



October 2016

ESTABLISHING OR CHANGING THE DATE OR LOCATION OF A REGULAR MEETING

Regular Board meetings follow a schedule established in advance and require the posting of an agenda at least 72 hours prior to the meeting time.¹

The Brown Act calls for Boards to provide the time and place for regular meetings “by ordinance, resolution, by-laws, or whatever rule is required for the conduct of business” (Government Code section 54954(a)). The Education Code phrases it slightly differently, calling for Boards to fix the meeting dates “by rule or regulation” (Education Code sections 35140, 35142 [K-12 districts] and 72000(c) [community college districts]). Meetings which do not meet these requirements will likely not be considered regular Board meetings even if the required 72-hour notice is given (see, for example, California Attorney General, “The Brown Act: Open Meetings for Local Legislative Bodies”).

Both K-12 and community college district Boards typically adopt a schedule of regular meetings at their annual organizational meetings.² From time to time, it may become necessary to change the date, time and/or place of the regular meeting or establish additional regular meetings. This can have important consequences. For example, Boards are prohibited from meeting regarding the compensation of local agency executives at a special meeting, so they may in some instances need to alter the date of a regular meeting at which such compensation is to be approved.

¹ Community college districts must post a notice identifying the location, date, and time of regular meetings in each community college maintained by the district at least 10 days prior to the meeting, and maintain the posting up to and including the time of the meeting (Education Code section 72000).

Most governing boards meet once or twice monthly. The Education Code calls for community college district Boards to hold “regular monthly meetings.” (Section 72000) The Code calls for union and joint union high school districts to hold regular meetings monthly or quarterly, and for other high school districts to meet monthly (Section 35141).

² For K-12 districts, see CSBA Board Bylaw 9100, which calls for districts to develop a schedule of meetings for the year at the organizational meeting. A sample resolution setting the regular Board meetings for the year can be found on the Schools Legal Service website (www.schoolslegalservice.org) on the Governance & Trustee Issues page of the Members Only section.

The conservative approach then would call for a formal Board action or resolution to make these changes. This may necessitate a special meeting if it cannot be handled at a regular meeting. (If attendance may be an issue due to timing, remember that Board members can participate in a special meeting via teleconference if the teleconference requirements in the Brown Act are followed and at least a quorum will participate from within District boundaries.)

To change a regular Board meeting date, time or location, the following is sample language which could serve as a script for the Board president as well as language for the minutes:

“The Board discussed the need to change the date [and/or time or location] of the regular Board meeting originally scheduled for [existing date, time and/or location] to [new date, time, and/or location]. On motion duly seconded and approved by the following vote or abstention of each Board member present, the Board approved the change of the date [and/or time or location] of the meeting to [new date, time and/or location]. The Superintendent [or Chancellor] is authorized and directed to post a meeting agenda for the regular meeting at the usual locations and on the District website as required by law.”

To establish an additional regular Board meeting, adjust the wording of the above sample language accordingly (e.g., “the Board discussed the need to establish an additional regular Board meeting . . .”).

If you wish to handle this by resolution instead of a simple motion, a sample resolution is attached.

Remember that the annual organizational meeting must take place within the 15-day period after the first Friday in December (Education Code section 34143/72000(c)).

If the Board changes a previously established meeting schedule, it is also recommended that a notice of the change be posted as soon as possible at your usual posting locations and on the District website, with distribution to your usual group of interested stakeholders.

Note concerning adjournment: If, for example, it becomes necessary to adjourn a meeting without an opportunity to formally change the date, time and/or location, the adjournment process outlined in the Brown Act should be used (Government Code section 54955). If done properly, the resulting postponed meeting will be considered a regular meeting for all purposes. (See our separate bulletin entitled “Adjournment of Meetings to Another Time and Place,” with sample form.)

If you have any questions concerning this or related issues, do not hesitate to contact our office.

– Grant Herndon

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