

**Bylaw 9323: Meeting Conduct**

Status: DRAFT

Original Adopted Date: 10/16/2007 | Last Revised Date: 08/08/2018 | Last Reviewed Date: 08/08/2018

**Meeting Procedures**

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 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 **subsequently** may be adjourned to a later date.

**Quorum and Abstentions**

The Board shall act by majority vote ~~on~~ 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, his/her abstention shall be considered to concur with the action taken by the majority of those who vote, whether affirmatively or negatively.~~

**Public Participation**

**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.**

**Provided the Board typically has seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. In addition, 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 Board. (Education Code 35165)**

**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 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 ~~each~~ **the** 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 **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 ~~allowed~~**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, a Board ~~members~~ or staff ~~member~~**members** may ask a question for clarification, make a brief announcement, or make a brief report on his/~~her~~**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 ~~it~~**the item**, the Board shall provide an opportunity for the public to speak. (Government Code 54953)
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.

~~Individual~~**In general, individual** speakers ~~shall~~**will** be allowed three minutes to address the Board on each agenda or nonagenda item. ~~The, and the~~ Board ~~shall~~**will** limit the total time for public input on each item to 20 minutes. ~~With~~**However, in exceptional circumstances when necessary to ensure full opportunity for public input, the Board president may, with** Board consent, the president may increase or decrease ~~the~~**adjust the amount of** time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. ~~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 take a poll of speakers for or against a particular issue and ~~may also~~ ask **members of the public with the same viewpoint to select a few individuals to address the Board on behalf of** that additional persons speak only if they have something new to add ~~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 ~~the~~ a topic would be more 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)

The Board ~~may~~**shall** not prohibit public criticism of district employees.

- c. ~~Whenever~~ **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 any disturbance or willful interruption of Board meetings. Persistent 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.

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, and individual(s) 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 54959)

**When such disruptive conduct occurs, the Superintendent or designee shall 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

CCP. 527.8

Ed. Code 32210

Ed. Code 35010

Ed. Code 35145.5

Ed. Code 35163

Ed. Code 35164

Ed. Code 35165

Ed. Code 5095

Gov. Code 54953.3

Gov. Code 54953.5

Gov. Code 54953.6

Gov. Code 54954.2

Gov. Code 54954.3

Gov. Code 54957

Gov. Code 54957.9

Pen. Code 403

### Description

Workplace violence safety -

<https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7IplusYiDNCP8A==>

Willful disturbance of public school or meeting

Control of district; prescription and enforcement of rules

Agenda; public participation; regulations

Official actions, minutes and journal

Actions by majority vote

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

Powers of remaining board members and new appointees

Prohibition against conditions for attending a board meeting

Audio or video recording of proceedings

Broadcasting of proceedings

Agenda posting requirements, board actions

Opportunity for public to address legislative body

Closed session personnel matters

Disorderly conduct of general public during meeting; clearing of room

Disruption of assembly or meeting

### Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

### Description

55 Ops.Cal.Atty.Gen. 26 (1972)

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

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 Publication	The Brown Act: Open Meetings for Local Legislative Bodies, 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. 2014
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2015
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

### Cross References

	Description
1000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/KaR1o6WsS0oZ4pumqkwBog==">https://simbli.eboardsolutions.com/SU/KaR1o6WsS0oZ4pumqkwBog==</a>
1100	Communication With The Public - <a href="https://simbli.eboardsolutions.com/SU/Hywu1plusUHmPznTnAojQejslshg==">https://simbli.eboardsolutions.com/SU/Hywu1plusUHmPznTnAojQejslshg==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/7obBkz3eDZdX6UuwdxRCNQ==">https://simbli.eboardsolutions.com/SU/7obBkz3eDZdX6UuwdxRCNQ==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/tHSbWzMDkTpvVHIUAI5KQ==">https://simbli.eboardsolutions.com/SU/tHSbWzMDkTpvVHIUAI5KQ==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/JRoyWdC2IplusN7hd5IE0LP4g==">https://simbli.eboardsolutions.com/SU/JRoyWdC2IplusN7hd5IE0LP4g==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==">https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==</a>
1312.1-E(1)	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/eAlz50x7oMx0vq3x9PjTplusg==">https://simbli.eboardsolutions.com/SU/eAlz50x7oMx0vq3x9PjTplusg==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/LAXsliS005BXIXyCf1Nf6A==">https://simbli.eboardsolutions.com/SU/LAXsliS005BXIXyCf1Nf6A==</a>
3100	Budget - <a href="https://simbli.eboardsolutions.com/SU/0Em4vjDpAKIGfnem14N1VA==">https://simbli.eboardsolutions.com/SU/0Em4vjDpAKIGfnem14N1VA==</a>
3270	Sale And Disposal Of Books, Equipment And Supplies - <a href="https://simbli.eboardsolutions.com/SU/0XNogGb3Aq9xGo5Rc3KNhA==">https://simbli.eboardsolutions.com/SU/0XNogGb3Aq9xGo5Rc3KNhA==</a>
3270	Sale And Disposal Of Books, Equipment And Supplies - <a href="https://simbli.eboardsolutions.com/SU/3slshLplusKN5UgMFLtsue2JJYA==">https://simbli.eboardsolutions.com/SU/3slshLplusKN5UgMFLtsue2JJYA==</a>
3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==">https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==</a>
9005	Governance Standards - <a href="https://simbli.eboardsolutions.com/SU/DaF2m6lmSeyu1yItj5WuoA==">https://simbli.eboardsolutions.com/SU/DaF2m6lmSeyu1yItj5WuoA==</a>
9100	Organization - <a href="https://simbli.eboardsolutions.com/SU/0OFfmkj2WFPRRQEb6nTQ==">https://simbli.eboardsolutions.com/SU/0OFfmkj2WFPRRQEb6nTQ==</a>
9121	President - <a href="https://simbli.eboardsolutions.com/SU/VFkklttzfg8m9yajislshjpog==">https://simbli.eboardsolutions.com/SU/VFkklttzfg8m9yajislshjpog==</a>

9130	Board Committees - <a href="https://simbli.eboardsolutions.com/SU/hgCK0A6mlyM1J1OIWJHEnA==">https://simbli.eboardsolutions.com/SU/hgCK0A6mlyM1J1OIWJHEnA==</a>
9200	Limits Of Board Member Authority - <a href="https://simbli.eboardsolutions.com/SU/0hKRSAtVLHUI2u41Y5PPKQ==">https://simbli.eboardsolutions.com/SU/0hKRSAtVLHUI2u41Y5PPKQ==</a>
9230	Orientation - <a href="https://simbli.eboardsolutions.com/SU/4qcNnLdU11insCheApKTew==">https://simbli.eboardsolutions.com/SU/4qcNnLdU11insCheApKTew==</a>
9270-E(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/YARn4x3ogplqErh63MXQNg==">https://simbli.eboardsolutions.com/SU/YARn4x3ogplqErh63MXQNg==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/E4fcgnfSOiHslshULRaL0A3fA==">https://simbli.eboardsolutions.com/SU/E4fcgnfSOiHslshULRaL0A3fA==</a>
9310	Board Policies - <a href="https://simbli.eboardsolutions.com/SU/w1Hju6YkZpluilAx4r6plQpg==">https://simbli.eboardsolutions.com/SU/w1Hju6YkZpluilAx4r6plQpg==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/WuTc0aJNMgtodRpaq8eJM6A==">https://simbli.eboardsolutions.com/SU/WuTc0aJNMgtodRpaq8eJM6A==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/eQxvTE4sunzJru8wB8gc1g==">https://simbli.eboardsolutions.com/SU/eQxvTE4sunzJru8wB8gc1g==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/HMeZuSH7vnURgKSyn06rcA==">https://simbli.eboardsolutions.com/SU/HMeZuSH7vnURgKSyn06rcA==</a>
9323.2-E(1)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/OBmCx0euH7NprbtSkVpEqQ==">https://simbli.eboardsolutions.com/SU/OBmCx0euH7NprbtSkVpEqQ==</a>
9323.2	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/Olplus42Ric0ikCvuN5KkoAFQ==">https://simbli.eboardsolutions.com/SU/Olplus42Ric0ikCvuN5KkoAFQ==</a>
9324	Minutes And Recordings - <a href="https://simbli.eboardsolutions.com/SU/soUJFnL8INplusXOw3UtoNvXg==">https://simbli.eboardsolutions.com/SU/soUJFnL8INplusXOw3UtoNvXg==</a>