

# LODI UNIFIED SCHOOL DISTRICT

## Bylaw 9323

### Bylaws of the Board

#### Meeting Conduct/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 procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

Robert's Rules of Order shall govern the procedures of all meetings of the board unless otherwise stated.

#### Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board.

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 for purposes of determining whether a majority of the membership of the Board has taken action.

#### 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.

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 either before or during the Board's consideration of each item of business to be discussed at regular or special meetings.
2. At a time so designated on the agenda, members of the public may bring before the Board, at a regular meeting, 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.

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.

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.

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 Board shall provide an opportunity for the public to speak.
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 will be allowed three minutes to address the Board on each agenda item. The Board shall limit the total time for public input on each agenda 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.

6. The Board president may rule on the appropriateness of a topic. 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. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. In addition, the Board may not prohibit public criticism of district employees.

Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the

policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the chair 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 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.

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement.

#### Recording by the Public

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph or tape record open meetings 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.

- Legal References:
- Education Code
    - 5095 Powers of remaining board members and new appointees
    - 32210 Willful disturbance of public school or meeting a Misdemeanor
    - 35010 Prescription and enforcement of rules
    - 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
    - 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

Court Decisions

McMahon v. Albany Unified School District (2002) 104 Cal.App.4<sup>th</sup> 1275

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

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

Attorney General Opinions

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

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

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

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

66 Ops.Cal.Atty.Gen. 336, 337 (1983)

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

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2005

Board Presidents' Handbook, rev. 2002

Maximizing School Board Governance: Boardmanship

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

Bylaw

approved: 11/02/76

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