

**Riverside County Office of Education
Board Bylaw 9323 Meeting Conduct**

BYLAWS OF THE BOARD

SUBJECT: Meeting Conduct

The Riverside 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.

Notices and Agenda

The Riverside County Superintendent of Schools (County Superintendent) or designee shall upload the agenda and supporting materials to a web-based software and notify County Board members of their availability, or forward by mail, e-mail, fax or other means, the agenda and supporting materials, to each County Board member at least three days before each regular meeting.

When a special meeting is called, the County Superintendent and County Board president shall make every effort to distribute the agenda and support materials to County Board members as soon as possible.

At least 72 hours prior to a regular meeting, the County Superintendent shall post the agenda and supporting materials to the Riverside County Office of Education (County Office) website or at one or more locations freely accessible to the public. (Government Code 54954.2)

At least 24 hours prior to a special meeting, the County Superintendent shall post the call and notice for the special meeting to the County Office website or at one or more locations freely accessible to the public. (Government Code 54956)

The County Board may hold an emergency meeting without complying with the 24-hour notice requirement in the following cases: (Government Code 54956.5)

1. A work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the County Board
2. A crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the County Board

The County Board president or designee shall give notice of the emergency meeting to the local media which have requested notice of special meetings, by publishing the information on the County Office website and by sending notification by e-mail or by telephone, at least one hour before the meeting. If telephone services are not functioning, the one-hour notice requirement is waived, and as soon after the meeting as possible, the County Board shall notify those media representatives, of the emergency meeting and shall describe the purpose of the meeting and any action taken by the County Board. (Government Code 54956.5)

In the event of an emergency, or where a majority of County Board members will not be able to attend a regular meeting due to a reason approved by resolution of the County Board, the County Board president may change the date and/or time for the regular meeting. Such situations shall

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include but not be limited to, fire, flood, earthquake, absence of County Board members due to attendance at a County Board-sanctioned conference, or illness/injury. Where the schedule for a regular meeting is to be changed, the County Superintendent shall inform all County Board members and the public by posting the information on the County Office website or any other rapid means of communication available.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings may temporarily be held at a place designated by the president or designee, who shall so inform all news media that have requested notice of special meetings, by posting the information on the County Office website or any other rapid means of communication available. (Government Code 54954)

Meeting Procedures

All County Board meetings shall begin on time and shall be guided by an agenda delivered in advance to all Board members, and to other persons upon request.

The County Board president shall conduct Board meetings in accordance with County Board bylaws and procedures adopted for the orderly conduct of the County Board's business. At all County Board meetings, where existing bylaws do not prescribe the procedure, the County Board shall be guided by the parliamentary procedures set forth in Robert's Rules of Order.

The County Board believes that late night meetings and meetings that last longer than three hours can discourage public participation, can constitute an unnecessary burden on staff members and can reflect negatively on the County Board's decision-making process. Regular County Board meetings shall be adjourned at 10:30 p.m., unless extended to a specific time by a majority vote of the County Board. The meeting shall be extended no more than once and may be adjourned to a later date.

Quorum

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

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the County Board are required to approve any action under consideration, regardless of the number of members present.

Voting and Abstentions

On a call by any County Board member, a voice vote shall be taken upon any proposition and the vote shall be recorded in the minutes. (Education Code 1015) Votes taken during a teleconference shall only be by roll call. (Government Code 54953)

Teleconference is a meeting of the County Board in which Board members are at different locations and are connected by electronic means through video and/or audio.

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Direct communication, personal intermediaries, and technological devices shall not be used by a majority of County Board members to develop a collective concurrence as to an action that members will take on any item of County Board business. (Government Code 54952.2)

The County 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 for any reason other than conflict of interest, his/her abstention shall be considered to concur with the action taken by the majority of those who vote, whether affirmatively or otherwise.

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 Board meetings shall not be required to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting. However, the County Board president may ask any speaker to identify himself/herself for proper recording of the minutes.

To conduct the County Board's business in an orderly and efficient manner, the County Board requires that public presentations to the County Board comply with the following procedures:

1. The County Board shall give members of the public an opportunity to address the County Board either before or during the County Board's consideration of each item of business to be discussed at regular or special meetings. (Government Code 54954.3)
2. At a time so designated on the agenda, members of the public may bring before the County Board, at a regular meeting, matters that are not listed on the agenda, but are within the County Board's jurisdiction. The County Board may refer such a matter to the County Superintendent or take it under advisement, but shall not take action at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the County Board. (Government Code 54954.2)
3. Without taking action, County Board members, the County Superintendent, and/or 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 County Board member, the County Superintendent, or a 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)
4. The County 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 County Board determines that the item has been substantially changed since the committee heard it, the County Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

Furthermore, the County Board or a County Board member 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

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any matter, or take action directing the County Superintendent to place a matter of business on a future agenda. (Government Code 54954.2)

5. 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. Individual speakers shall be allowed three minutes to address the County Board on each agenda or non-agenda item without the ability to transfer time to another individual. The County Board shall limit the total time for public input on each item to 20 minutes. 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.
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. (Government Code 54954.3)
8. The County Board shall not prohibit public criticism of its staff. Education Code 1042 authorizes the County Board to employ persons to work directly for the County Board in providing special services or advice in financial, economic, accounting, engineering, legal and administrative matters. Such employees are subject to the County Board's disciplinary authority. All other employees of the Riverside County Office of Education (County Office) are subject to the County Superintendent's disciplinary authority.
 - a. Complaint Against County Board Employee: The County Board shall hear and consider specific complaints or charges against its employees who are employed pursuant to Education Code 1042, to render special services or advice. Whenever a member of the public initiates specific complaints or charges against such a staff member, the Board president shall inform the complainant that, in order to protect the staff member's right to adequate notice before a hearing of such complaints or charges, and also to preserve the ability of the County Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the County Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957.
 - b. Complaint Against County Office Employee: Whenever the County Board president determines a specific complaint or charge to be against a staff member employed by the County Superintendent, the president shall advise the complainant to address his/her complaint to the County Superintendent.
9. The County Board president shall not permit actual disruption of Board meetings. Actual disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the County Board president to

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terminate the privilege of addressing the County Board and remove the individual from the meeting.

10. Prior to removal, the individual shall be warned that their behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the County Board president, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

When an individual's behavior constitutes the use of force or a true threat of force, the individual shall be removed from a County Board meeting without a warning. (Government Code 54957.95)

Disrupting means engaging in behavior during a County Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force. (Government Code 54957.95)

True threat of force means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. (Government Code 54957.95)

Additionally, the County Board may 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. (Government Code 54957.9)

When disruptive conduct occurs, the County Board may decide to recess the meeting to help restore order, or if removing the disruptive individual(s) or clearing the room is infeasible, move the meeting to another location. Law enforcement shall be contacted, as necessary.

Recording by the Public

The County Superintendent shall designate locations from which members of the public may telecast, broadcast, photograph or tape-record open meetings without causing a distraction, pursuant to Government Code 54953.5.

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. (Government Code 54953.6)

Legal Reference:
 EDUCATION CODE

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1013 Quorum

1015 Voting

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1042 County boards; authority

1090 County board member compensation

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32210 Willful disturbance of public school or meeting a misdemeanor

35164 Majority vote

GOVERNMENT CODE

54952.2 Meetings defined

54953 Teleconferencing

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954 Time and place of regular meetings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54956 Special meetings

54956.5 Emergency meetings

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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)