

Bylaws of the Board

BB 9130(a)

BOARD COMMITTEES

The Governing Board may establish Board committees as necessary. The Board shall determine the duties of the committee at the time of its appointment. Unless specifically authorized by the Board to act on its behalf, Board committees shall act in an advisory capacity. When its duties have been completed, the committee shall be dissolved.

(cf. 1220 - Citizen Advisory Committees)

Note: Pursuant to Government Code 54954, advisory committees and standing committees are exempted from Brown Act requirements to provide the time and place for holding regular meetings. Therefore, in practice, these committee meetings are often held as "special meetings," for which only a 24-hour notice is required, see BB 9320 - Meetings and Notices. However, SB 139 (Ch. 260, Statutes of 1998) amended Government Code 54954 to provide that if the committee does provide 72-hours notice of the meeting, it will be considered a "regular meeting" for purposes of the Brown Act.

Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws.

Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting pursuant to Government Code 54954.2, shall be considered, for purposes of the Brown Act, as regular meetings of the Board. (Government Code 54954)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Note: The Attorney General has declared, 80 Ops. Cal. Atty. Gen. 308 (1997), that sessions of a Board committee, consisting of members of the public, employees, and students, formed to interview candidates for district Superintendent and to make a recommendation to the Board, are not required to be open to the public.

Board advisory committees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Board. (Government Code 54952)

Note: In 79 Ops. Cal. Atty. Gen. 69 (1996), the Attorney General has clarified that open meeting laws apply if the standing committee has the responsibility of providing advice at the Board's request on budgets, audits, contracts and personnel matters.

BOARD COMMITTEES (continued)

Standing committees with a continuing subject matter jurisdiction include but are not limited to those responsible for providing advice on budgets, audits, contracts and personnel matters at the Board's request.

Note: Pursuant to Government Code 54952.2, the Brown Act is not violated if Board members who are not members of a standing committee attend the meeting only "as observers." In 81 Ops.Cal.Atty.Gen. 156 (1998), the Attorney General clarified that those Board members attending the meeting "as observers," may not ask questions or make statements at the meeting and that they must sit in the areas designated for members of the public.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Note: If the Superintendent or designee serves as advisor or staff person to a Board committee not subject to the Brown Act, his/her presence at the committee would not subject the committee to the Brown Act as long as he/she is not a voting member of the committee.

The Superintendent or designee may serve as an advisor to any committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community and students and may consult with local public boards and agencies.

When a Board committee composed exclusively of Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the Board is not obliged to provide for public comment on the item at a subsequent Board meeting. Public comment shall be afforded, however, if the Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

Legal Reference: (see next page)

BOARD COMMITTEES (continued)

Legal Reference:

EDUCATION CODE

35010 *Control of district; prescription and enforcement of rules*

35024 *Executive committee*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

GOVERNMENT CODE

54952 *Legislative body, definition*

54952.2 *Definition of meeting*

54954 *Time and place of regular meetings; special meetings; emergencies*

54954.3 *Opportunity for public to address legislative body*

ATTORNEY GENERAL OPINIONS

81 Ops.Cal.Atty.Gen. 156 (1998)

80 Ops.Cal.Atty.Gen. 308 (1997)

79 Ops.Cal.Atty.Gen. 69 (1996)

Adopted: March 11, 2004

GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California