

**BYLAWS
OF THE
ORANGE COUNTY COMMITTEE
ON SCHOOL DISTRICT ORGANIZATION**



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Updated: January 7, 2015

**Bylaws and Standing Rules
of the
Orange County Committee on School District Organization**

Updated: January 7, 2015

County Committee Members

*Sheila Benecke, Chairperson, Fifth Supervisorial District
Karin Freeman, Vice-Chairperson, Third Supervisorial District
Meg Cutuli, Second Supervisorial District
Lisa Jordan, Fourth Supervisorial District
Jo-Ann Purcell, First Supervisorial District
Robert A. Singer, Ph.D., Fourth Supervisorial District
Suzie R. Swartz, Fifth Supervisorial District
Josephine Van Camp, First Supervisorial District
Janice Wagner, Member at Large
Sharon Wallin, Third Supervisorial District
Virginia Wilson, Second Supervisorial District*

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**BYLAWS
OF THE
ORANGE COUNTY COMMITTEE ON
SCHOOL DISTRICT ORGANIZATION**
Updated: January 16, 2014

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**BYLAWS
OF THE
ORANGE COUNTY COMMITTEE ON
SCHOOL DISTRICT ORGANIZATION**

100 - ROLE OF THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

101 - Purpose, Powers, Duties

The Orange County Committee on School District Organization (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 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. "Reorganize" is defined as an action to form, dissolve, or lapse a school district or community college district, to annex all or part of the territory of one district to another district, to transfer all or part of one district to another district, to unify or de-unify a school district, or to otherwise alter the boundaries of a school district. The County Committee shall also receive, consider, and decide petitions and resolutions for the creation, abolishment, and rearrangement of trustee areas. The County Committee 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: E.C. 35700 et. seq.
E.C. 35720 et. seq.
E.C. 35511
E.C. 5019

Revised: 12/12/2007

200 - ORGANIZATION

210 - Membership

211 - Composition

The Orange County Committee on School District Organization (County Committee) consists of eleven members – two from each of the five Supervisorial districts in the county and one member-at-large.

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. Board members of school districts or community college district may be County Committee members.

Reference: E.C. 4007, 4008
Revised: 12/12/2007

212 - Term of Membership

The term of each member of the County Committee shall begin upon election or upon appointment, as appropriate, and shall be for four years, except that when a member is appointed to fill a vacancy due to resignation or death in office, he/she shall serve the remainder of that person's term.

Reference: E.C. 4006, 4009
Revised: 12/12/2007

213 - Vacancies in Membership

Vacancies created by the expiration of the term of office of a member of the 11-member Orange County Committee on School District Organization shall be filled by the majority vote (sixteen members) of the representatives of the thirty-one governing boards (known as the Nominating Committee) at the annual meeting called and held between October 1 and December 1, as provided in Education Code section 4006.

A vacancy created by the early resignation of a County Committee member or for any other reason, shall be filled by the majority vote of the remaining County Committee members and such an appointment shall be for the duration of the unexpired term. If the County Committee fails to fill such vacancy within 70 days, the county superintendent will make an appointment to fill the seat. Persons appointed to fill such vacancies shall hold office for the remainder of the unexpired term.

Reference: E.C. 4006
Revised: 12/12/2007

214 - Attendance

Attendance at meetings shall be on a regular basis to insure continuity of thought and discussion to achieve the purpose and goals of the committee.

Adopted: 12/7/2005

220 - 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 approved by the County Superintendent of schools or his/her designee and shall be paid out of the County School Service Fund.

Reference: E.C. 4010
Adopted: 12/7/05

230 - Officers and Auxiliary Personnel

Within 30 days after the election of members at the Nominating Committee meeting, the County Committee shall call an organizational meeting to elect one member Chairperson, and one member Vice-Chairperson.

Reference: E.C. 4012
Adopted: 12/7/2005

231 - Vacancies in Office

If the office of Chairperson is vacated for any reason, the Vice-Chairperson shall become Chairperson for the remainder of the year, 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, 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 secretary of the County Committee shall preside over the election of the new officers.

Revised: 12/12/2007

232 - Secretary

The County Superintendent of Schools or his/her designee shall serve as Secretary to the County Committee. The Secretary shall act in an advisory capacity to the County Committee. The secretary shall not make recommendations to chief petitioners, districts, or other parties.

Reference: E.C. 4012

Revised: 12/12/2007

233 - Attorney

The Legal Services unit of the Orange County Department of Education shall provide legal services for the County Committee, except that other counsel may be employed as needed.

Reference: E.C. 4011

Adopted: 12/7/2005

240 - 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.

Adopted: 12/7/2005

250 - Travel Reimbursement

All expenses will be recorded on the Orange County Superintendent of Schools Travel Expense Claim form. Claims may be submitted at any time, but preferably before June 30 of the fiscal year.

1. Privately Owned Automobiles. Mileage is allowed at the current allowable rate for employees of the Orange County Department of education.
2. Compensation and Expense Claims. Actual and necessary travel expenses incurred as a result of official County Committee activity shall be allowed.
3. Allowance for Meals. Actual expenses will be allowed for a breakfast, lunch or dinner.

260 - Liability Insurance

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

Revised: 12/12/2007

300 - MEETINGS/PUBLIC HEARINGS

310 - Quorum

Meetings of the County Committee may be called by the Chairperson or by a quorum of the County Committee.

Reference: E.C. 4013

Revised: 12/12/2007

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

Reference: E.C. 4014

Adopted: 12/7/2005

311 - Motion Carried

If a quorum is duly assembled, affirmative votes by a majority of the County Committee members present and voting are required to approve any action item under consideration unless otherwise provided by law.

Revised: 11/2/2011

312 - Abstentions/Conflicts of Interest

It is the duty of every member who has an opinion on a question to express it by his/her vote; however, since a member cannot be compelled to vote, he/she may abstain.

Members of the County Committee shall comply with the requirements of Government Code sections 1090 et seq., pertaining to contractual conflicts of interest, and with the conflict of interest provisions of the Political Reform Act of 1974 (Government Code sections 87100 et seq.). A conflict of interest exists when a member has a competing financial or non-financial personal interest on any issue.

When a matter before the County Committee involves a school district or community college district where a County Committee member also serves on the district governing board, the member has discretion to abstain from voting on the matter, but is not legally required to abstain.

A member who abstains is counted for the purpose of establishing a quorum on a particular question but the abstention is not included when counting the votes on the motion. However, a member who is not entitled to vote because of a conflict of interest is not counted for the purpose of establishing a quorum on a particular question. When a member abstains because of a conflict of interest, he or she shall (a) state on the record that he/she is abstaining because of a conflict of interest; and (b) refrain from taking part in the discussion or otherwise influencing the vote on the matter.

The County Committee shall adopt a resolution that specifies the County Committee's conflict of interest code, the designated positions, and the disclosure categories for each position.

County Committee members shall file an initial, and annual, Statement of Economic Interest (Form 700) in accordance with the disclosure categories specified in the conflict of interest code, which shall be filed with the Assistant Superintendent, Human Resources and Support Services or designee, who will make and retain a copy and forward the original to the Clerk of the Board of Supervisors, who is the filing officer.

Revised: 11/2/2011

313 - Voting on Issues

An act by the County Committee to approve or disapprove a proposal to transfer territory or an act to recommend approval or disapproval of a unification or formation proposal occurs by a majority vote of the County Committee members present.

An act by the County Committee to approve or disapprove a proposal to rearrange, abolish, or create trustee areas in a school district or community college district occurs by a majority vote of the County Committee members present.

An act by the County Committee to approve or disapprove a proposal for rearrangement of the trustee areas of the county board of education occurs by a two-thirds vote (e.g., eight of eleven members) of the County Committee members present.

Reference: E.C. 1002

Adopted: 12/7/2005

320 - Construction of Agenda

The County Superintendent or his/her designee, as secretary to the County Committee, shall prepare an agenda for each meeting, after consulting with the Chairperson. Any County Committee member may call the County Committee secretary and request an item be placed on the agenda.

Revised: 12/12/2007

321 - Distribution of Agenda

Copies of the agenda of the County Committee will be mailed to the following and emailed, if the recipient has provided the County Committee with an email address.

- a. Members of the County Committee
- b. The superintendent/chancellor of each school district or community college district that would be affected by the action of the County Committee on any agenda item.
- c. Chief petitioners
- d. Concerned individuals upon request.

A copy of the agenda of the County Committee will also be posted on the County Committee on School District Organization website at <http://www.ocde.us/CCSDO/Pages/Meeting-Agendas.aspx>.

Revised: 8/4/2010

322 - Posting of Agenda

The agenda shall be posted at least 24 hours prior to the time of a special meeting, the items to be included on the agenda shall be posted in a place readily available to the public, in accordance with the Orange County Board of Education posting guidelines as well as on the County Committee on School District Organization website at <http://www.ocde.us/CCSDO/Pages/Meeting-Agendas.aspx>. The agenda will be posted at least 72 hours in advance of a regular meeting.

Revised: 8/4/2010

330 - Public Hearings

The County Committee may occasionally convene public hearings at which no action is to be taken. Such public hearings are held solely to allow the County Committee and members of the public to receive information. A hearing may take place at any time and place as designated by the County Committee.

Notice of the public hearing shall be provided according to procedures specified for special meetings unless the county Committee directs otherwise, or as provided by law.

Adopted: 12/7/2005

340 - Meeting Conduct

Meetings of the County Committee shall be conducted in a manner consistent with the adopted bylaws of the 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 conduct of the meetings shall, to the fullest extent possible, enable members of the County Committee (1) to consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve problems; and (2) to consider and take any needed action with respect to the organization of school districts.

Revised: 12/12/2007

350 - Public Hearing Guidelines

Guidelines for speakers at public hearings will be provided in advance of the specific public hearing or special meeting as needed.

Transfer of Territory:

Speakers for public hearings regarding transfer of school district territory should observe the following guidelines:

Chief Petitioners (school districts or citizens):	15 minutes
School District A:	15 minutes
School District B:	15 minutes
*Public Comment:	30 minutes total

Rebuttals	
Chief Petitioners:	5 minutes
School District A:	5 minutes
School District B:	5 minutes
*Public Comment:	5 minutes

Questions from County Committee

Additional requests may be recognized by the Chair.

When conducting two public hearings at separate school districts, the order in which the school districts presented at the first hearing will be reversed for the second hearing.

* The per person time limit will be dependent on how many people sign-up to speak prior to the public hearing divided by the total 30 minutes. For example, if 15 people sign-up to speak, then each person would have 2 minutes to speak.

Trustee Area Realignment:

Speakers for public hearings regarding trustee area realignment should observe the following guidelines:

Chief Petitioners Presentation (school districts or citizens):	15 minutes
*Public Comment:	30 minutes total

Rebuttals	
School District:	5 minutes
*Public Comment:	5 minutes

Questions from County Committee

Additional requests may be recognized by the Chair.

* The per person time limit will be dependent on how many people sign-up to speak prior to the public hearing divided by the total 30 minutes. For example, if 15 people sign-up to speak, then each person would have 2 minutes to speak.

Changing the Method of Elections:

Speakers for public hearings regarding changing the method of elections should observe the following guidelines:

Chief Petitioners (residents of school district):	15 minutes
Representatives for school district/board of trustees:	15 minutes
*Public Comment:	30 minutes total

Rebuttals

Chief Petitioners:	5 minutes
Representatives for school district/board of trustees:	5 minutes
*Public Comment:	5 minutes

Questions from County Committee

Additional requests may be recognized by the Chair.

* The per person time limit will be dependent on how many people sign-up to speak prior to the public hearing divided by the total 30 minutes. For example, if 15 people sign-up to speak, then each person would have 2 minutes to speak.

CEQA Hearing:

Speakers for public hearings regarding California Environmental Quality Act (CEQA) should observe the following guidelines:

Environmental Study Author/Consultant:	15 minutes
Chief Petitioners (school districts, citizens, land-owners):	15 minutes
School District(s) representatives:	15 minutes (each)
*Public Comment:	30 minutes total

Rebuttals

Environmental Study Author/Consultant:	5 minutes
*Public Comment:	5 minutes

Questions from County Committee

Additional requests may be recognized by the Chair.

* The per person time limit will be dependent on how many people sign-up to speak prior to the public hearing divided by the total 30 minutes. For example, if 15 people sign-up to speak, then each person would have 2 minutes to speak.

Unification/Annexation:

Speakers for public hearings regarding school district unification or annexation should observe the following guidelines:

Chief Petitioners (school districts or citizens):	15 minutes
School District A:	15 minutes
School District B:	15 minutes

*Public Comment: 30 minutes total

Rebuttals

Chief Petitioners: 5 minutes

School District A: 5 minutes

School District B: 5 minutes

*Public Comment: 5 minutes

Questions from County Committee

Additional requests may be recognized by the Chair.

* The per person time limit will be dependent on how many people sign-up to speak prior to the public hearing divided by the total 30 minutes. For example, if 15 people sign-up to speak, then each person would have 2 minutes to speak.

These **Public Hearing Guidelines** may be changed or suspended for a specific period of time by a majority vote of the County Committee.

Revised: 8/4/2010

360 - 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

Adopted: 12/7/2005

370 - Suspension of Bylaws

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

Reference: Robert's Rules of Order

Revised: 12/12/2007

371 - Amendments to Bylaws

Bylaws changes may be proposed by any member by requesting that the proposed change be included on the agenda for the next meeting. Changes, additions, or deletions to the bylaws will be effective upon a majority 2/3 vote of the members of the County Committee.

Adopted: 12/7/2005

380 - Actions by Committee

No action shall be taken except in a regular or special meeting of the County Committee.

No action shall be taken 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 a status position of the County Committee.
All actions taken by the County Committee shall be clearly identified in the minutes of the County Committee meeting.

Revised: 12/12/2007

390 - Minutes

The County Superintendent, or his/her designee, as Secretary to the County Committee, shall keep minutes of all meetings of the 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 the County Committee meetings shall be kept in a reasonably secure place in the office of the County Superintendent of Schools. Approved minutes shall also be posted to the County Committee on School District Organization website at <http://www.ocde.us/CCSDO/Pages/Minutes.aspx>.

Revised: 8/4/2010

391 - Recording of Votes

Motions or resolutions shall be recorded as having passed or failed. Individual votes will be recorded only if the action was not unanimous, if requested by any County Committee member, or if a roll call vote is required.

Revised: 12/12/2007

392 - Maintaining the Minutes

The County Committee minutes shall be maintained as outlined below:

1. Content – County Committee procedure
 - a. The date, place, and type of each meeting or public hearing
 - b. County Committee 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 County Committee's deliberation
 - c. Information as to each subject including the roll call record of the vote on a motion if not unanimous or by request
 - d. A record of all important correspondence
 - e. A record of the County Superintendent's reports to the County Committee
 - f. A record of all consultants' reports to the County Committee
 - g. Approval of all bylaws

Revised: 12/12/2007

ORANGE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

STANDARD OPERATING PROCEDURES

CODE OF ETHICS

Committee Responsibility to Community

A County Committee member should honor the responsibility which committee membership demands

BY thinking always in terms of “students first”,

BY refusing to “play politics” in either the traditional partisan, or in any petty sense,

BY representing at all times the entire school community,

BY accepting the responsibility of becoming well informed concerning the duties of committee members, and the laws regarding the organization of school districts,

BY attempting to appraise fairly both the present and future educational needs of the community,

BY insisting that all school district organization transactions be on an open, ethical, and above-board basis,

BY refusing to use the position of Committee Member in any way whatsoever for personal gain or for personal prestige,

AND BY winning the community’s confidence that all is being done with the intent of serving the best interest of school children.

Adopted: 12/7/2005

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 moral status to bind the Committee outside of such meetings,

BY recognizing the integrity of his/her predecessors and associates, and the merit of their work,

BY 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,

BY making decisions only after all facts bearing on a question have been presented and discussed,

AND BY respecting the opinion of others and by graciously conforming to the principle of majority rule.

Adopted: 12/7/2005

VOTING PROCESS

Nominating Committee Voting Procedures

In accordance with Education Code Section 4005(a), an annual meeting of one board member representative from each of the 31 school districts and community college districts must be held between October 1 and December 1. A quorum (16 of 31) of votes is required for any action to be taken.

The meeting is scheduled immediately prior to the commencement of the joint dinner meeting of the ACSA/OCSBA, which is currently in the fall.

Two options are available to the voting representative (Nominating Committee Member) to cast his/her vote. Either option is acceptable.

Option one is to vote using an absentee ballot process. Option two is to vote at the Nominating Committee Meeting (same night as ACSA/OCSBA). A majority of all those who vote (through both voting options) will determine the new County Committee members.

If the voting representatives fail to elect members to fill the vacancies by majority vote (through both voting options), a run-off election will be held between the two candidates receiving the most votes. If there are only two candidates and neither receives a majority vote (through both voting options), a run-off election will be conducted.

The run-off election will be conducted by absentee ballot and the voting period will be open for 10 days from the date the run-off absentee ballots are mailed to the 31 Nominating Committee Members (voting representatives). Any absentee ballots received after the 10 day period will not be counted. Votes will not be counted until the 10 day period is complete. In the event that an even number of absentee ballots are received, one absentee ballot will be randomly selected and discarded. This will prevent the run-off vote from ending in a tie. The absentee votes will be totaled and the elected County Committee member will be announced.

Statements of Qualifications are required from the Nominees. This information should allow each member of the Nominating Committee to vote with knowledge of the nominee's qualifications. The deadline for submitting completed statements of qualifications is absolute. No nominations are accepted after that date.

Nominees will not be allowed to make, or have made, a presentation on their behalf at the Nominating Committee Meeting. The Statement of Qualifications will serve as the Nominees Candidate Statement to serve on the County Committee.

Adopted: 04/09/2008