Bylaw 9323: Meeting Conduct

Status: Adopted

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Meeting

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned by 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and, if necessary, may subsequently be adjourned to a later date.

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be required to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting, except that if the meeting is conducted using remote public participation or with a Board member attending remotely pursuant to Government Code 54953, a member of the public desiring to provide comment through the use of a third party internet website or online platform may be required to register as required by the third party provider.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, Board members or staff members may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)
   Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)
4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)
5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits. In general, individual speakers will be allowed three minutes to

address the Board on each agenda or nonagenda item, and the Board may limit the total time for public input on each item to 20 minutes. However, in exceptional circumstances when necessary to ensure full opportunity for public input, the Board president may, with Board consent, adjust the amount of time allowed for public input and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. The president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:

   a If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.

   b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

   c. The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

7. The Board president shall not permit actual disruption of Board meetings. Actual disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board and remove the individual from the meeting.

   The Board President or designee may remove an individual for actually disrupting the meeting. Prior to removal, the individual shall be warned that their behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the Board president, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

   When an individual's behavior constitutes the use of force or a true threat of force, the individual shall be removed from a Board meeting without a warning. (Government Code 54957.95)

   Disrupting means engaging in behavior during a Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force. (Government Code 54957.95)

   True threat of force means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. (Government Code 54957.95)

   Additionally, the Board may order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

   When disruptive conduct occurs, the Board may decide to recess the meeting to help restore order, or if removing the disruptive individual(s) or clearing the room is infeasible, move the meeting to another location. The Board may direct the Superintendent or designee to contact local law enforcement as necessary.

Recording by the Public

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently

disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Policy Reference Disclaimer:These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
CCP. 527.8	Workplace violence safety - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7IplusYiDNCP8A==
Ed. Code 32210	Willful disturbance of public school or meeting
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35163	Official actions, minutes and journal
Ed. Code 35164	Actions by majority vote
Ed. Code 35165	Effect of vacancies upon majority and unanimous votes by seven member board
Ed. Code 5095	Powers of remaining board members and new appointees
Elec. Code 18430	Prevention or hinderance of electors assembling in public meeting
Gov. Code 54953.3	Meetings to be open and public; remote attendance
Gov. Code 54953.5	Audio or video recording of proceedings
Gov. Code 54953.6	Broadcasting of proceedings
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54957	Closed session personnel matters
Gov. Code 54957.9	Disorderly conduct of general public during meeting; clearing of room
Gov. Code 54957.95	Opening meetings; orderly conduct
Pen. Code 403	Disruption of assembly or meeting

Management Resources References	Description
Attorney General Opinion	55 Ops.Cal.Atty.Gen. 26 (1972)
Attorney General Opinion	61 Ops.Cal.Atty.Gen. 243, 253 (1978)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 215 (1980)
Attorney General Opinion	66 Ops.Cal.Atty.Gen. 336 (1983)
Attorney General Opinion	76 Ops.Cal.Atty.Gen. 281 (1993)
Attorney General Opinion	90 Ops.Cal.Atty.Gen. 47 (2007)
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719
Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Court Decision	McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275
Court Decision	Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966

Court Decision	Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2018
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	Description
1000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/aPreoZspB1CaSBf3slshgmpluscQ==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/KTDg4h8Yf4SWplusWc4Kr65Zw==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/rXKLOJ7yIplusL6iVtUheDUAQ==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ry7aslshcOX4plusyrVVUJpslsh3PCQ==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/P373DTc82qIXplusWvv0plusZRJg==
1312.1-E PDF(1)	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/XUMAIHm29hbTDplus9kq9kcslshg==
1313	Civility - https://simbli.eboardsolutions.com/SU/nEHuji0x8IvpqFt40ciP0A==
3100	Budget - https://simbli.eboardsolutions.com/SU/slshnoplus5fafslshp5Oplus5l6trYMyA==
3100	Budget - https://simbli.eboardsolutions.com/SU/h8x1i3dlCgHOl5q9FHT8AQ==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/hV6iWP2i4IrUqplusCZAvqvOw==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/Q7sbslshwzL0fCArW2DdslshqFvw==
3312	Contracts - https://simbli.eboardsolutions.com/SU/VndL4gtZKQslshANox0RNJjNw==
9005	Governance Standards - https://simbli.eboardsolutions.com/SU/BRwN6vslshMEcKok3BocJ2Amw==
9100	Organization - https://simbli.eboardsolutions.com/SU/hicYRc8cVnuH8ARqwYU0CA==
9121	President - https://simbli.eboardsolutions.com/SU/SDG8WvjAlSFudYgSplusAKl3g==
9130	Board Committees - https://simbli.eboardsolutions.com/SU/jvnzy901PfYl4gubdccVqg==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/zPLlD5qFhotPt1htljmuMA==
9230	Orientation - https://simbli.eboardsolutions.com/SU/EM3BoFHGL8jIxyeu8UIiQA==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/w8fXfaTslsh9RIgMEl7L7oHYw==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/G2n6J4InueYTLkAAiWXacw==

9310	Board Policies - https://simbli.eboardsolutions.com/SU/UYvnzUYNmTPXUQorjEUVjA==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/mRkvPk5slshwslshslshplusYYTaEidsWg==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/RBplus1wUoALpEIfKHMPhGg5g==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/m7MVNhaUB2ULMFBAYPqEsg==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/f0nGDcsAxpaOxscuyrR9kQ==
9323.2-E PDF(1)	Actions By The Board - https://simbli.eboardsolutions.com/SU/aNPanMNh5mXRZVU1009NSA==
9324	Minutes And Recordings - https://simbli.eboardsolutions.com/SU/0vplusLZ5blslshTejqlGbcu3HXA==

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