

CAPISTRANO UNIFIED SCHOOL DISTRICT  
**BOARD REPORT**

To: Board of Trustees  
From: Krista Castellanos, Trustee Area 5  
Date: April 20, 2022  
Board Item: First Reading - Board Policy 9323, Meeting Conduct

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**HISTORY**

This Board policy was last updated on August 23, 2017.

**BACKGROUND INFORMATION**

At the March 16, 2022, Board meeting, Trustee Castellanos requested the Board consider revising Board Policy 9323, *Meeting Conduct*. The Board approved this request and asked that it be agendaized on the April 20, 2022, regular Board meeting agenda as a First Reading.

**CURRENT CONSIDERATIONS**

This is a new action item. The revisions of Board Policy 9323, *Meeting Conduct*, will better meet the needs of the community by adopting a transparent, standardized, non-biased policy that allows for greater public participation and respects the necessity of conducting orderly, efficient proceedings. Due to the COVID-19 pandemic, the District rapidly adjusted Board meeting participation, which offered the public an online speaker option, virtual participation, and an option for all members of the public to view the meeting via “live stream”. These policy revisions will better align with the current changes to our meeting practices, which include how the Board handles online/in-person speakers, student speakers, and oral communications. Changes are underlined; deletions are struck through.

**FINANCIAL IMPLICATIONS**

There is no financial impact.

**TRUSTEE RECOMMENDATION**

It is recommended the Board President recognize Krista Castellanos, Trustee Area 5, to present the item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 9323, *Meeting Conduct*.

**PREPARED BY:** Krista Castellanos, Trustee Area 5

## MEETING CONDUCT

The Board of Trustees desires to conduct its meetings effectively and efficiently. ~~All Board meetings shall begin as nearly close as possible to their the scheduled time, and shall follow on time and shall be guided by an agenda prepared and delivered in advance and made available to the public to all Board members and other designated persons.~~

Per Board Policy 1313, *Civility Policy*, members of CUSD staff will treat parents and other members of the public with respect and expect the same in return.

### Parliamentary Procedure

Board meetings shall be conducted by the president in a manner consistent with adopted Board bylaws and generally accepted parliamentary procedures.

*Robert's Rules of Order, Newly Revised* shall be used as a guide to enable the orderly conduct of meetings. ~~Any member may raise a point of order under these rules, which action shall take precedence over all other business before the Board.~~

### Quorum

A majority of the number of filled positions on the Board shall constitute a quorum. ~~(Education Code 5095, 35165)~~

Unless otherwise provided by law, affirmative votes by a majority of the Board's membership shall be required to approve any action under consideration, regardless of the number of members present. (Education Code 35164)

### Voice Vote

Voting on motions shall be by voice vote. ~~The minutes shall record the names of the persons making and seconding the motion, and if the motion carried, carried unanimously, or was defeated. Each member's vote shall be recorded as an aye or nay if the vote was not unanimous. The Board shall comply with the Education Code and the Brown Act provisions for roll call votes on motions or resolutions.~~

### Polling

Voting on resolutions shall be by polling the members. The minutes shall record the person making the motion, the person seconding it, and the names of the Board members voting for and against the motion, as well as Board members who are absent or abstaining.

## ADDRESSING THE BOARD OF TRUSTEES

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 governing the District, the Board has pledged to consider the will and needs of the community. Any member wishing to address the Board at a regular meeting, on an issue that is not on the published agenda, under time constraints, may request to do so during immediately following Oral Communications (Non-Agenda Items). Those wishing to address the Board on an item on the Closed Session agenda may do so immediately after the Closed Session Call to Order. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or

**MEETING CONDUCT (continued)**

otherwise provide their name or other information as a condition of attending the meeting. (Government Code 54953.3). -However, persons choosing to speak may be asked to give their name and city or area of residence.

~~Because one of the Board's responsibilities to the public is Due to the fact that Because the Board has a responsibility~~ to conduct District business in an orderly and efficient way, the following procedures shall regulate public ~~presentations~~ comment to the Board.

**Oral Communications (Non-Agenda Items)**

Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. A person wishing to address the Board on a non-agenda item may do so under the Oral Communications portion of the Board agenda. Oral Communications will take place at the beginning of the Bboard meeting and immediately following the Special Recognitions portion of the bBBBoard meeting. ~~-With Board consent, the Board President may modify the time allowed for public presentation.~~

1. The total time for the Oral Communications (Non-Agenda Items) portions of regular meetings shall be twenty (20) minutes. ~~When more than 20 individuals have presented requests to speak, the time allowed to the first 20 who made requests will be the time exceeds twenty (20) minutes, then less time will be given to individuals as follows: Individual presentations are limited to a maximum of~~
  - a. 1-7 ~~0-7~~ speakers will ~~be given~~ each be allowed three (3) minutes to address the Bboard.
  - b. 1-10 ~~8-15~~ speakers will ~~be given~~ each be allowed two (2) minutes to address the Bboard.
  - c. 1-20 ~~15~~ or more speakers will ~~be given~~ each be allowed one (1) minute to address the Bboard.
  - d. ~~three (3) ——— minutes per individual but could be less if there are a large number of Oral Communication speakers. Remaining speakers will be allowed to speak at the end of the board meeting.~~ Those who presented requests to speak, but could not be accommodated during Oral Communications, within the allotted twenty (20) minutes, will each be allowed to speak after other Board business has been concluded, prior to adjournment.
2. A person wishing to be heard by the Board on a non-agenda item during Oral Communications, after having submitted a "Request to Address the Board of Trustees" card prior to the commencement of the Oral Communications portion of the meeting, shall first be recognized by the Board President.- The speaker may identify

himself/herself by providing the Board with his/her name and city/community of residence.

3. No additional "Request to Address the Board of Trustees" cards will be accepted once the Oral Communications portion of the meeting has begun unless otherwise approved by the Board.
4. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.

## Bylaws of the Board

BB 9323(c)

### MEETING CONDUCT (continued)

5. Legally, the Board may not take action on items raised by speakers under Oral Communications. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda. (Education Code 35145.5, Government Code 54954.3)

### **Oral Communications (Agenda Items)**

1. Members of the public shall have an opportunity to address the Board prior to the Board's consideration of each agenda item. (Education Code 35145.5, Government Code 54954.3)
- ~~1.2. Individual speakers will be allowed three (3) minutes to address the board on each agenda item. The board shall limit total time for public input on each agenda item to 20 minutes. The total time for Oral Communications shall be twenty (20) minutes per individual Discussion/Action agenda items, and twenty (20) minutes in total for the Consent Calendar. Individual speakers will be allowed between one (1) and three (3) minutes to address the Board, depending on the number of individuals who have presented requests to speak. After one (1) hour of public comment, the Board President may exercise their authority to move on from Oral Communications to Board business.~~
- ~~2.3.~~ Persons seeking to address the Board on an agenda item shall complete a "Request to Address the Board of Trustees" card and give it to the Board Secretary or other designated staff member.
- a. A speaker wishing to address the Board, after having submitted a "Request to Address

~~the~~ Board of Trustees" card in a timely manner, shall first be recognized by the Board President. The speaker may identify himself/herself by providing the Board with

his/her name and city/community of residence. ~~All presentations shall be heard by the Board~~The Board shall hear all presentations—oral communications by the public after any staff comments but prior to the formal discussion by Board Members of the agenda topic under consideration.— Upon completion of his/her remarks, the speaker shall leave the podium unless requested to remain by the Board President.

- b. The Board shall limit the total time for oral communications by the public presentations from the —audience to twenty (20) minutes during agenda sections Closed Session and Consent Calendar. With Board consent, the Board President may modify the individual time allowed ~~and/or the total time allowed for public presentations;~~ however, the individual time may not be reduced to less than 60 seconds; one (1) minute.
- e. ~~Prior to the Closed Session, each speaker shall be provided a total of up to three (3) minutes to address the board regarding the items on the Closed Session agenda.~~
- d. ~~Each speaker shall be provided a total of up to five (5) minutes to address the Board regarding the items on the Consent Calendar section of the agenda.~~

## Bylaws of the Board

BB 9323(d)

### MEETING CONDUCT (continued)

- e. Each speaker shall be provided up to three (3) minutes to address the Board regarding any Discussion/Action item on the agenda. The Board shall limit the total time for oral communications by the public presentations from the —audience to twenty (20) minutes per topic on Discussion/Action items. With Board consent, the Board President may modify the individual time allowed and/or the total time allowed for oral communications by the public—public presentations; however, the individual time may not be reduced to less than one (1) minute. 60 seconds.
- f. There shall be no transfer of a person’s time, or a portion of a person’s time, to another speaker.
- g. ~~Students who have presented requests to speak~~ speakers will be allowed to speak first do so prior to adult members of the community.
- h. ~~The Board of Trustees will alternate between remote online and in-person speakers. The order of speakers will be announced at the beginning of each Bboard meeting.~~
- g. Once an agenda item has been opened for public comment, no additional “Request to Address the Board of Trustees” cards shall be accepted for that topic.

## **Public Hearings**

Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers

on the same topic before the public hearing except as to the scheduling of the hearing, nor shall it hear speakers after the hearing except as to changes in the policy or recommended actions, which are directed at the time of the hearing.

### Complaints

The Board recognizes that under the Brown Act, Government Code § 54954.3, the Board is not permitted to prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Case law also states that the Board may not require members of the public to state their complaints about employees in closed session.

### Disturbances

No disturbance or willful interruption of any Board meeting shall be permitted. This includes, but is not limited to shouting, booing, heckling, interrupting other speakers, harassment of any kind, or other willful disturbance.—Persistence in the interruption of a Board meeting, by an individual or group, shall be grounds for the chair to terminate the privilege of addressing the meeting. The Board may remove disruptive individuals

~~Bylaws of the Board~~ ~~BB-9323(d)~~

and order the room cleared if necessary; in this case, members of the media not participating in the disturbance may be allowed to remain, and individual(s) 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)

### Bylaws of the Board

BB 9323(e)

### MEETING CONDUCT (continued)

In the interest of safety and the maintenance of proper meeting decorum, and to permit members of the audience to observe the Board meeting without artificial barriers blocking their view, no signs will be permitted in the Board meeting room. —Meeting attendees who bring signs are welcome to display them outside the building where the Board meeting is taking place.

All cellular phones or other such electronic communication devices must be silenced in the Board meeting-room by members of the audience during Board meetings.

Furthermore, in order to insure the safety of all—present, no signs carried by attendees shall be permitted in the Board meeting room itself.

### **Adjournment**

Regular Board meetings shall be adjourned by 11:00 p.m. unless extended to a time certain by a majority of the Board.

*Legal Reference:*

EDUCATION CODE

5095 Powers of remaining board members and new appointees  
32210 Willful disturbance of public school or meeting a misdemeanor  
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

54954.3 Opportunity for public to address legislative body; regulations  
54957.9 Disorderly conduct of general public during meeting; clearing of room  
61 OPS. CAL. ATT. GEN. 243, 253 - 1978  
66 OPS. CAL. ATT. GEN. 336, 337 - 1983  
75 OPS. CAL. ATT. GEN. 89 (1992)  
*Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719, 734*  
*Perry Educ. Ass'n. v. Perry Local Educators' Ass'n, (1983) 460 U.S. 37, 45*

Bylaw

adopted: February 27, 1995  
revised: February 12, 1998  
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revised: February 7, 2005  
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San Juan Capistrano, California