

CLASSIFICATION: Bylaws of the Board**ADOPTED: 3/8/95
REVISED: 6/14/17
REVIEWED:****SUBJECT: Meeting Conduct****PAGE: 1 of 7**

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

Meeting Procedures

All County Board meetings shall begin at the stated time and shall be guided by an agenda prepared, posted, and distributed in accordance with Board bylaws, open meeting requirements of the Ralph M. Brown Act, and other applicable laws.

The County Board President shall conduct meetings in accordance with County Board bylaws and approved meeting procedures.

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

The County Board believes that matters before the Board require the full attention of the membership and that any distractions interfere with the conduct of the Board's business. County Board members are strongly discouraged from using personal electronic communication devices during meetings. Electronic communication means, but is not limited to email, tweets, texts, phone calls, web posts, and other similar electronic communications. This policy does not prohibit Board members from using computers or similar devices during a meeting, provided such use is limited to the purposes of the meeting.

Public Participation

Members of the public are encouraged to attend County Board meetings and to address the County Board concerning any item on the agenda or within the County Board's jurisdiction. So as not to inhibit public participation, persons attending County Board meetings shall not be required to sign in, complete a questionnaire, or otherwise provide their names or other information as a condition of attending the meeting.

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All public communications with the Board are subject to requirements of relevant Board bylaws, policies, and administrative regulations.

In order to conduct business in an orderly and efficient manner, the County Board establishes the following regulations for public participation in County Board meetings: (See Exhibit 1, "Procedures for Addressing the San Diego County Board of Education")

1. At a time so designated on the agenda of a regular meeting, members of the public shall have an opportunity to address the County Board on any item of interest to the public that is within the subject matter jurisdiction of the County Board. No action shall be taken on any item not appearing on the posted agenda, except as authorized by law.

Without taking action, County Board members or the County Superintendent of Schools (County Superintendent) 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 County Board member or the County Superintendent may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities.

Furthermore, the County Board may provide a reference to the County Superintendent or other resources for factual information, ask the County Superintendent to report back to the County Board at a subsequent meeting concerning any matter, or take action directing the County Superintendent to place a matter of business on a future agenda.

2. Members of the public may address the County Board concerning matters that appear on the agenda of a regular or special meeting, either before or during the County Board's consideration of the item.
3. A person wishing to be heard by the County Board shall first be recognized by the President and shall then proceed to comment as briefly as the subject permits.

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4. Individual speakers shall be allowed three (3) minutes to address the County Board on each agenda or nonagenda item. The County Board shall limit to 20 minutes the total time for public input on each item. With County 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 County Board, a member of the public who utilizes a translator shall be provided at least twice the allotted time, unless simultaneous translation equipment is used to allow the County Board to hear the translated public testimony simultaneously.

5. The County Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of County Board members at a public meeting in which the public had the opportunity to address the committee on that item. However, if the County Board determines that the item has been substantially changed since the committee heard the item, the County Board shall provide an opportunity for the public to speak.
6. The County 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.
7. The County Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions.
8. The County Board shall not prohibit public criticism of persons employed directly by the County Board.

Whenever a member of the public initiates specific complaints or charges against a San Diego County Office of Education employee, the County Board President shall inform the complainant that employment matters are the jurisdiction of the County

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Superintendent and shall advise the complainant to address his/her complaint to the County Superintendent using the appropriate complaint procedure.

9. The County Board President shall not permit any disruption or willful interruption of County Board meetings. Persistent disruption by an individual or group shall be grounds for the President to terminate the privilege of addressing the County Board.

The County 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 County Board. When the room is ordered cleared due to a disturbance, further proceedings shall concern only matters appearing on the agenda.

When such disruptive conduct occurs local law enforcement shall be contacted.

Recording by the Public

The County Board shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

If the County 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 County Board.

Motions during Meetings of the County Board of Education

The County Board is a legislative body of a local agency and functions as a formal board.

The County Board President shall recognize members of the County Board who desire to obtain the floor. Once the President has recognized the right of a member to speak, the President shall protect the speaker from disturbance or interference.

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All actions of the County Board shall be taken by motion. Any action of the County Board may be proposed by the motion of any member. Such a motion, if seconded by any member shall be on the floor and must be considered. If a motion is not seconded, the motion fails for lack of a second, and shall be so declared by the President. When the motion fails for lack of a second, there will be no discussion on the motion.

A motion may be withdrawn by its maker, with the consent of the second, at any time before adoption or rejection. Absent the consent of the second, the motion shall remain on the floor. The second to a motion may be withdrawn by the second at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the President unless seconded by another member.

After a motion has been seconded, any member may discuss the subject of the motion. At any time after a motion has been seconded, any member who has the floor may call for the question. When no member wishes to discuss the motion further, the President shall call for a vote on the motion. The President may call for the vote if it appears that further discussion will be repetitious or that a majority of the members present concur in the call.

When a question or "original motion" is under debate, no motion shall be received unless:

1. To adjourn (Not Debatable)
2. To lay on the table (Not Debatable)
3. To consider the previous question
4. To postpone to a certain date
5. To commit to committee
6. To amend
7. To postpone indefinitely

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These motions shall have preference in the above order.

A motion to adjourn or a motion to fix the time of adjournment shall be decided without debate.

At any time after a motion has been seconded, any member may move to table the motion. If the motion to table is seconded, the President shall forthwith call for a vote on such motion. A motion to table an item is not debatable and no further discussion or debate shall be permitted on either the original motion or the motion to table. If the motion to table does not pass, consideration of the original motion will continue. If the motion to table does pass, the original motion will remain on the floor but may not again be considered at that meeting unless a motion to remove the original motion from the table is passed. The original motion may then be considered and voted upon at the next regular meeting of the County Board unless again tabled. If not considered at such meeting it will be deemed lost. An adjourned meeting shall be considered a separate meeting for the purposes of this bylaw.

A motion to consider the previous question shall close debate on, and stops amendment of, a pending motion and shall be put in the form, "shall the main question be put to a vote" or, "call for the question." Before and after such a motion has been seconded, the President shall ask whether there is any objection to closing debate. If member(s) object or attempt to take the floor, the President shall call for a second to the motion or the call for the question; or, if it has already been seconded, the President must immediately take a vote on whether to order the previous question or call for the question. Two-thirds vote is required to shut off debate and proceed to vote on the main motion.

A motion to commit to committee shall specify the purpose of the committee, the length of time the committee shall serve, and the times and methods by which the committee shall report to the County Board.

A motion on the floor may be amended by motion at any time before adoption or rejection. If the motion to amend fails, the original motion will be voted upon. If the

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motion to amend passes, the amended motion is adopted and, thereafter, the original motion as amended, will be voted upon.

A "point of order" by a member who believes that the procedural rules of the County Board are being violated, may be made by calling upon the President for a ruling and an enforcement of the rules. Generally, the President rules whether "the point of order is well taken" or "is not well taken." A majority of the County Board may allow the improper action to go forward even if the point is "well taken." If the President takes no action and the meeting continues, the logical inference is that the point or order was either not well taken or, if well taken, the majority waived the irregularity.

Robert's Rules of Order, Newly Revised, shall be followed in instances in which Board policies and bylaws are silent on a particular procedural point in question.

Board Bylaw Nos.: 9012, 9320, 9323.2

Derivation:

Board Bylaw No. 9341 Adopted 5/8/96. Amended and Renamed 12/9/98. Repealed 6/14/17.
See now this Board Bylaw. Adopted 3/8/95. Amended 2/14/96, 6/9/99, 6/14/17.

Legal Reference:

Education Code

1000 et. seq., 1040, 32210

Government Code

54950-54963

Penal Code

403

Management Resources:

The Brown Act: School Boards and Open Meeting Laws, rev. 2014; *A Call to Order*, rev. 2015, *Maximizing School Board Governance: Boardsmanship*, 1996, California School Boards Association: www.csba.org
The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2003: www.caag.state.ca.us
Robert's Rules of Order, Newly Revised

**PROCEDURES FOR ADDRESSING
THE SAN DIEGO COUNTY BOARD OF EDUCATION**

Members of the public are encouraged to attend County Board of Education meetings and to address the County Board concerning any item on the agenda or within the County Board's jurisdiction. Detailed procedures for addressing the County Board are presented in Board Bylaw 9323, Meeting Conduct.

A person who wishes to address the County Board must complete a speaker card and indicate the topic or agenda item on which he/she wishes to speak. Speaker cards shall be submitted to the Secretary to the Board or designee prior to the commencement of the meeting. Speaker cards related to items specified on the meeting agenda will also be accepted during the meeting if submitted prior to the Board's consideration of the item.

A person wishing to be heard by the County Board shall first be recognized and called to the podium by the Board President.

Individual speakers shall be allowed up to three minutes to address the County Board on each agenda or nonagenda item. A member of the public who utilizes a translator shall be provided at least twice the allotted time, unless simultaneous translation equipment is used.

The total time for public input on each item shall be limited to a total of 20 minutes. With County Board consent, the Board President may increase or decrease the time allowed for public comment and/or the time allotted to each speaker depending on the number of requests to speak on a topic. Individual speakers shall not be permitted to cede any or all of their allotted time to another speaker. Speakers shall direct all testimony to the County Board.

Regular Meetings of the County Board

1. Members of the public may present testimony on matters that are not listed on the meeting agenda but are within the subject matter jurisdiction of the County Board. The Board President may rule on the appropriateness of a topic.
2. Public testimony on matters that are not listed on the agenda shall be heard during the time designated on the agenda for "Public Comment." No action or discussion shall be undertaken on the item except as authorized by law.
3. Public testimony on matters that appear on the meeting agenda shall be heard either before or during the County Board's consideration of the item.

Special Meetings of the County Board

1. Members of the public may present testimony only on matters that are listed on the agenda for the special meeting.
2. Public testimony shall be heard either before or during the County Board's consideration of the item.