

**Nevada County
Superintendent of Schools**

**BYLAWS
of the
Nevada County Committee
on School District Organization**

Adopted January 8, 2013

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1. ROLE OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

A. PURPOSE, POWERS, DUTIES

The Nevada 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 recommendation to the California Department of Education as appropriate regarding such petitions; and the County 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 County Committee, created by the California State Legislation 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 Department of Education.

Reference: E.C. 35700 et seq., E.C. 35720 et seq.

2. ORGANIZATION

A. MEMBERSHIP - ELIGIBILITY

The County Committee consists of eleven members - two residing within each of the five supervisorial districts in the county and one member at-large.

County Committee members are elected by a majority vote of appointed school trustee representatives between October 1 and December 1. (Prior to the election, each school district board of trustees shall appoint a representative to cast a vote for nominated candidates for County Committee memberships.) Nominations may be made by any district board member or any board representative, regardless of the supervisorial district he/she represents. The voting may be completed at an annual meeting or by mail.

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 pursuant to Education Code 4007.

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.

Reference: E.C. 4002, 4005, 4006, 4007, 4012

i. Term of Membership

The term of each member of the County Committee shall begin upon election pursuant to Education Code Section 4005 or upon appointment pursuant to Education Code Section 4002, as appropriate, and shall be for four years.

ii. Vacancies in Office

Vacancies created by the expiration of the term of office of a member of the County 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.

A vacancy created by the early resignation of a County Committee member or for any reason, specified in Government Code Section 1770, shall be filled by the remaining members of the County Committee, or, if they fail to fill such vacancies with qualified electors within 60 days, by the county superintendent of schools. Persons appointed to fill such vacancies shall hold office for the completion of the unexpired term.

Should a County Committee member choose to resign, the resignation will be in writing and submitted to the Chairman of the County Committee. The moment a written resignation is filed, it becomes an established fact and a vacancy exists.

Reference: E.C. 4297, G.C. 1770

B. 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. 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

- i. Forms. All expenses will be recorded on the Nevada County Superintendent of Schools Expense Form.
- ii. Reimbursement Calendar. Claims may be submitted at any time.
- iii. Use of privately owned automobiles. Mileage is allowed at the current County Superintendent rate of reimbursement.
- iv. Compensation and Expense Claims. Actual and necessary travel expenses incurred as a result of official County Committee activity shall be allowed.
- v. Allowance for Meals. Allowance for meals shall be reimbursed at the current County Superintendent rate for breakfast, lunch or dinner meetings.

C. OFFICERS AND AUXILIARY PERSONNEL

At the first meeting following the annual meeting of school trustee representatives, the County Committee shall organize by electing one member Chairman, and one member Vice Chairman.

- i. Vacancies in Office

If the office of Chairman is vacated for any reason, the Vice Chairman shall become Chairman for the remainder of the year, and the office of Vice Chairman shall be vacated.

If the office of Vice Chairman is vacated for any reason, the vacancy shall be filled by appointment by the majority of the County Committee, if it desires to do so, and the appointee shall hold office for the remainder of the year.

If the offices of Chairman and Vice Chairman 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.

ii. Secretary

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

iii. Attorney

The office of the County Counsel may provide legal services for the County Committee, except that other counsel may be employed as needed.

Reference: E.C. 4011

D. TEMPORARY SPECIAL COMMITTEES

The Chairman may appoint such temporary and special committees as deemed necessary or advisable and the Chairman 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 and special committees shall be entitled to the same travel expense reimbursement as provided in Section B. compensation hereof.

E. LIABILITY INSURANCE

Liability coverage shall be provided to protect against personal liability of the members of the County Committee while acting within the course and scope of their duties, as required by law.

Reference: E.C. 35208; 35214

3. MEETINGS

The County Committee must have one organization meeting each year within 30 days of the annual meeting of the school trustee representatives. Regular meetings or special meetings of the County Committee may be called by the Chairman or by a quorum of the County Committee. All meetings are subject to the provisions of the Brown Act. (E.C. 4012-4013).

A. QUORUM

A majority (6 - six) of the members of the County Committee shall constitute a quorum.

Reference: E.C. 4014

i. Motion Carried

If a quorum is duly assembled, affirmative votes by a majority of the Committee is required to approve any action item under consideration.

ii. Abstentions

Abstentions shall be counted in determining the presence of a quorum, but they shall not count as either an affirmative or a negative vote. The affirmative of the majority of the Committee is required.

B. 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 designee and request an item to be placed on the agenda.

i. Posting of Agenda

At least 72 hours prior to the time of the regular meeting, or at least 24 hours prior to a special meeting, the times 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. When applicable, all notices to chief petitioners shall be by registered mail.

Reference: E.C. 35705.5; 72121; G.C. 54954.2

C. MEETING CONDUCT

Meetings of the County Committee shall be conducted by the Chairman, Vice Chairman, or the designee of the Chairman, in a manner consistent with the adopted Bylaws 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 others who have requested the agenda.

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

i. Individuals/Groups Addressing the Committee

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

During a hearing, the County Committee will receive oral and/or written arguments regarding the subject under consideration.

The County Committee will not entertain a repetition of arguments previously presented by the same or another speaker. However, the County Committee will consider new facts relating to arguments previously submitted.

The Committee Chairman will, at the appropriate time, call upon the members of the audience who have submitted a "Request to Speak" form. This provision may be waived at the discretion of the Chairman, Vice Chairman or designee of the Chairman. These forms are available to all members of the audience.

The person addressing the County 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 representative of an organization having legitimate concern with the subject under discussion, or having other bona fide individual interest in the proceedings.

The person addressing the County Committee shall state his/her name and place of residence.

The person speaking shall address all comments and questions to the Chairman, not to individual County Committee members.

At the discretion of the Chairman, time may be allotted to persons wishing to address the County committee; the Chairman will endeavor to allot equal time to persons having opposing views.

Remarks or charges by any person addressing the County Committee which reflect adversely upon the character or motives of any person are out of order.

Conduct by a participant declared out of order shall be grounds for termination of that person's privilege of addressing the County Committee, and if necessary, the removal of that participant from the meeting room.

The Chairman, at his/her discretion, may terminate all proceedings and adjourn the meeting when insubordination or hazardous circumstances exist.

Reference: E.C. 35145.5; 72121.5

D. PARLIAMENTARY PROCEDURE

Unless otherwise provided for by these Bylaws, Robert's Rules of Order or "California Law" shall serve as a guide in the parliamentary procedure when procedures are questioned; otherwise, an informal, expedient procedure will be followed, unless otherwise provided by these Bylaws.

Reference: Robert's Rules of Order or "California Law", Bylaws of the Nevada County Committee on School District Organization

E. AMENDMENT OF BYLAWS

Bylaws may be amended by majority vote of all eleven members of the County Committee upon thirty (30) days notice of the proposed amendment.

Reference: Roberts Rules of Order (latest edition)

F. ACTIONS BY THE COUNTY COMMITTEE

No action shall be taken in a regular or special meeting of the County Committee, unless the subject acted upon was listed in the agenda published for that meeting, or as specifically authorized by law.

The County Committee shall adopt resolutions when it is required by law, or when the County Committee intends to publish status positions of the County Committee.

All actions taken by the County Committee shall be clearly identified in the minutes of the Nevada County Committee on School District Organization meeting.

G. MINUTES

The County Superintendent as Secretary, or his/her designee as Acting Secretary to the County Committee, shall keep minutes of all meetings of the County Committee. Copies of the proceedings shall be made for distribution to the County Committee members with the agenda for the next regular meeting. The official minutes of each County Committee meeting must be maintained at the Office of the County Superintendent.

i. Recording of Votes

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

ii. Maintaining the Minutes

The County Committee minutes shall be maintained as outlined below:

Content - County Committee Procedure

- The date, place, and type of each meeting or public hearing
- Members present and members absent by name
- Call to Order
- Arrival of tardy members by name
- Departure of members by name before adjournment or if absence takes place when any agenda items are being acted upon
- Approval of minutes
- Public Comments
- Action Items
- Correspondence
- Date and place of meeting
- Date and place of next meeting
- Adjournment of the meeting

Reference: E.C. 35145; 35145.5; 72121

Content - County Committee Actions

- Approval or amended approval of the minutes of preceding meetings
- Information as to each subject of the County Committee's deliberation
- Information as to each subject including the roll call record of the vote on a motion if not unanimous or by request
- A record of all important correspondence
- A written record of all motions; recording author and member second-ing the motion
- A record of the County Superintendent's reports to the County Committee
- A record of all consultant's reports to the County Committee
- Approval of all Bylaws

4. CODE OF ETHICS

A. COUNTY COMMITTEE COMMUNITY RESPONSIBILITY

The County Committee members 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 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 the open, ethical, and above-board 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.

B. COUNTY COMMITTEE MEMBER-TO-MEMBER RESPONSIBILITY

A County Committee member shall:

- Recognize that authority rests only with the County Committee in official meetings, and that the individual member has no legal or moral status to bind the County Committee outside of such meetings.
- Recognize the integrity of his/her predecessors and associates, and the merit of their work.
- Refuse to make statements or promises as to how the members will vote on any matter which should properly come before the County Committee as a whole.
- Make decisions only after all facts bearing on a question have been presented and discussed.
- Respect the opinion of others and by graciously conforming to the principle of majority rules.
- Refuse to participate in irregular meeting such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend.