

BP 2315 Closed Sessions

Reference: **Government Code Sections 54956.8, 54956.9, 54957, 54957.6, 11125.4;**
Education Code Section 72122

Board Approved: 04/13/05

Closed sessions of the Board shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code and California Education Code. Matters discussed in closed session may include:

- The appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- Charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four (24) hours written notice of the closed session.
- Advice of counsel on pending litigation, as defined by law;
- Consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling;
- Real property transactions regarding the proposed price of the transaction;
- Threats to public security;
- Review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
- Discussion of student disciplinary action, with final action taken in public;
- Conferring of honorary degrees;
- Consideration of gifts from a donor who wishes to remain anonymous;
- To consider its response to a confidential final draft audit report from the Bureau of State Audits;
- **The examination of a witness any or all other witnesses in the matter being investigated by the legislative body.**

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.

Persons attending any closed session should be limited to the Board of Trustees and others specifically invited to attend that closed session or as permitted by law.

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the President/Superintendent. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee shall be given at least twenty-four (24) hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

BP 2345 Public Participation at Board Meetings

Reference: *Government Code Sections 54954.3, 54957.5; Education Code 72121.5*
Board Approved: 04/13/05

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:

1. There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda. There will be a five-minute limitation for each speaker, which may be extended by the Board President or by other Board action.

[Members wishing to present such items shall submit a written request at the beginning of the meeting to the Board President that summarizes the item and provides his or her name and organizational affiliation, if any. No action may be taken by the Board on such items.](#)

2. Members of the public may place items on the prepared agenda in accordance with Board Policy 2340.

A written summary of the item must be submitted to the President/Superintendent at least 10 days including Saturdays, Sundays, and holidays to assure compliance with the Brown Act prior to the board meeting. The summary must be signed by the initiator, contain his or her residence or business address, and organizational affiliation, if any.

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the board meeting. Written communication regarding items on the Board's agenda should reach the office of the President not later than five working days prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

See Administrative Procedure #2345.

BP 2350 Speakers

Reference: *Government Code Sections 54950, et seq.; Education Code Section 72121.5*

Board Approved: 04/13/05

Persons may speak to the Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.

Those wishing to speak to the Board are subject to the following:

- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- [Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.](#)
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
- [They shall complete a written request to address the Board at the beginning of the meeting at which they wish to speak.](#)
- [The request shall include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to addressed.](#)
- No member of the public may speak without being recognized by the President of the Board.
- Each speaker will be allowed a maximum of five minutes per topic. Thirty minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting. At the discretion of a majority of the Board, these time limits may be extended.

- Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.