

**Bylaws
of The
Monterey County Committee
On School District Organization**

Adopted: June 20, 2007

Revised: January 2009; April 2011; August 15, 2012

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BYLAWS OF THE MONTEREY COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

ROLE OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

Purpose, Powers, Duties

The County Committee on School District Organization exists under the authority of the legislature of the State of California and the regulations of the California State Board of Education.

The Monterey County Committee on School District Organization (County Committee) has the authority to serve as the central initiator, coordinator, facilitator and arbitrator for the reorganization of school districts and community college districts in Monterey County. The County Committee also has responsibilities set forth by the *Education Code* relating to trustee areas, governing board membership, and methods of electing governing boards.

The County Committee shall conduct public hearings on petitions to reorganize school districts and community college districts and shall either approve, disapprove or make recommendations to the State Board of Education, as appropriate, regarding such petitions. The County Committee shall formulate plans and recommendations for the organization, reorganization, or changes in trustee membership or elections of school districts and community college districts in the county or any portion thereof including, if appropriate, a portion of one or more adjacent counties. Decisions or recommendations by the County Committee are intended to improve the efficiency and effectiveness of the delivery of educational services.

The following contains the policies and procedures of the County Committee that may be revised as its policies and procedures are altered by applicable law or other conditions.

Reference: Education Code (EC) 4000 *et seq.*; 5019; 35700 *et seq.*; 35720 *et seq.*; and. 74100 *et seq.*

Mediation

It is the policy of the County Committee that all parties, who do not willingly consent to issues that may need to be submitted to the County Committee for resolution, shall be requested to engage in a mediation process in an attempt to address the concerns of the affected parties and to narrow and clarify the issues in the dispute prior to involvement by the County Committee.

ORGANIZATION

Authority and Membership

The State Board of Education has ordered the Monterey County Board of Education (County Board) to act as the County Committee on School District Organization for the County of Monterey, California. The State Board of Education has vested all the duties, powers, purposes, responsibilities and jurisdiction of the County Committee to the County Board.

No County Superintendent of Schools (County Superintendent), employee of the Office of a County Superintendent, employee of a school district, or employee of a community college district shall be a member of the County Committee.

Reference: EC 4007; 4020(a), and 4021

Vacancies in Membership

The sitting members of the County Board serve as the members of the County Committee. Whenever a vacancy occurs on the County Board, that seat on the County Committee is likewise vacated.

A vacancy on the County Board may occur by failure to elect or for any of the events stated in Government Code (GC) 1770, 58 Ops.Cal.Atty.Gen. 888 (1975), or GC 1064.

The vacated seat on the County Committee is filled when the vacant seat on the County Board is filled in accordance with Bylaw 9223 and in accordance with EC 5093 and 5091.

Reference: County Board Bylaw 9223

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. Absence from three (3) consecutive called meetings constitutes cause for temporary removal from membership in considering the issue at hand. Removal from membership pursuant to these bylaws requires a majority vote of the members in attendance. Notification to any member so removed shall be made in writing by the secretary.

Reference: GC 1770

Compensation

The members of the County Committee 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 paid out of the County School Service Fund.

Reference: EC 4000 *et seq.*

Officers and Auxiliary Personnel

Officers

The Chairperson and the Vice Chairperson of the County Committee shall be selected at the annual organization meeting to coincide with the annual organizational meeting of the County Board. The Chairperson shall preside over all meetings on the County Committee. The Vice Chairperson shall preside in the absence of the Chairperson.

If the office of Chairperson is vacated for any reason, the Vice-Chairperson shall become Chairperson for the remainder of the calendar year. 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.

Reference: County Board Bylaw 9100, 9160

Secretary

The County Superintendent shall serve as a non-voting Secretary to the Committee and provide for the administrative responsibilities and functions of the County Committee.

Reference: EC 4012

Legal Services

The County Committee may appoint legal counsel in the same manner that the County Superintendent may appoint counsel. The expenses of an appointment pursuant to this section shall be a proper charge against the County School Service Fund.

Reference: EC 4011

Temporary Special Committees

The County Committee Chairperson may appoint such temporary and special committees as deemed necessary or advisable and the County Committee Chairperson shall be an ex officio member of each committee. The duties of the special committees shall be prescribed at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

Reference: County Board Bylaw 9100.3

Means of Travel/Travel Reimbursement

1. Compensation and Expense Claims. Actual and necessary travel expenses incurred as a result of official School District Organization Committee activity shall be allowed.
2. Privately Owned Automobiles. Mileage expense reimbursement is allowed at the rate established by the Internal Revenue Service.
3. Allowance for Meals. Reimbursement will be in accordance with regulations established by the County Superintendent.
4. Forms. All expenses will be recorded on the Monterey County Office of Education (County Office) travel expense claim form.
5. Reimbursement. Claims may be submitted at any time.

Reference: EC 4010; County Board Policy 3350 and 3350.1

Liability Insurance

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

Reference: EC 35208 and 35214

FUNDING

Projects within the jurisdiction of the Monterey County Committee shall be funded as provided in Board Policy 1500.1 of the County Board.

Reference: County Board Policy 1500.1

MEETINGS

Meetings of the County Committee may be called by the Chairperson or by a quorum of the committee. All meetings shall be conducted in accordance with the Ralph M. Brown Act.

Reference: EC 4013 and GC 54950 *et seq.*

Quorum

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

Reference: EC 4014

Motion Carried

If a quorum is duly assembled, affirmative votes by a majority of the County Committee membership are required to approve any action item under consideration unless otherwise provided by law or these bylaws.

Reference: County Board Bylaw 9323.5

Abstentions/Disqualification

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

Members should avoid voting on issues where such a vote may be a conflict of interest as defined by GC Sections 81000 *et sec.* and County Board Bylaws 9323 and 9270. If a County Committee member is disqualified because of a conflict of interest, that member is not counted in determining a quorum. [222 Cal. App. 3rd 711]

Agendas

Preparation of Agenda

The County Committee Chairperson and the County Superintendent shall prepare the agenda based on the type of meeting or hearing that is anticipated. The County Superintendent as Secretary to the County Committee shall distribute an agenda for each regular meeting. Any committee member may contact the Superintendent or the Chairperson and suggest an item to be placed on the agenda.

Reference: School District Organization Handbook

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: EC 35705; GC 54954.2

MEETING CONDUCT

Meetings of the County Committee shall be conducted by the Chairperson in a manner consistent 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.

Reference: County Board Bylaw 9323

Individuals/Groups Addressing the Committee

Provisions for permitting an individual or group to address the Committee concerning any subject that lies within its jurisdiction shall be as follows:

1. During a hearing, the Committee will receive oral and/or written arguments regarding the subject under consideration.
2. The Committee will not entertain a repetition of arguments previously presented by the same or another speaker. However, the Committee will consider new facts relating to arguments previously submitted.
3. The Committee Chairperson will, at the appropriate time, call upon the members of the audience who have submitted a "Request to Speak" form. These forms are available to all members of the audience.
4. At the discretion of the Chairperson, time will be allotted to persons wishing to address the Committee. The Chairperson will endeavor to allot equal time to persons having opposing views.
5. The person addressing the Committee may be required to show a reasonable basis of interest in the subject of the hearing, such as being a legal resident of the school district(s) affected by the subject under discussion or being a representative of an organization having legitimate interest in the subject under discussion, or having other bona fide individual interest in the proceedings.
6. The person addressing the Committee is requested to state their name and place of residence although the Brown Act allows the option to not comply.
7. The person speaking shall address all comments and questions to the Chairperson, not to individual committee members.
8. Remarks or charges by any person addressing the Committee which reflect adversely upon the character or motives of any person are out of order.
9. Conduct by a participant declared out of order shall be grounds for termination of that person's privilege of addressing the Committee.

Reference: School District Organization Handbook; GC 54954.3; County Board Bylaw 9323

Parliamentary Procedure

Robert's Rules of Order shall govern the parliamentary procedure when procedures are questioned; otherwise, an informal, expedient procedure will be followed.

Reference: Robert's Rules of Order

Modification of Bylaws

Any change to the bylaws requires a two-thirds vote of the members (5).

Suspension of Bylaws

Bylaws shall be subject to suspension for a specified purpose and limited time by vote of members of the Board.

Reference: Robert's Rules of Order

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.

Reference: GC 54950 et seq. (The Ralph M. Brown Act.)

Minutes

The County Superintendent, as Secretary to the Committee, shall prepare and maintain 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 secure place.

While special public hearings may be tape recorded at the discretion of the County Committee, no minutes of these proceedings are normally kept.

Reference: County Board Bylaw 9324

Recording of Vote

Motions or resolutions shall be recorded as having passed or failed. Individual votes will be recorded only if the action was not unanimous or if requested by any Committee member.

Reference: County Board Bylaw 9323

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 if absence takes place when any agenda items are acted upon
 - f. Date and place of next meeting
 - 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.
3. Approval of Minutes without a Meeting.

If the sole purpose for calling a meeting of the County Committee is to approve the minutes of a previous meeting, then the minutes of such a meeting may be approved by the Chairperson of the County Committee.

Reference: County Board Bylaw 9160 and 9324

CODE OF ETHICS

Committee Responsibility to the Community

A County 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 everything is being done in the best interest of schoolchildren.

Committee Relationship with Other Members

A County 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 implied status to bind the Committee outside of such meetings.
- Recognizing the integrity of their 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 rules; and
- 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.

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Revised: January, 2009; April 2011; August 15, 2012

APPENDIX A

THE PETITION PROCESS

I. Petition Requests

- A. All requests for change under the jurisdiction of the County Committee should be made to:

County Committee on School District Organization
C/o County Superintendent of Schools
Monterey County Office of Education
P.O. Box 80851
Salinas, CA 93912

Or by hand or commercial delivery to:

County Superintendent of Schools
Monterey County Office of Education
901 Blanco Circle
Salinas, CA 93901

- B. All prospective petitioners are encouraged to work with the County Superintendent and staff prior to preparing a petition. In preparing the petition, the following relevant information is required:
1. If the proposed action involves boundary changes or unification, include a map (a road map may be sufficient) and boundary description of the territory to be affected (list all the assessor's parcel numbers (APN) with corresponding street address).
 2. The reasons for the requested change(s).
 3. A list of the districts affected by the proposal.
 4. If the change involves electoral changes to trustee area, include a suggested designation of the trustee boundaries.
 5. The names and address of up to three chief petitioners.
 6. For transfers of a territory with less than 12 registered voters, submit a letter with the reasons for the transfer and signatures of the homeowners. For the transfer of a territory with 12 or more registered voters, submit a formal petition with the signatures of at least 25 percent of the registered voters in the area proposed for transfer.
 7. An affidavit stating that all signatures on the petition are genuine signatures and were obtained in the presence of the petition circulator. [EC Sec. 35701 and 35702]
- C. Petitioners and affected districts should be aware that costs associated with the filing of boundary change documents with the State Board of Equalization, and related matters, will be borne by the newly created districts or the receiving district for territory transfers. [GC Sec. 54902.5]

Other expenses incurred in the petition process will be processed in accordance with County Board Policy BP 1500.1 accessible through the Monterey County Office website:
www.montereycoe.org/county-board/county-committee/

II. DETERMINING THE VALIDITY OF PETITIONS

- A. The County Superintendent shall forward the petition to County Counsel, or an assigned attorney, for approval as to form and content.
- B. The County Superintendent will verify the signatures on the completed petitions and determine if they are sufficient in number and signed as required by law. The County Superintendent has 30 days after the receipt of the petition to complete this task. [EC Sec. 35704]
- C. The County Superintendent shall contact the Registrar of Voters to verify the petition signatures. The Registrar will provide a certificate showing the results of the examination.
- D. If the number of verified signatures is insufficient, the petitioners will be notified and no further action will be taken. Because there are no statutory timelines for submitting or appending signatures to a petition, the petitioners may obtain additional signatures to append to the original petition in order to attain the required percentage. The petition can then be resubmitted to the County Superintendent.
- E. If the number of verified signatures is sufficient, the County Superintendent will present the petition to the County Committee and transmit a copy of the petition simultaneously to the State Board of Education. [EC Sec. 35704]

III. PUBLIC HEARINGS

There are no *Education Code* prescribed procedures for conducting public hearings in connection with issues the County Committee is considering. Therefore, the Monterey County Committee has adopted the following procedures. These procedures may be changed as varying circumstances dictate.

- A. The Education Code requires the County Committee to hold at least one public hearing in each of the affected district within 60 days of the receipt of the petition from the County Superintendent. Additional hearings may be held at the discretion of the County Committee. [EC Sec. 35705] (See Appendix B for a sample agenda.)
- B. Public hearings will be scheduled when it is most convenient for the majority of the County Committee and the interested parties to attend.
- C. Although a quorum of the County Committee is not required to conduct a public hearing, every effort will be made by Committee members to attend all the hearings.
- D. Notice of public hearings shall be given at least ten days prior to the hearing to not more than three persons designated as chief petitioners, to the governing board of the affected districts, and to all other persons requesting notice. [EC Sec. 35705]
- E. Notice of public hearing shall be published once in a newspaper of general circulation within the affected districts at least ten days prior to the hearing. [EC Sec, 35705.5]
- F. Ten days prior to a public hearing, the County Committee will make available to the public a description of the petition including all items listed in EC Sec 35705.5(b) 1-9.
- G. In order to promote constructive citizen participation, to ensure equal and fair treatment to all individuals and groups, and to enable the County Committee to make maximum use of the limited time available at hearings conducted by the County Committee, the following procedures will be observed:
 - 1. At the start of the hearing, the chair will announce the rules of order for the hearing.
 - 2. Any individual may make an oral presentation to the County Committee concerning the topic that pertains to the hearing agenda and subject matter.
 - 3. Hearings will be conducted in accordance with a posted agenda and agenda guidelines. A maximum of three to five minutes will be allocated to each speaker. The County Committee may, at its discretion, utilize an abridged version of its public hearing guidelines. Waivers of these time limits shall be made only by a majority vote of the County Committee members present at the hearing.
 - 4. Members of the public will be recognized by the chair to speak. All remarks made must be germane to the business at hand and must be addressed to the Chair. No person other than the person having the floor and members of the County Committee will be permitted to enter the discussion.

5. Public speakers may not directly question individual members of the County Committee without the express permission of the Chair, nor will individual Committee members address questions directly to the speaker without the permission of the Chair. No speaker may relinquish a time allotment to another speaker.
6. A person addressing the County Committee shall be ruled out of order if any remarks are made which serve to disrupt meeting proceedings. Persistence in such behavior shall be grounds for summary termination, by the Chair, of the person's privilege to address the Committee.
7. Posting or distribution of banners, leaflets, handouts, or other media of communications or solicitations of signatures for petitions, which serve to promote or discourage specific points of view, are prohibited inside the hearing room.
8. Language translation services can be provided with the minimum of three business days' notice prior to the public hearing.
9. Public hearings are an opportunity for the community and district representatives to express their views on the issue presented in the petition. Further, they provide an opportunity for the County Committee to gain first-hand knowledge of the unique issues associated with each proposal. While the proceedings may be tape recorded at the discretion of the County Committee, no minutes of the proceedings are normally kept.

IV. APPROVAL OR DISAPPROVAL OF THE PROPOSAL

- A. Within 120 days after the first public hearing, the County Committee will approve or disapprove the proposal. [EC Sec. 35705]
- B. For petitions for formation or unification, the County Committee will transmit its plans, report, and recommendations to the State Board of Education upon completion of the required statutory processes. [EC Sec. 35707]
- C. In cases of the transfer of uninhabited territory or inhabited territory that is less than ten percent of the assessed valuation of the original district and where the majority of owners of the territory and the affected governing boards support the transfer by resolution, the County Committee may approve the petition without an election held in the affected territory. [EC Sec. 35709]
- D. For all other cases involving transfer of territory, unifications, or changes in the number or methods of electing district trustees, approval of the proposal requires the County Committee to notify the County Superintendent who must call an election in the territory of the districts as determined by the County Committee. [EC Sec. 35710] However, the governing board of a district or the county office of education may request the State Board of Education for a waiver of election. [EC Sec. 33050]
- E. Any change in the boundaries of a voting unit, changes in the constituency of an elected official through redistricting, or changes in the manner of election in Monterey County must receive a "pre-clearance" from the U.S.

Department of Justice before any implementation of the County Committee approved action. [Federal Voting Rights Act of 1965]

Preclearance is a federal requirement that certain jurisdictions obtain "approval" from the U.S. Justice Department before implementing any change to "any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting." [42 United States Code (USC) Section 1973c, Section 5]

The purpose of preclearance is to determine that the proposed change does not have "the purpose nor will it have the effect of denying or abridging the right to vote on account of race or color." [42 USC Section 1973c, Section 5]

V. AREA OF ELECTION

- A. Whenever the County Committee approves a petition that requires an election, the County Committee shall also determine the territory in which the election shall be held.
- B. Whenever the County Committee recommends approval of a unification or formation petition to the State Board of Education, the County Committee may, at its discretion, make a determination that there exists a logical and meaningful reason(s) to expand the area of election beyond the area of the petition.

VI. APPEAL PROCESS

- A. An action by the County Committee may be appealed to the State Board of Education by the chief petitioners or one or more of the affected school districts. [EC Sec. 35710.5]
- B. Appeals may be made on issues of non-compliance regarding provisions of specific Education Code Sections:
 - 35705 – Public Hearings, Notice;
 - 35706 – Recommendations of the County Committee;
 - 35709 – Order, Notification
 - 35710 – Notification of Approval; Election; Conditions

Or

On issues of whether the proposal will adversely affect the racial or ethnic integration of schools of the affected districts. [EC Sec. 35711]

For appeals on issues of non-compliance, a chief petitioner has five days and a school district has 30 days from the date of final action by the County Committee to file the notice of appeal with the County Superintendent and the County Committee. Upon receipt of the appeal, the action of the County Committee shall be stayed pending the outcome of the appeal. The appellant has 15 days

from the filing of the notice to submit a statement of reason and factual evidence with the County Committee.

For appeals made on issues of whether the proposal will adversely affect the racial or ethnic integration of schools of the affected district(s), a notice of appeal must be filed directly to the State Board of Education within 30 days. [EC Sec. 35711]

The County Committee must forward the statement of appeal and all the records of the proceedings to the State Board of Education within 15 days of receipt.

For reorganizations under the jurisdiction of different counties, only the appealing County Committee may initiate an appeal to the State Board of Education.

VII. STATE BOARD OF EDUCATION REVIEW

- A. The State Board of Education may elect either to review the appeal or to deny review of the appeal (ratify the County Committee's decision). There are no time limits specified for the State Board of Education to take action on an appeal. The State Board of Education will approve or disapprove the petition and make other pertinent decision as required. [EC Sec. 35708, 35750, and 35754]

APPENDIX B

Sample Public Hearing Agenda

- | | | |
|----|--|---------------------|
| 1. | Chairperson calls the meeting to order.
(A quorum is not necessary to hold the hearing.) | |
| 2. | Introduction of Committee by Chairperson;
Responsibilities/Mission/Authority | No time limit |
| 3. | Explanation of the Issues by Secretary of the County
Committee; Presentation of the Facts. | No time limit |
| 4. | Explanation of Guidelines by Chairperson | No time limit |
| 5. | Petitioners' Presentation
(Time allotted determined at the discretion of the chair.) | TBD |
| 6. | District's Presentation; Board Members; Superintendents
(Time allotted determined at discretion of the chair.) | TBD |
| 7. | Public Comment wishing to speak shall be called in the
order in which the "Request to Speak" forms were received.
(Time allotted determined at the discretion of the chair.) | TBD |
| 8. | Summation/Closing Statements | 5 minutes each side |
| 9. | Close the Hearing and Adjourn the Meeting. | |