

MEETING CONDUCT

The Board of Trustees desires to conduct its meetings effectively and efficiently. Board meetings shall begin as close as possible to the scheduled time, and shall follow an agenda prepared in advance and made available to the public.

Per Board Policy 1313, *Civility Policy*, members of CUSD staff will treat parents and other members of the public with respect and expect the same in return.

Parliamentary Procedure

Board meetings shall be conducted by the president in a manner consistent with adopted Board bylaws and generally accepted parliamentary procedures.

Robert's Rules of Order, Newly Revised shall be used as a guide to enable the orderly conduct of meetings. Any member may raise a point of order under these rules, which action shall take precedence over all other business before the Board.

Quorum

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

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

Voice Vote

Voting on motions shall be by voice vote. The minutes shall record the names of the persons making and seconding the motion, and if the motion carried, carried unanimously, or was defeated. Each member's vote shall be recorded as an aye or nay if the vote was not unanimous. The Board shall comply with the Education Code and the Brown Act provisions for roll call votes on motions or resolutions.

Polling

Voting on resolutions shall be by polling the members. The minutes shall record the person making the motion, the person seconding it, and the names of the Board members voting for and against the motion, as well as Board members who are absent or abstaining.

ADDRESSING THE BOARD OF TRUSTEES

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. In governing the District, the Board has pledged to consider the will and needs of the community.

MEETING CONDUCT (continued)

Any member wishing to address the Board at a regular meeting, on an issue that is not on the published agenda, may request to do so during Oral Communications (Non-Agenda Items). Those wishing to address the Board on an item on the Closed Session agenda may do so immediately after the Closed Session Call to Order.

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. (Government Code 54953.3). However, persons choosing to speak may be asked to give their name and city or area of residence.

~~Because~~ One of the Board's responsibilities to the public is to conduct District business in an orderly and efficient way, **therefore**, the following procedures shall regulate public comment to the Board.

Oral Communications (Non-Agenda Items)

Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. A person wishing to address the Board on a non-agenda item may do so under the Oral Communications portion of the Board agenda. Oral Communications will take place at the beginning of the Board meeting and immediately following the Special Recognitions portion of the Board meeting.

1. The total time for the Oral Communications (Non-Agenda Items) portions of regular meetings shall be twenty (20) minutes. When more than 20 individuals have presented requests to speak, the time allowed to the first 20 who made requests will be as follows:
 - a. 1-7 speakers will each be allowed three (3) minutes to address the Board.
 - b. 1-10 speakers will each be allowed two (2) minutes to address the Board.
 - c. 1-20 or more speakers will each be allowed one (1) minute to address the Board.
 - d. Those who presented requests to speak, but could not be accommodated during Oral Communications, within the allotted twenty (20) minutes, will each be allowed to speak after other Board business has been concluded, prior to adjournment.
2. A person wishing to be heard by the Board on a non-agenda item during Oral Communications, after having submitted a "Request to Address the Board of Trustees" card prior to the commencement of the Oral Communications portion of the meeting, shall first be recognized by the Board President.

MEETING CONDUCT (continued)

The speaker may identify himself/herself by providing the Board with his/her name and city/community of residence.

3. No additional "Request to Address the Board of Trustees" cards will be accepted once the Oral Communications portion of the meeting has begun unless otherwise approved by the Board.
4. There shall be no transfer of a person's time or a portion of a person's time, to another speaker.
5. Legally, the Board may not take action on items raised by speakers under Oral Communications. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda. (Education Code 35145.5, Government Code 54954.3)

Oral Communications (Agenda Items)

1. Members of the public shall have an opportunity to address the Board prior to the Board's consideration of each agenda item. (Education Code 35145.5, Government Code 54954.3)
2. The total time for Oral Communications shall be twenty (20) minutes ~~per~~ on any individual Information/Discussion/Action agenda items, and twenty (20) minutes in total for the Consent Calendar. Individual speakers will be allowed between one (1) and three (3) minutes to address the Board, depending on the number of individuals who have presented requests to speak.
3. Persons seeking to address the Board on an agenda item shall complete a "Request to Address the Board of Trustees" card and give it to the Board Secretary or other designated staff member. "Request to Address the Board of Trustees" will be accepted only until 30 minutes after the start of Open Session.
 - a. A speaker wishing to address the Board, after having submitted a "Request to Address the Board of Trustees" card in a timely manner, shall first be recognized by the Board President. The speaker may identify himself/herself by providing the Board with his/her name and city/community of residence. The Board shall hear all oral communications by the public after any staff comments but prior to the formal discussion by Board Members of the agenda topic under consideration. Upon completion of his/her remarks, the speaker shall leave the podium unless requested to remain by the Board President.
 - b. The Board shall limit the total time for oral communications by the public ~~from the audience~~ to twenty (20) minutes during agenda sections Closed Session and Consent Calendar. With Board consent, the Board President may modify the individual time allowed; however, the individual time may not be reduced to less than one (1) minute.

MEETING CONDUCT (continued)

- c. Each speaker shall be provided up to three (3) minutes to address the Board regarding any Discussion/Action item on the agenda. The Board shall limit the total time for oral communications by the public ~~from the audience~~ to twenty (20) minutes per topic on Discussion/Action items. With Board consent, the Board President may modify the individual time allowed and/or the total time allowed for oral communications by the public; however, the individual time may not be reduced to less than one (1) minute.
- d. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.
- e. Students who have presented requests to speak will be allowed to do so prior to adult members of the community.
- f. The Board of Trustees will ~~alternate between remote online and first hear from in-person speakers and then~~ online. The order of speakers will be announced at the beginning of each Board meeting.
- g. ~~Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.~~

Public Hearings

Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on the same topic before the public hearing except as to the scheduling of the hearing, nor shall it hear speakers after the hearing except as to changes in the policy or recommended actions, which are directed at the time of the hearing.

Complaints

The Board recognizes that under the Brown Act, Government Code § 54954.3, the Board is not permitted to prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Case law also states that the Board may not require members of the public to state their complaints about employees in closed session.

Disturbances

No disturbance or willful interruption of any Board meeting shall be permitted. This includes, but is not limited to shouting, booing, heckling, interrupting other speakers, harassment of any kind, ~~or other willful disturbance~~. Persistence in the interruption of a Board meeting, by an individual or group, shall be grounds for the chair to terminate the privilege of addressing the meeting.

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 may be allowed to remain, and individual(s) 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)

MEETING CONDUCT (continued)

In the interest of safety and the maintenance of proper meeting decorum, and to permit members of the audience-public to observe the Board meeting without artificial barriers blocking their view, no signs will be permitted in the Board room. Meeting attendees who bring signs are welcome to display them outside the building where the Board meeting is taking place.

All cellular phones or other such electronic communication devices must be silenced in the Board room by members of the audience-public during Board meetings.

Furthermore, in order to insure the safety of all present, no signs carried by attendees shall be permitted in the Board room itself.

Adjournment

Regular Board meetings shall be adjourned by 11:00 p.m. unless extended to a time certain by a majority of the Board.

Legal Reference:

EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

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

54954.3 Opportunity for public to address legislative body; regulations

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

61 OPS. CAL. ATT. GEN. 243, 253 - 1978

66 OPS. CAL. ATT. GEN. 336, 337 - 1983

75 OPS. CAL. ATT. GEN. 89 (1992)

Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719, 734

Perry Educ. Ass'n. v. Perry Local Educators' Ass'n, (1983) 460 U.S. 37, 45

Bylaw

adopted: February 27, 1995

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CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California