

**SANTA CLARA COUNTY
COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

BYLAWS

Adopted March 11, 1987

Amended October 19, 1987; June 4, 1990; December 6, 1995; March 20, 1996; July 28, 2010

1.0 ROLE OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

1.1 Purpose, Powers, Duties

The Santa Clara County Committee on School District Organization, hereinafter referred to as the County Committee, shall conduct hearings on petitions to reorganize school districts and shall either approve, disapprove or make recommendations to the State Board of Education or County Board of Education as appropriate regarding such petitions; and the County Committee shall formulate plans and recommendations for the organization or reorganization of school districts (school districts refer to elementary, secondary, and unified school districts, as well as community college districts) in the County or any portion thereof including, if appropriate, a portion of one or more adjacent counties.

The County Committee has the power to establish or abolish school district trustee areas, rearrange their boundaries, increase to seven or decrease to five the number of trustees on a school district board, and adopt one of the alternative methods of electing governing board members.

Upon being so requested by the County Board of Education, the County Committee, by a vote of eight (8) (two-thirds vote of the total membership) may either change the boundaries of any or all of the trustee areas of the county, or propose to increase or decrease the number of members of the County Board of Education, or both.

The County Committee, created by the California State Legislature in 1949, 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: Ed. Code 35700 et. seq.
Ed. Code 35720 et. seq.
Ed. Code 1002 et. seq.
Ed. Code 5019 et. seq.

1.2 Conflict of Interest and Code of Ethics

1.2.1 The County Committee is subject to the provisions of the Brown Act.

1.2.2

A Committee member who is also a Governing Board of an affected District may neither participate in deliberations nor vote regarding a reorganization issue if he/she has already voted or participated in deliberations on that same issue at the District level, and shall recuse himself/herself from deliberating or voting on that same issue at the County Committee level.

A member of the County Committee who is not a Governing Board member of an affected District shall abstain from deliberating and voting on any issue before the County Committee where such a vote will result in either a real or perceived conflict of interest.

1.2.3 Committee members shall comply with all applicable federal, state, and local conflict of interest laws and regulations, including, without limitation, California Government Code section 1090 et. seq., the California Political Reform Act (California Government Code section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations section 18700 et. seq.).

Generally, if a Committee member is disqualified from participating in a decision because of a conflict of interest, the Committee member must (1) publicly recuse him or herself and announce the source of the conflict of interest, (2) leave the room during any discussion or deliberations on the matter in question, and (3) not participate in the decision or be counted for purposes of a quorum.

~~A conflict of interest exists when a member, individually or as a representative of a public agency or special interest group, has a competing financial, personal, policy, or other interest on any issue.~~

~~The County Committee member need not state on the record the nature of the actual or perceived conflict but should merely state that he or she abstains from the deliberations and the vote. If a member is uncertain as to whether a conflict exists, it is better practice to err on the side of caution and abstain from deliberating and voting on the issue.~~

~~A conflict of interest exists when a member, individually or as a representative of a public agency or special interest group, has a competing financial, personal, policy, or other interest on any issue.~~

~~On any particular issue brought before the County Committee for a decision, if a member of the County Committee who is also a governing board member of an affected District may neither vote nor participate in deliberations regarding reorganization issues and if he/she has already weighed in on a decision on that voted or participated on the issue at the lower, District level, then, - that. The Committee member shallouid recuse him/herselves from voting on that same issuea decision at the County Committeelower, District level.~~

1.2.3-4 County Committee members should communicate all conversations with affected parties.

1.2.4-5 The 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 community.
- Accepting the responsibility of becoming well informed concerning the duties of County 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 aboveboard basis.
- Refusing to use the position of County Committee member in any way, whatsoever, for personal gain or for personal prestige.
- Winning the community's confidence that all is being done in the best interest of school children.

2.0 ORGANIZATION

2.1 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. County Committee members are elected by representative governing board members from each community college and school district in the county.

~~Any Candidates~~ candidate for the County Committee may be self-nominated ~~by him/herself~~ or nominated by any school district governing board member in the County or any other community member. The candidate is required to file of a letter of candidacy and a biographical data sheet with the County Superintendent of Schools.

All school district superintendents and governing board presidents will be notified of the County Committee election process at least two months prior to the annual election. This notification will include information on nominating candidates for the County Committee election.

All 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 eCounty 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.

If any change in the boundaries of a county supervisorial district in the County affects an incumbent member of the County Committee, the affected member shall serve the remainder of his or her term of office, and succeeding County Committee members shall be elected in accordance with the process as stated in this section.

Reference: Ed. Code 4002 - 4012
Ed. Code 35023
Ed. Code 72403

2.1.1 Term of Membership

The term of office on the County Committee shall be for four years.

One of the two terms in each of supervisorial districts one, three, and five will expire every odd numbered year.

One of the two terms in each of supervisorial districts two and four

will expire every even numbered year.

The term of the "at-large" position expires in 1996 and every four years thereafter.

2.1.2 Vacancies in Membership

A vacancy occurs upon any of the following events:

- The expiration of the term of office of a member of the County Committee. This vacancy shall be filled by the majority vote of the representatives of the governing boards of each of the school districts of Santa Clara County at the annual election of the County Committee.
- 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 an established fact upon the date indicated in the written resignation or upon receipt of the written resignation if no date is indicated. The Secretary or designee shall send written notification of said resignation to all County Committee members within 10 days of receiving the written resignation.
- Excessive unexplained absences by a County Committee member. If a member has three (3) consecutive unexplained absences, the member will be considered resigned. A vacancy shall be established upon the conclusion of the County Committee meeting during which this third consecutive unexplained absence occurs. After two (2) unexplained absences, the chair will send a letter to the member advising said member of the Bylaws and asking for a commitment or a resignation.

Vacancies created by the early resignation of a County Committee member, excessive absences, or for any reason other than expiration of term, shall be filled by the remaining members of the County Committee or, if they fail to fill such vacancies with qualified members within 70 days, by the County Superintendent of Schools. The County Superintendent of Schools may solicit County Committee recommendations regarding the filling of vacancies. Persons appointed to fill such vacancies shall hold office for the completion of the unexpired term.

Reference: Ed. Code 4006

2.2 Compensation

The members of the County Committee shall serve without compensation; ~~h~~ However, they shall be eligible to receive reimbursement for any actual and necessary travel expenses incurred in the performance of their duties. The expenses shall be allowed by the County Board of Education, and be paid out of the County School Service Fund.

Reference: Ed. Code 4010, 4298

2.2.1 Travel Reimbursement

- a) Compensation and Expense Claims. Actual and necessary travel expenses incurred as a result of official County Committee activity shall be allowed.
- b) Recording and reimbursement of travel expenses. All travel expenses including mileage and meal allowances will be recorded and reimbursed in accordance with Santa Clara County Office of Education Administrative Regulation 4170-3350 ~~of the Santa Clara County Official Documents Manual.~~
- c) Reimbursement Calendar. Claims shall be submitted within thirty days.

2.2.2 Rate of Travel Reimbursement

- a) Use of privately owned automobiles. Mileage is allowed at the current County Superintendent rate of reimbursement.
- b) Allowance for meals. Allowance for meals shall be reimbursed at the current County Superintendent rate for breakfast, lunch or dinner meetings.

2.2.3 Liability Insurance

Liability coverage shall be provided by the County Superintendent of Schools to protect against personal liability of the members of the County Committee while acting in the authorized purview of office as required by law.

2.3 Officers and Auxiliary Personnel

At the organizational meeting following the annual meeting of the representatives of the governing boards of the school districts in Santa Clara County, the County Committee shall organize by electing one member Chairperson, and one member Vice Chairperson. Officers shall hold office until replaced and may not serve more than two consecutive terms in the same office.

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 term, 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 County Committee, 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 County Committee for the remainder of the year.

2.3.2 Secretary to the County Committee

The County Superintendent of Schools or his/her designee shall serve as secretary to the County Committee.

County Office of Education staff as designated by the County Superintendent of schools, shall serve as staff advisors to this committee. Such designated staff shall be responsible for providing information/education to the Committee and County Boards as to the importance and impact of potential County Committee decisions.

2.3.3 Attorney

The office of the County Counsel may provide legal services for the County Committee. Other counsel may be employed as needed.

Reference: Ed.Code 4011

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 special committees may be convened for the purpose of holding public hearings.

3.0 MEETINGS

The County Superintendent of Schools shall call for an organizational meeting each year within 30 days of the annual election of the County Committee. Regular meetings or special meetings of the County Committee may be called by the Chairperson or by a quorum of the County Committee. All meetings are subject to the provisions of the Brown Act. Regular meetings, unless otherwise posted, will be held on the second Monday of each month at 5:30 p.m. when there is business before the County Committee. In the event there is no business before the County Committee, a notification will be sent to all school districts and the Santa Clara County School Boards' Association. In addition a notification of meeting cancellation will be posted on the Santa Clara County Office of Education website and in the County Office of Education lobby, and public hearings are scheduled on the third ~~second~~ Wednesday of each month. If there are no agenda items, the meetings may be cancelled. Regular meetings of the County Committee are held at the Santa Clara County Office of Education, 1290 Ridder Park Drive, San Jose, unless otherwise noticed on the agenda.

Public hearings will be scheduled on the second Monday of each month when required. When public hearings are held for reorganization issues, they are required to be held in the affected districts. Locations will be noted on the public hearing agenda.

In the event of any changes in meeting time and place, the posted agenda shall clearly state the changes.

Reference: Government Code 54950 et. seq.
Ed. Code 4012 - 4014

3.1 Construction of Agenda

The County Superintendent, or his/her designee as Secretary to the County Committee, shall prepare an agenda for each regular meeting. Any County Committee member may call the Superintendent or his/her designee before the agenda has been mailed or posted and request an item 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.

3.1.1 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. For non-regular meetings, items to be placed on the agenda will be posted in a place readily available to the public at least 24 hours in advance. All agendas shall be posted on the Santa Clara County Office of Education website and in the County Office of Education lobby.

3.1.2 Dissemination of Agenda

All school districts shall receive the agenda; agenda shall be sent to Santa Clara County School Boards' Association to inform that body of the impending measure.

3.1.3 Action on Agenda

No action shall be taken on items not on the posted agenda, except in an emergency. (Brown Act 54956.5)

Reference: Ed. Code 35145

3.2 Quorum

~~A~~The quorum shall be six (6) members. A majority of the current membership of the County Committee shall constitute a quorum for the purpose of filling vacancies.

Reference: Ed. Code 4014

3.3 Motion Carried

If a quorum is duly assembled, action to study, to change, or to recommend a change in school district organization, or action on pending or threatened litigation shall require an affirmative vote of the majority of those present.

Action to change the boundaries of the trustee areas of the County Board of Education or to increase or decrease the number of members of the County Board of Education shall require eight (8) affirmative votes of the County Committee.

Action on other matters shall require an affirmative vote of a majority of members present.

3.4 Meeting Conduct

Meetings of the County Committee shall be conducted by the Chairperson in a manner consistent with the adopted Bylaws of the County Committee, ~~and the Standing Rules of the County Committee.~~

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

~~The agenda item allowing members of the public an opportunity to address the~~

~~County Committee shall be moved to the beginning of the meeting whenever there is limited public input. Extended public presentation shall be deferred to the end of the agenda. Such deferment shall be at the discretion of the Chairperson.~~

Public comments, testimony on agenda items, and oral communications may be limited to a certain number of minutes per speaker, which limit may be modified when additional time is granted by the Chairperson.

The conduct of meetings shall, to the fullest possible extent, enable members of the County Committee (a) to consider problems to be solved, through open public discussion of the subject issue, weigh evidence related thereto, and make decisions intended to solve the problems, and (b) to receive, consider and take any needed action with respect to the organization of school districts.

3.5 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.

3.6 Minutes

The County Superintendent, or his/her designee as Acting Secretary to the County Committee, shall keep minutes of all meetings and hearings of the County Committee.

The official minutes of each County Committee meeting shall be maintained at the Office of the County Superintendent. Text of motions or resolutions and the vote shall be recorded. Individual votes will be recorded only if the action taken was not unanimous.

The County Committee minutes shall be maintained as outlined below:

- The date, place, and type of each meeting or public hearing.
- Members present and members absent by name.
- Time called to order.
- Date (if known) and place of next meeting.
- Time of adjournment of the meeting.
- Approval or amended approval of the minutes of preceding meetings.
- Information as to each subject of the County Committee's deliberation and points raised during discussion.
- A record of all important correspondence.
- A written record of all motions; recording author and member seconding the motion.
- The roll call record of the vote on a motion if not unanimous.
- A record of the County Superintendent's reports to the County Committee.

- A record of all consultant's reports to the County Committee.

Copies of the minutes shall be distributed or mailed to the County Committee members at least ten (10) days prior to the next scheduled County Committee meeting.

3.7 Amendment of Bylaws ~~and Standing Rules~~

Bylaws may be amended by six (6) affirmative votes upon thirty (30) days notice of the proposed amendment.

~~Standing Rules may be amended by a majority of members present without advance notice.~~

The current Bylaws ~~and Standing Rules~~ of the County Committee shall be maintained at the Office of the ~~County Superintendent of Schools~~ at the Santa Clara County Office of Education.