

Board Bylaws

MEETING CONDUCT

BB 9323 (a)

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.

The Board chair, who is either the Board president or the Board member chairing the meeting at the time if the Board president is absent, 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.

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 by 10:30 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, if necessary, subsequently may be adjourned to a later date.

When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item. The Board chair shall determine where on the agenda the former consent item is placed.

Quorum and Abstentions

Except as required by law, the Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

Except when prohibited by law, the Board expects its members to vote on all issues before them. When a member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

Provided the Board typically consists of seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. Additionally, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

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. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending

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the meeting, except if a member of the public desires to observe the meeting or make public comment through the use of a third party website or online platform as required by the third party provider.

To facilitate public comment, the Board may request that members of the public who wish to give public comment provide their names or other identifying information to determine speaking order.

In order to conduct district business in an orderly and efficient manner, public comment shall occur in accordance with Board Bylaw 9322 - Agenda Meeting/Materials and in compliance with the following procedures:

1. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law (Education Code 35145.5; Government Code 54954.2)
2. 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 (Government Code 54954.2)

Additionally, on their own initiative or in response to questions posed by the public, Board members or staff members may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)

In addition, 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. (Government Code 54954.2)

3. A member of the public wishing to be heard by the Board shall first be recognized by the Board chair

An individual speaker shall be allowed a maximum of three minutes to address the Board. However, the Board president, or a majority of the Board, may adjust the amount of time allowed for public input and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. Additionally, the Board president may ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

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4. An individual speaker may give some or all of the speaker's time to another speaker, provided that no individual speaker is permitted to speak more than the maximum time permitted per individual speaker pursuant to Board Bylaw 9322 - Agenda/Meeting Materials
5. For any public comment period with a time limit when a remote Board member is attending and participating based on just cause pursuant to Board Bylaw 9320.1 - Remote Meetings and Attendance, the Board may not close that public comment period or the opportunity to register to provide public comment via the two-way audiovisual platform or two-way audio service until the full time for public comment has elapsed (Government Code 54953.8)

For any other public comment period when a remote Board member is attending and participating based on just cause pursuant to Board Bylaw 9320.1 - Remote Meetings and Attendance, the Board shall allow a reasonable amount of time to permit members of the public to provide public comment and to register to do so via the two-way audiovisual platform or two-way audio service. (Government Code 54953.8)

6. The Board president shall determine whether an individual's public comment is within the scope of the public comment period, subject to the following conditions:
 - a. If the public comment is within the scope of a different public comment period, the Board president shall so indicate
 - b. Public criticism of the Board, individual Board members, the District, its policies, procedures, programs, services, acts, or omissions shall not be prohibited. (Government Code 54954.3)
 - c. Public criticism of district employees shall not be prohibited

However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board chair shall inform the complainant of the appropriate complaint procedure.

Disruptions

The Board president shall not permit an individual to actually disrupt a Board meeting. Actual disruption by an individual or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the Board president to terminate the privilege of addressing the Board for that meeting and remove the individual from the meeting. (Government Code 54957.95)

Prior to removal, the individual shall be warned that the individual's behavior is disrupting the

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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 Board chair, 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 Board meeting without a warning. (Government Code 54957.95)

Disrupting means engaging in behavior during a 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 Board may order the room cleared when a group or groups of persons willfully interrupts so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. 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 group disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such group disruptive conduct occurs, the Board may decide to recess the meeting to help restore order, remove the disruptive individual(s), or clear the room. Additionally, the Board may adjourn the meeting to another time and location specified in an order of adjournment. The Board chair may direct the Superintendent or designee to contact local law enforcement as necessary. (Government Code 54955, 54957.9, 54957.95, 54957.96)

Recording by the Public

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings 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)

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State

Code of Civil Procedure 527.8: Workplace violence safety
Ed. Code 32210: Willful disturbance of public school or meeting
Ed. Code 35010: Control of district; prescription and enforcement of rules
Ed. Code 35145.5: Agenda; public participation and regulations
Ed. Code 35163: Official actions, minutes and journal
Ed. Code 35164: Actions by majority vote
Ed. Code 35165: Effect of vacancies upon majority and unanimous votes by seven member board
Ed. Code 5095: Powers of remaining board members and new appointees
Elec. Code 18430: Prevention or hinderance of electors assembling in public meeting
Gov. Code 54950-54963: Brown Act
Pen. Code 403: Disruption of assembly or meeting

Management Resources

Attorney General Opinion: 55 Ops.Cal.Atty.Gen. 26 (1972)
Attorney General Opinion: 61 Ops.Cal.Atty.Gen. 243, 253 (1978)
Attorney General Opinion: 63 Ops.Cal.Atty.Gen. 215 (1980)
Attorney General Opinion: 66 Ops.Cal.Atty.Gen. 336 (1983)
Attorney General Opinion: 76 Ops.Cal.Atty.Gen. 281 (1993)
Attorney General Opinion: 90 Ops.Cal.Atty.Gen. 47 (2007)
Attorney General Opinion: 59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Publication: The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision: Berkeley People's Alliance v. City of Berkeley (2025) 114 Cal.App.5th 984
Court Decision: Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719
Court Decision: City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
Court Decision: McMahon v. Albany Unified School District (2002) 104 Cal.App.4th 1275
Court Decision: Norse v. City of Santa Cruz (9th Cir. 2010) 629 F3d 966
Court Decision: Rubin v. City of Burbank (2002) 101 Cal.App.4th 1194
CSBA Publication: Call to Order: A Blueprint for Great Board Meetings
CSBA Publication: The Brown Act: School Boards and Open Meeting Laws, rev. 2023
Website: CSBA District and County Office of Education Legal Services
Website: California Attorney General's Office
Website: CSBA

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ORCUTT UNION SCHOOL DISTRICT
Orcutt, California