

MEETING CONDUCT

The Board of Trustees desires to conduct its meetings effectively and efficiently. All Board meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and other designated persons.

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 defeated. Each member's vote shall be recorded as an aye or nay if the vote is 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.

Abstentions

The Board recognizes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. In the event that one less than the necessary number of affirmative (i.e. "aye") votes has been cast, then an "abstain" vote shall constitute concurrence, and the Secretary shall set forth in the minutes that the matter was pass pursuant to this Policy. When a member abstains because of a conflict of interest, the effect of the abstention will be assessed on a case by case basis in accordance with the laws of this State relating to conflicts of interest.

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. 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 shall be asked to give their name and city or area of residence.

Because the Board has a responsibility to conduct District business in an orderly and efficient way, the following procedures shall regulate public presentations to the Board.

Items on the Agenda

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. Citizens 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 President or Board Secretary.
 - 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 shall identify himself/herself by providing the Board with his/her name and city/community of residence. All presentations shall be heard by the Board 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 be asked to leave the podium unless requested to remain by the Board President.
 - b. Each speaker shall be provided a maximum of three (3) minutes to address the Board; however, the time assigned for individual presentations could be fewer than three (3) minutes depending upon the total number of speakers who wish to address a specific agenda topic. The Board shall limit the total time for presentations from the audience to twenty (20) minutes per agenda topic. With Board consent, the Board President may modify the time allowed for public presentation.
 - c. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.
 - d. 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.

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 meeting and immediately following the Special Recognitions portion of the Board meeting. With Board consent, the Board President may modify the time allowed for public presentation.

1. The total time for the Oral Communications portion of regular meetings shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual but could be less if there are a large number of Oral Communication speakers.
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. The speaker shall identify himself/herself by providing the Board with his/her name and city/community of residence.
3. No "Request to Address the Board of Trustees" cards will be accepted once the Oral Communications portion of the meeting has begun.
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)

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.

GENERAL GUIDELINES

No open session oral presentation shall include charges or complaints against any employee of the Board, including the Superintendent, regardless of whether or not the employee is identified by name or by another reference which tends to identify. California law requires that all charges or complaints against employees be addressed in closed session unless the employee requests a public hearing. All such charges or complaints therefore must be submitted to the Board under the provisions of Board policy.

Notwithstanding the procedural protocol stated in the preceding two paragraphs, in the event a public speaker continues his/her comments against an employee of the District, the Board President shall interrupt the speaker and issue the following statement:

“The Board has an established policy for considering complaints against individual school district employees, including rights of these individuals. Therefore, in accordance with that policy, the Board will not discuss, respond to or otherwise consider complaints involving individual school district employees which have not been pursued through these established procedures. Should you continue to pursue public presentation of charges against a school district employee, you may be personally liable to that employee.”

If the speaker persists after the President's statement (above), the speaker shall be provided the remainder of his/her time for public comments, but shall do so having been formally advised of the liability risk involved.

(cf. 1312.1 - Complaints Concerning School Personnel)
(cf. 9312 - Closed Sessions)

No disturbance or willful interruption of any Board meeting shall be permitted. 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)

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

The use of cellular phones or other such electronic communication devices in the Board Room by members of the audience shall be prohibited during Board meetings. Furthermore, in order to

insure the safety of all present, no signs carried by attendees shall be permitted in the Board meeting 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.

(cf. 9320 - Meetings)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323.2 - Actions by 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

Bylaw

adopted: February 27, 1995

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CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California