

CLIENT NEWS BRIEF

Reminder: Annual Organizational Meetings

Now is a good time to start thinking about the agenda for your agency's upcoming annual organizational meeting. The governing board of each school district must hold an annual organizational meeting prior to the close of each calendar year. (Ed. Code § 35143.) During an election year, the meeting must be held within a 15-day window beginning with the date upon which the newly elected members take office. During non-election years, the meeting must be held within the same window, beginning with the date upon which members would have taken office if an election had been held. A trustee serves until the first Friday in December in the year their term expires, with the newly elected trustee taking office thereafter. (Ed. Code §§ 5000, 5017; Elec. Code §10554.) This year, a newly elected trustee will take office on December 6, 2013, making the last day to hold the annual organizational meeting December 20, 2013.

The day and time of the annual organizational meeting must be set at the last regular board meeting prior to December 6, 2013. The annual organizational meeting must be set far enough out to allow the clerk of the board to provide at least 15 days written notice of the meeting to all board members and board members-elect. The governing board must also notify the county superintendent of schools of the annual organizational meeting's date and time. If the board fails to set a day and time for the annual organizational meeting, the county superintendent of schools will set it.

At the annual meeting, governing boards of school districts will elect a clerk and president. Similarly, each city board of education will elect a president, and all other types of school districts (except community college districts) will elect a clerk.

An exception to the December 20, 2013 cut-off for the annual organizational meeting is available for boards of education whose members are elected pursuant to a city charter. Those boards of education may hold the annual organizational meeting between December 15, 2013 and January 14, 2014, provided rules and regulations allowing this alternative have been adopted by such board. (Ed. Code § 35143.) At the annual meeting, such boards of education must elect a president and vice president who will serve from January 15 until January 14 of the following year, unless removed by a majority vote of the board.

Other housekeeping functions can be accomplished at the annual meeting as well. For instance, this can be a good time to adopt a comprehensive list of designees with authority to sign contracts on behalf of the district. (See Ed. Code §§ 17604, 17605.) The annual meeting is also an appropriate time to review committee assignments for board members. To guard against potential Brown Act violations, the annual meeting provides a good opportunity to advise all members on Brown Act implications for committee meetings. For example, if the committee consists only of a non-quorum of board members and meets on an ad hoc basis, it is not a Brown Act committee. However, if, for example, the board members are appointed by formal board action to serve on a larger

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As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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district committee, those committee meetings are generally required to comply with the Brown Act.

If you have any questions regarding the annual organizational meeting, election of board members, the Brown Act or related matters, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).