

## BP 2320 Special and Emergency Meetings

Reference: *Government Code Sections 54956, 54956.5, 54957;*  
*Education Code Section 72129*

Board Approved: 04/13/05

**Special meetings** may from time to time be called by the President of the Board or by a majority of the members of the Board. Notice of such meetings shall be posted at least 24 hours before the time of the meeting, and shall be noticed in accordance with Brown Act. No business other than that included in the notice may be transacted or discussed.

**Emergency meetings** may be called by the President of the Board when prompt action is needed because of actual or threatened disruption of public facilities under such circumstances as are permitted by the Brown Act, including work stoppage, crippling disasters, and other activity that severely impairs public health or safety.

No closed session shall be conducted during an emergency meeting, except as provided for in the Brown Act to discuss a dire emergency.

The President/Superintendent shall be responsible to ensure that notice of such meetings is provided to the local news media as required by law.

**See Administrative Procedure #2320.**

## BP 2355 Decorum

Reference: *Education Code Section 72121.5; Government Code Section 54954.3 (b)*

Board Approved: 04/13/05

The following will be ruled out of order by the presiding officer.

- Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session.
- Profanity, obscenity and other offensive language.
- Physical violence and/or threats of physical violence directed towards any person or property.

In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the Board for the duration of the meeting.

Before removal, a warning and a request that the person(s) curtail the disruptive activity will be made by the President of the Board. If the behavior continues, the person(s) may be removed by a vote of the Board, based on a finding that the person is violating this policy, and that such activity is intentional and has substantially impaired the conduct of the meeting.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board shall only consider matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

## **BP 2716 Political Activity**

Reference: *Education Code Sections 7054; 7056; Government Code 8314*

Board Approved: 04/13/05

Members of the Board shall not use District funds, services, supplies or equipment to urge passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board.

Initiative or referendum measures may be drafted on a area of legitimate interest to the District. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding ballot measures.

## **BP 2717 Personal Use of Public Resources**

Reference: *Government Code Section 8314; Penal Code Section 424*

Board Approved: 04/13/05

No trustee shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

## **BP 2720 Communications Among Board Members**

Reference: *Government Code Section 54952.2*

Board Approved: 04/13/05

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board.

## BP 2110 Vacancies on the Board

Reference: *Education Code Sections 5090, et seq , Government Code 1770.*

Board Approved: 04/13/05

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. *Resignations from the Board shall be governed by EC 5090.*

Within sixty days of the vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in EC 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

(Prior to making a provisional appointment, the Board shall invite applications from the general public for the vacancy, setting a time by which applications shall be received, and publicizing the procedure by which the appointment shall be made. After applications for the vacancies have been received, members of the Board shall make available to the press and to the general public the names of the applicants for the vacancy.)\* ~~The Board shall establish one or more dates on which it will meet in closed session individually with all applicants to investigate further their qualifications for the position.~~ The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

The President/Superintendent shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

**\*Move to procedure, AP #2110.**

**See Administrative Procedures #2110.**

## BP 2130 Term Limits

Reference: *Education Code Section 72103(c)*

Board Approved: 04/13/05

The Board may, by a vote of the membership of the Board, act to submit to the electors of the District a proposal to limit the number of terms a member of the governing board may serve on the Board. Any proposal to limit the number of terms a member of the Board may serve shall not become operative unless it is submitted to the electors of the District at a regularly scheduled election and a majority of the votes cast on the question favor adoption

of the proposal. Any such proposal shall be subject to the administrative procedures set forth in the California Elections Code, Section 9500 et seq.

Any such proposal shall, if adopted by the electors of the District, apply prospectively only.

## BP 2210 Officers of the Board

Reference: *Education Code Section 72000*

Board Approved: 04/13/05

At the annual organizational meeting, the Board shall elect from among its members a President and Vice President of the Board. The Board ~~may shall~~ designate the President/Superintendent as Secretary of the Board ~~as is common practice, or may elect the Secretary from its members.~~ *For all purposes other than the election of officers, the Board President and Vice President shall be referred to as Board Chair and Vice Chair.*

The terms of officers shall be for one year.

The duties of the President of the Board are:

- Preside over all meetings of the Board;
- Call emergency and special meetings of the Board as required by law;
- Consult with the President/Superintendent on Board meeting agendas;
- Communicate with individual Board members about their responsibilities;
- Participate in the orientation process for new Board members;
- Assure Board compliance with policies on Board education, self-evaluation and President/Superintendent evaluation;
- Represent the Board at official events or ensure board representation.

*The duties of the Vice President of the Board are:*

- *Perform the duties of the Board President in the President's absence.*
- *Attend the agenda planning meeting with the Board Chair and President.*

The duties of the Secretary are:

- Notify members of the Board of regular, special, emergency and adjourned meetings;
- Prepare and post board meeting agendas;
- Have prepared for adoption minutes of board meetings;
- Conduct the official correspondence of the Board;
- Certify as legally required all board actions;
- Sign, when authorized by law or by board action, any documents that would otherwise require the signature of the Secretary or the Clerk of the Board.

The Board does not have an official system of rotation of officers; it elects the officers each year from among all its members.

## BP 2330 Quorum and Voting

Reference: *Education Code Sections 72000(d)(3), 81310 et seq., 81365, 81511, 81432; Government Code Section 53094; Code of Civil Procedure Section 1245.240*

Board Approved: 04/13/05

Amended: 02/13/08

A quorum of the Board shall consist of four (4) members present.

The Board shall act by majority vote of all of the membership of the Board, present and voting, except as noted below.

No action shall be taken by secret ballot.

The following actions require a two-thirds majority of all members of the Board\*:

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- Resolution authorizing lease of District property under a lease for the production of gas.

~~No action shall be taken by secret ballot.~~

~~The voting process and all votes of the board shall conform to Robert's Rules of Order (10<sup>th</sup> Edition), subject to applicable state law. Where Robert's Rules conflict with applicable law, the latter will control.~~

Abstentions (instances when board members are present but do not vote) are not to be treated as votes and are not counted. In the case of an abstention, the Board Secretary will record the name of the board member and record that member as "not voting". This will occur whether the vote taken is by voice or roll call.

Once the board reaches a decision, it acts as a whole.

If any Board member participates via teleconference, all votes taken must be by roll call.

\*The Student Trustee vote is advisory only.

## BP 2340 Agendas

Reference: *Government Code Sections 54954 et seq., 6250 et seq.; Education Code Sections 72121, 72121.5*

Board Approved: 04/13/05

An agenda shall be posted adjacent to the place of meeting at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an “emergency situation” as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted;
- an item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board.

The President/Superintendent shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a board meeting by submitting a written summary of the item to the President/Superintendent. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Agendas shall be developed, ~~mailed, and presented~~ by the President/Superintendent *in consultation with the Board President.*

Agenda items submitted by members of the public must be received by the office of the President/Superintendent at least 10 days prior to the regularly scheduled board meeting.

Agenda items initiated by members of the public shall be placed on the Board’s agenda following the items of business initiated by the Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90 day period following the initial submission.

**See Administrative Procedure #2340.**

## BP 2365 Recording

Reference: *Government Code Sections 54953.5, 54953.6; Education Code Section 72121(a);*

Board Approved: 04/13/05

If the Board causes any tape or video recording of a meeting, the recording shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250, *et seq.* The President/Superintendent is directed to enact administrative procedures to ensure that any such recordings are maintained for at least *three* years following the taping or recording.

Persons attending an open and public meeting of the Board may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the President of the Board to stop.

**See Administrative Procedure #2365.**