

MARIN COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

BYLAWS

1.0 ROLE OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

1.1 Purpose, Powers, Duties E.C. 35700 et seq.

The Marin 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 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. E.C. 1002 et. seq., and E.C. 5019 et. seq.

Upon being so requested by the County Board of Education, the County Committee, by a two-thirds vote of the members, 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.

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.

Candidates are nominated pursuant to the nomination procedures. These procedures are available at the Marin County Office of Education. Candidates for the County Committee may be nominated by any citizen of Marin County. The candidate is required to file a letter of candidacy and a biographical data sheet with the County Superintendent of Schools.

Candidates/members are encouraged to attend the annual meeting of the Marin County School Boards' Association.

Nominations from the floor may also be made during the annual meeting of the trustee representatives. All nominees must have given prior approval to their nomination.

All school district superintendents and 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 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: 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 2002 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 Marin 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 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 County Committee Budget and Compensation

The County Committee has a budget for County Committee activities. This budget is maintained by and is part of the Marin County Office of Education budget. The County Committee budget will be brought before the Committee at the time of budget adoption. 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. 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

- Compensation and Expense Claims. Actual and necessary travel expenses incurred as a result of official County Committee activity shall be allowed.
- Recording and reimbursement of travel expenses. All travel expenses including mileage and meal allowances will be recorded and reimbursed in accordance with the policy of the Marin County Superintendent of Schools.
- Reimbursement Calendar. Claims may be submitted at any time.

2.2.2 Rate of Travel Reimbursement

- Use of privately owned automobiles. Mileage is allowed at the current County Superintendent rate of reimbursement.
- 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.

The Marin County Superintendent of Schools agrees to defend, indemnify and hold harmless the Marin County Committee on School District Organization, its officers, members, agents and employees, volunteers, individually and collectively, from and against all costs, losses, claims, demands, suits, actions, payments and judgments, including legal and attorney fees, arising while acting in the authorized purview of office as required by law and agrees to provide an endorsement naming the Marin County Committee on School District Organization as an additional named insured.

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 Marin 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 unless voted on by a two-thirds vote of the County Committee.

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.

2.3.3 Attorney

The County Superintendent shall provide legal counsel for the County Committee.

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 after 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 will be scheduled quarterly. If there are no agenda items, the meetings may be canceled.

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. Agendas will also be posted on the Marin County Office of Education web-site.

3.1.2 Dissemination of Agenda

All school districts shall receive the agenda; agenda shall be sent to Marin 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

The quorum shall be 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 Action of Petition/Motion Carried

If a quorum is duly assembled, action to study, to change, to approve/disapprove or to recommend a change in school district organization, to approve each of the state criteria or action on pending or threatened litigation shall require six affirmative votes.

The County Committee shall determine that all/each of the state criteria of Education Code Section 35753 are substantially met before a petition can be granted.

The County Committee cannot approve a petition if one or more of the state criteria of Education Code Section 35753 have not been met.

Within 120 days of the commencement of the first public hearing on the petition, the County Committee shall recommend approval or disapproval of a petition.

At any time during the 120 day period the Committee is legally able to reconsider any previous decision provided that no party has detrimentally relied on the earlier decision. It is generally recognized that a motion to reconsider should be made by a member who voted with the prevailing side on the matter in question.

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.

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 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.

STATEMENT OF PURPOSE

1. Code of Ethics

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 Marin educational 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 are 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.
- Attending all meetings of the County Committee.

COMMITTEE STANDING RULES

Except for where the abstention is compelled by a financial conflict of interest, an abstention shall count with the prevailing side. In a tie vote the no vote prevails since the matter cannot pass without a majority vote.

Unlike the State Board of Education the County Committee does not have the right to find “exceptional circumstances” as a basis of approving a petition in the absence of a finding that “all of the conditions are substantially met.”

A County Committee member can vote against a single criteria and subsequently vote for the petition during that action item, providing that the member states his/her reconsideration of the previous single vote. Until a matter becomes final as a matter of law a member is always free to reconsider a previous vote.