

Bylaw 9323: Meeting Conduct

Meeting Procedures

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

~~The Governing Board president shall conduct Governing Board meetings in accordance with Governing Board bylaws and procedures that~~ **Governing Board chair, who is either the Board president or the Board member chairing the meeting at the time if the Board president is absent, shall conduct Board meetings in accordance with the Brown Act** to enable the **Governing Board** to efficiently consider issues and carry out the will of the majority.

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

When any **Governing Board** member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item. The **Governing Board** chair shall determine where on the agenda the former consent item is placed.

Quorum and Abstentions

Except as required by law, the **Governing Board** shall act by majority vote of all of the membership constituting the **Governing Board**. (Education Code 35164)

~~The Governing Board believes that when no conflict of interest requires abstention, its members have a duty~~ **Except when prohibited by law, the Governing Board expects its members** to vote on **all** issues before them. When a member abstains, ~~his/her~~ the abstention shall not be counted for purposes of determining whether a majority of the membership of the **Governing Board** has taken action.

~~Provided the Governing Board typically has five~~ **consists of seven** members and there are no more than two vacancies on the Governing Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Governing Board constitute a majority. ~~In addition~~ **Additionally**, whenever any provisions of the Education Code require unanimous action

of all or a specific number of the members, the vacant position(s) shall not be counted for purposes of determining the total membership constituting the Governing Board. (Education Code 35165)

Public Participation

Members of the public are encouraged to attend **Governing** Board meetings and to address the **Governing** Board concerning any item on the agenda or within the **Governing** Board's jurisdiction. So as not to inhibit public participation, ~~persons attending Governing Board meetings~~ members of the public attending a Board meeting 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, except ~~that if the meeting is conducted using remote public participation or with a Governing Board member attending remotely pursuant to Government Code 54953, a member of the public desiring to provide~~ if a member of the public desires to observe the meeting or make public 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 Governing Board requires that public presentations to the Governing Board comply with the following procedures.~~

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- ~~1. The Governing Board shall give members of the public an opportunity to address the Governing Board on any item of interest to the public that is within the subject matter jurisdiction of the Governing Board, either before or during the Governing Board's consideration of the item. (Education Code 35145.5, Government Code 54954.3)~~

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~~At a time so designated on the agenda at a regular meeting, members of the public may bring before the Governing Board matters that are not listed on the agenda. The Governing~~ To facilitate public comment, the **Governing** Board may request that members of the public who wish to give public comment provide their names or other identifying information to determine speaking order.

In order to conduct district business in an orderly and efficient manner, public comment shall occur in accordance with Board Bylaw 9322 - Agenda Meeting/Materials and in compliance with the following procedures:

2. The **Governing** 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)

- ~~Without taking action, Governing~~ **Governing** 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. (Government Code 54954.2)

Additionally, on their own initiative or in response to questions posed by the public, ~~a~~ **Governing** **Governing** Board members or staff ~~member~~ **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~~ **In addition**, the ~~Governing~~ Board or a ~~Governing~~ Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the ~~Governing~~ 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)

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- ~~The Governing Board need not allow~~
- ~~A member of the public wishing to speak on any item that has already been considered by a committee composed exclusively of Governing Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Governing Board determines that the item has been substantially changed since the committee heard the item, the Governing Board shall provide an opportunity for the public to speak. (Government Code 54954.3)~~ ↵

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- ~~A person wishing to be heard by the Governing Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.~~ ↵

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~~The president may also ask a member~~ **be heard by the Board shall first be recognized by the Board chair**

An individual speaker shall be allowed a maximum of **three** minutes to address the Board. However, the Board chair, or a majority of the Board, may 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. Additionally, the Board chair may ask members of the public with the same viewpoint to select a few individuals to address the ~~Governing~~ Board on behalf of that viewpoint. ~~The 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. Individual speakers shall be allowed up to three minutes to address the Governing Board on each agenda or non-agenda item. Should 1-10 people wish to address any topic, the Governing Board may elect to allot three minutes per speaker. Should 11-20 people wish to address any topic, the Governing Board may elect to allot two minutes per speaker. Should more than 20 people wish to address any topic, the Governing Board may elect to allot one minutes per speaker. With Governing Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard.~~

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

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)

7. An individual speaker may give some or all of the speaker's time to another speaker, provided that no individual speaker is permitted to speak more than the maximum time permitted per individual speaker pursuant to Board Bylaw 9322 - Agenda/Meeting Materials
8. For any public comment period with a time limit when a remote Board member is attending and participating based on just cause pursuant to Board Bylaw 9320.1 - Remote Meetings and Attendance, the Board may not close that public comment period or the opportunity to register to provide public comment via the two-way audiovisual platform or two-way audio service until the full time for public comment has elapsed (Government Code 54953.8)

For any other public comment period when a remote Board member is attending and participating based on just cause pursuant to Board Bylaw 9320.1 - Remote Meetings and

Attendance, the Board shall allow a reasonable amount of time to permit members of the public to provide public comment and to register to do so via the two-way audiovisual platform or two-way audio service. (Government Code 54954.354953.8)

9. The ~~Governing Board president may rule on the appropriateness of a topic~~ Board chair shall determine whether an individual's public comment is within the scope of the public comment period, subject to the following conditions:

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

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

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~~In addition, the Governing Board shall not prohibit public criticism of district employees.~~ public comment is within the scope of a different public comment period, the Board chair shall so indicate

- b. Public criticism of the **Governing** Board, individual Board members, the district, its policies, procedures, programs, services, acts, or omissions shall not be prohibited (Government Code 54954.3)
- c. Public criticism of district employees shall not be prohibited

However, whenever a member of the public initiates specific complaints or charges against an individual employee, the **Governing** Board ~~president~~ chair shall inform the complainant of the appropriate complaint procedure. ~~↵~~

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Disruptions

10. The **Governing** Board ~~president~~ chair shall not permit ~~any disturbance or willful interruption actual disruption of Governing Board meetings. Persistent~~ an individual to actually disrupt a Board meeting. 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~~Board chair to terminate the privilege of addressing the
Governing Board and remove the individual from the meeting. ¶

~~The Governing Board president or designee may remove an individual for actually disrupting the meeting.~~ Governing Board for that meeting and remove the individual from the meeting.
(Government Code 54957.95)

Prior to removal, the individual shall be warned that ~~their~~the individual's 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 Governing Board ~~president~~chair, 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 Governing Board meeting without a warning. (Government Code 54957.95)

Disrupting means engaging in behavior during a Governing 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 Governing Board may order the room cleared ~~if necessary~~when a group or groups of persons willfully interrupts so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. 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 Governing Board. When the room is ordered cleared due to ~~a~~such a group disturbance, further Governing Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When ~~such group~~ disruptive conduct occurs, the Governing Board may decide to recess the meeting to help restore order, ~~or if removing~~remove the disruptive individual(s), or ~~clearing~~clear the room ~~is infeasible, move the meeting to another location.~~ Additionally, the Board may ~~adjourn the meeting to another time and location specified in an order of adjournment.~~ The

~~Governing Board~~ Board chair may direct the Superintendent or designee to contact local law enforcement as necessary. (Government Code 54955, 54957.9, 54957.95, 54957.96)

Recording by the Public

Members of the public may record an open **Governing** 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 ~~shall~~ may designate locations from which members of the public may ~~broadcast, photograph, or tape record open meetings~~ make such recordings without causing a distraction.

If the **Governing** 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 **Governing** Board. (Government Code 54953.5, 54953.6)