting or in writing to every member at least two weeks in advance of the meeting. Amendments required by the State Education code to bring the committee bylaws in to conformity shall not require a vote of the Committee members.

Adopted: January 31, 2001

4.5 Actions by the Committee

No action shall be taken except in a regular or special meeting of the Committee.

No action will be taken unless the subject acted upon was listed in the agenda published for that meeting, or as specifically authorized by law.

The Committee shall adopt resolutions when it is required by law or when the Committee intends to publish a status position of the Committee.

All actions taken by the Committee shall be clearly identified in the minutes of the Committee meeting.

Adopted: January 31, 2001

Revised: April 28, 2016

4.6 Minutes

The County Superintendent, as secretary to the Committee, shall keep minutes of all meetings of the Committee. Copies of the proceedings shall be made for distribution to the Committee members with the agenda for the next regular meeting. The official minutes of the Committee meetings shall be kept in a reasonably secure place and posted on the San Luis Obispo County Office of Education website (www.slocoe.org)

Adopted: January 31, 2001

Revised: April 28, 2016

4.7 Recording of Votes

Motions or resolutions shall be recorded as having passed or failed. Individual votes will be recorded only if the action was not unanimous, if requested by any Committee member or if a roll call vote is required.

Adopted: January 31, 2001

Revised: April 28, 2016

4.8 Maintaining the Minutes

The Committee minutes shall be maintained as outlined below:

1. Content – Committee Procedure
 - a. The date, place, and type of each meeting or public hearing
 - b. Members present and members absent by name
 - c. Call to order and pledge of allegiance to the flag
 - d. Arrival of tardy members by name
 - e. Departure of members by name before adjournment or is absence takes place
 - f. Date and place of next meeting, if known
 - g. Adjournment of the meeting

2. Content – County Committee Actions
 - a. Approval or amended approval of the minutes of preceding meetings
 - b. Information as to each subject of the Committee’s deliberation
 - c. Information as to each subject including the roll call record of the vote on a motion if non-unanimous or by request
 - d. A record of all important correspondence
 - e. A record of the county superintendent’s reports to the Committee
 - f. A record of all consultants; reports to the Committee
 - g. Approval of all bylaws

Adopted: January 31, 2001

5.0 CODE OF ETHICS

5.1 Committee Responsibility to the Community

If a member of the Committee is also a member of an affected District, the Committee member should consider whether recusal is necessary at the lower, District level, in order to comply with the Committee Code of Ethics.

A Committee member should honor the high responsibility which committee membership demands by:

Thinking always in terms of “students first”;

Refusing to “play politics” in either the traditional partisan or in any petty sense;

Representing at all times the entire school community;

Accepting the responsibility of becoming well informed concerning the duties of committee members and the laws regarding the organization of school districts;

Recognizing responsibility as a county official to seek the improvement of education throughout the county;

Attempting to appraise fairly both the present and future educational needs of the community;

Insisting that all school district organization transactions be on an open, ethical, and above-board basis;

Refusing to use the position of Committee Member in any way whatsoever for personal gain or for personal prestige; and

Winning the community's confidence that all is being done in the best interest of schoolchildren.

Adopted: January 31, 2001

Revised: April 28, 2016

5.2 Committee Relationship with Other Members

A Committee member should respect relationships with other members of the committee by:

Recognizing that authority rests only with the Committee in official meetings and that the individual member has no legal or moral status to find the Committee outside of such meetings.

Recognizing the integrity of his/her predecessors and associates and the merit of their work.

Refusing to make statements or promises as to how the member will vote on any matter which should properly come before the Committee as a whole.

Making decisions only after all facts bearing on a question have been presented and discussed.

Respecting the opinion of others and by graciously conforming to the principle of majority roles.

Refusing to participate in irregular meetings, such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend.

Adopted: January 31, 2001



SAN LUIS OBISPO COUNTY
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JAMES J. BRESCIA, ED. D., SUPERINTENDENT

APPENDIX 1

REPRESENTATIVES OF THE GOVERNING BOARDS

ELECTION OF MEMBERS TO COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION

ABSENTEE BALLOT

*DISTRICT # (Term Expired)**

*DISTRICT # (Term Expired)**

*DISTRICT # (Term Expired)**

*Term expires _____



APPENDIX 2

DATE

TO: Community College and District Superintendents

FROM: James J. Brescia, Ed.D., County Superintendent of Schools

SUBJECT: *Election to the San Luis Obispo County Committee on School District Organization*

The San Luis Obispo County Committee on School District Organization is an 11-member committee, comprised of two seats representing each County Supervisorial District and one at-large member. The purpose of the County Committee on School District Organization is to address all issues related to school district organization, such as unification of school districts, dissolving school districts, forming new school districts, transferring territory, etc. The functions of the County Committee on School District Organization are governed by the California Education Code.

How Are Members Elected to the County Committee?

Per EC 4005 (a), the county superintendent of schools shall call an Annual Meeting of the representatives of the governing board of each school district, elected pursuant to Section 35023, and the representatives of the governing board of each community college district, elected pursuant to Section 72403. This Annual Meeting shall be held between October 1 and December 1. **The Annual Meeting of the Representatives of the Governing Boards is scheduled for _____ Please distribute the enclosed agenda to your Representative (see attached list). Biographies of nominees will be sent to your Representative prior to the election.**

Expiring Terms on the County Committee

EC 4006 (a) states that any vacancy by the expiration of the term of office of a member of the County Committee on School District Organization shall be filled by the majority vote of the representatives of the governing boards at the Annual Meeting called and held pursuant to subdivision (a) of Section 4005 (see above).

The terms which expire this year are those members representing:

- ✓ Supervisorial District #
- ✓ Supervisorial District #
- ✓ Supervisorial District #

We are contacting the incumbents for the three seats to find out their interest in serving another four-year term. We will notify your office as soon as we have confirmation.

District Superintendents

DATE

Page Two

Eligibility to Serve on the County Committee

EC 4008 (a) states *At least two members of every county committee shall be elected from among the registered voters residing within each county supervisorial district in the county.* Please refer to the attached, **Nominations to Serve on the County Committee of School District Organization – Who may Nominate to Fill an Expired Term on the County Committee** .

Action to put forth a nominee must be taken by your Governing Board. The attached Nomination Form, along with a short biography of the nominee, is due to our office no later than **October 1**

Per EC 4006 (b) *if the representatives fail to elect members to fill the vacancies on the county committee pursuant to subdivision (a), the vacancies shall be filled by the county superintendent of schools.*

If you have questions, please call our office at 782-7201. Thank you.



**SAN LUIS OBISPO COUNTY
OFFICE OF EDUCATION**
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**NOMINATIONS TO SERVE ON THE COUNTY COMMITTEE
OF SCHOOL DISTRICT ORGANIZATION**

“Who may nominate to fill an Expired Term on the County Committee?”

The governing board of each school district selects a representative to attend the annual meeting. Vacancies are filled at the annual meeting. School Boards may make a nomination, and nominations may be made from the floor, but only by those representatives of governing boards. The nominees must be registered voters of the county and must reside in the proper supervisorial district; that is, the final construction of the committee must contain at least two members from each supervisorial district and one at-large member. Also, the nominee must not be an employee of any school district, or the County Superintendent of Schools, or any of his employees. The only person who may vote in the election to fill the vacancies are the representatives of the governing boards. The nominee must be elected by a majority vote; plurality is not sufficient. If no one is elected by a majority vote; the County Superintendent of Schools appoints someone to fill the vacancy.

October 1, 2015

NOMINATION FORM FOR THE SAN LUIS OBISPO COUNTY
COMMITTEE ON SCHOOL DISTRICT ORGANIZATION MEMBER
SUPERVISORIAL DISTRICT # _____

The nomination for a member of the San Luis Obispo County Committee on School District Organization must be made from a district governing board within the county supervisorial district and the nominee must reside within that county supervisorial district. The district governing board must confirm that the nominee has consented to be nominated.

On _____, the _____
Governing Board approved the following nominee to be on the ballot for election to the San Luis Obispo County Committee on School District Organization.

Printed Name of Nominee: _____

The nominee has given permission to be nominated and a biography is attached.

Signature: _____
Governing Board President or Clerk

Date: _____

**SUBMIT TO THE SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION – ATTN: VALERIE KRASKEY
NO LATER THAN OCTOBER 1**