



RIALTO UNIFIED SCHOOL DISTRICT

Bylaws of the Board

BB 9323(a)

MEETING CONDUCT

The Board of Education endeavors to conduct business efficiently and in a manner that promotes full and fair consideration of the issues and allows for meaningful participation of members of the public.

Meeting Procedures

All Board of Education 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 approved meeting procedures.

The Board believes that late night meetings discourage public participation, can affect the Board's decision-making ability, and can be an unnecessary burden on Board members, the Superintendent, and his/her staff. Regular Board meetings shall be adjourned at the time, if any, set by the Board at the annual organizational meeting.

Quorum and Abstentions

A majority of the members of the Board shall constitute a quorum for the transaction of business. (Education Code 1013)

On a call by any Board member, a voice vote shall be taken upon any proposition and the vote shall be recorded in the minutes. (Education Code 1015)

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.

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 not be counted as an affirmative vote for purposes of determining whether a majority of the membership of the Board has taken action.

MEETING CONDUCT (continued)

If the Board consists of seven members and not more than two vacancies occur 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, any vacant position(s) shall not be counted for purposes of determining the total membership constituting the Board.

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 public presentations to the Board to 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, during, or after the Board's consideration of the item. (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 authorized by law. (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 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 through the Superintendent, reference to staff or other resources for factual information, ask the Superintendent to report back to the Board at a subsequent meeting concerning any matter, or request the Superintendent to place a matter of business on a future agenda. (Government Code 54954.2)

MEETING CONDUCT (continued)

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 the item, 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 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 president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. 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.

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 topic would be more suitably addressed at a later time, the 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)
 - c. The Board shall not prohibit public criticism of persons employed directly by the Board. However, whenever a member of the public initiates specific complaints or charges against an individual District employee, the Board president shall inform the complainant that employment matters are the jurisdiction of the Superintendent and shall advise the complainant to address his/her complaint to the Superintendent using the appropriate complaint procedure.

MEETING CONDUCT (continued)

7. 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 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 54957.9)

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)

*Legal Reference:*EDUCATION CODE*1013 Quorum**1015 Voting**1040 Duties and responsibilities; county boards of education**1042 County boards; authority**1090 County board member compensation**32210 Willful disturbance of public school or meeting a misdemeanor**35165 Effect of vacancies upon majority and unanimous votes by seven member board*CODE OF CIVIL PROCEDURE*527.8 Workplace Violence Safety Act*GOVERNMENT CODE*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*PENAL CODE*403 Disruption of assembly or meeting*

Legal Reference continued: (see next page)

MEETING CONDUCT (continued)

Legal Reference continued:

COURT DECISIONS

City of San Jose v. Garbett, (2010) 190 Cal.App.4th 526

Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966

McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275

Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194

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

ATTORNEY GENERAL OPINIONS

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

66 *Ops.Cal.Atty.Gen.* 336 (1983)

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

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

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

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

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for **Local** Legislative Bodies, 2003*

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <https://www.oag.ca.gov>

Bylaw
adopted: May 12, 1999
revised: March 13, 2013
revised: February 8, 2017
revised: June 12, 2019

RIALTO UNIFIED SCHOOL DISTRICT
Rialto, California