

## **Berkeley USD**

### **BB 9323 Board Bylaws**

#### Meeting Conduct

#### Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.  
(cf. 9322 - Agenda/Meeting Materials)

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. In all matters not covered by the bylaws and procedures which govern the Board, the parliamentary rules set forth in the most current issue of "Robert's Rules of Order" shall be followed.

(cf. 9121 - President)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 11:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

#### Quorum

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. (Education Code 35164)

#### 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. If a member of the public wishes to address the Board, s/he shall fill out a card provided at each Board meeting and submit it to the recorder prior to the start of the meeting. So as not to inhibit public participation, persons wishing to address the Board shall not be required to provide any identifiable information on the card other than a means to be told it is their turn to speak. Persons attending Board meetings may be encouraged but 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 that public presentations to the Board comply with the following procedures:

1. The Board agenda shall provide for a 30-minute period for members of the public to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of each item. The Board President may extend this period up to 60 minutes as the Board President's discretion.

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](#))

2. Persons wishing to address the Board should fill out a green speaker card, "Request to Address the Board of Education," and submit the completed card to the Board Recorder. The selection of speakers will be determined by the President. A person wishing to be heard by the Board shall first be recognized by the Board President. Individual speakers shall be allowed three minutes per issue or item to address the Board. However, the Board President may reduce the time allowed per speaker to two minutes at the Board President's discretion.

3. Without taking action, the Superintendent or Board members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. (Government Code [54954.2](#))

4. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of district employees. However, the Superintendent or Board President may encourage the complainant to file a complaint using the appropriate district complaint procedure.

5. 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 President to terminate the privilege of addressing the Board.

The Board President may direct the removal of 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 President. 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 may contact local law enforcement as needed as directed by the Board President.

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. (Government Code 54953.5, 54953.6)

#### Legal Reference:

##### 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.4th 1275  
Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194  
Baca v. Moreno Valley Unified School District (C.D. Cal. 1996) 936 F.Supp. 719

##### ATTORNEY GENERAL OPINIONS

76 Ops.Cal.Atty.Gen. 281 (1993)  
66 Ops.Cal.Atty.Gen. 336, 337 (1983)  
63 Ops.Cal.Atty.Gen. 215 (1980)  
61 Ops.Cal.Atty.Gen. 243, 253 (1978)  
55 Ops.Cal.Atty.Gen. 26 (1972)  
59 Ops.Cal.Atty.Gen. 532 (1976)

#### Management Resources:

##### CSBA PUBLICATIONS

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

Board Presidents' Handbook, rev. 2002  
Maximizing School Board Governance: Boardsmanship

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>  
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