

Bylaws of the Board

BB 9323

MEETING CONDUCT

“During the current state of emergency due to the COVID-19 outbreak, and while meetings of the Board of Trustees are being conducted remotely, members of the public shall be invited to provide their comments orally in real time at the points noted on the Board Agenda. If the comment pertains to an item on the Agenda, the member of the public shall identify the Agenda Item to which their item pertains. There still shall be a three-minute limit per comment, and a 20-minute limit for all comments pertaining to any one Agenda Item, unless these time limits at a meeting are extended by a majority of the Board. All provisions of Board Bylaw 9323 that are inconsistent with these procedures are temporarily suspended.”

Meeting Procedures

All Board of Trustees meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and to other persons upon request.

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.

Trustees shall not speak unless recognized by the Board President.

In order to make Board meetings more effective and more efficient, there shall be a three-minute time limit per trustee per agenda item for trustees’ comments. The three minutes need not be used in a single instance, and trustees may not transfer their time to another trustee. This time limit may be extended by unanimous consent or by a vote of the majority of the Board. A motion to extend time shall not be subject to discussion.

By a two-thirds vote of trustees present, after each trustee has had an opportunity to speak on an Agenda Item at least once, the Board may adopt a motion “to call the question” or to “close debate” on an agenda item. A motion to call the question or to close debate shall not be subject to discussion.

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 at 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 may be adjourned to a later date.

Quorum

A majority of the number of filled positions on the Board constitutes a quorum. (Education Code §§ 5095, 35165)

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the Board are required to approve any action under consideration, regardless of the number of members present. (Education Code § 35164)

Abstentions

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them.

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 requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

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 either before or during the Board's consideration of each item of business to be discussed at regular or special meetings. (Education Code § 35145.5, Government Code § 54954.3)
2. At a time so designated on the agenda, members of the public may bring before the Board, at a regular meeting, matters that are not listed on the agenda. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board. (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 posted by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her 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 it, 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 Board President and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the Board President may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. A non-English speaking

individual who utilizes a translator, not including simultaneous translation technology/equipment, to address the Board shall be allowed twice the allotted time limit (six minutes for each item), and the total time for public input shall be extended accordingly. (Government Code § 54954.3)

The Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

6. The Board President may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the Board President may indicate the time and place when it should be presented.

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

Whenever a member of the public initiates specific complaints or charges against an employee, the Board President shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to refer members of the public to the District's complaint procedures outlined in Board Policy 1312.1 – COMPLAINTS CONCERNING DISTRICT EMPLOYEES and Board Policy 1312.3 – UNIFORM COMPLAINT PROCEDURES. Pursuant to those Policies, a member of the public may appeal a decision made concerning a complaint against an employee to the Board or to the California Department of Education, as appropriate, if he or she is not satisfied with the decision.

If the Board hears a complaint or charges against an employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code § 54957.

7. The Board President shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the chair to terminate the privilege of addressing the Board. The Board may remove disruptive individuals and order the room cleared if necessary; in this case, members of the media not participating in the disturbance shall 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)

Recording by the Public

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph or tape record open meetings 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)

Cross References:

BP/AR 1312.1 – Complaints Concerning District Employees

BP/AR 1312.3 – Uniform Complaint Procedures

BB 9121 – President

BB. 9130 – Board Committees BB 9270 – Conflict of Interest BB 9320 – Meetings and Notices

BB 9321 – Closed Session Purposes and Agendas

BB 9322 – Agenda/Meeting Materials

BB 9323.2 – Actions by the Board

BB 9324 – Minutes and Recordings

Legal References:

EDUCATION CODE

32210 Willful disturbance of public school or meeting, a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven-member board

GOVERNMENT CODE

54953 Public comments

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

59 Ops.Cal.Atty.Gen. 532 (1976)

61 Ops.Cal.Atty.Gen. 243, 253 (1978)

63 Ops.Cal.Atty.Gen. 215 (1980)

66 Ops.Cal.Atty.Gen. 336, 337 (1983)

76 Ops.Cal.Atty.Gen. 281 (1993)

Replaces BB 9323 (04/21)