



COMPTON COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES POLICIES

BP 2350 Public Participation

Issued: October 20, 2009
Revised: December 15, 2015
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LEGAL REFERENCE:

Education Code

- 70902(d) Prescription and enforcement of rules
- 72121.5 Agenda; public participation; regulations
- 72000(d)(4) Official actions, minutes and journal
- 72000(d)(3) Vote requirements

Government Code

- 54953.5 Audio or video tape recording of proceedings
- 54953.6 Broadcasting of proceedings
- 54954.2 Agenda; posting; action on other matters
- 54954.3 Opportunity for public to address legislative body; regulations
- 54957 Closed sessions
- 54957.9 Disorderly conduct of general public during meeting; clearing of room

Penal Code

- 403 Disruption of assembly or meeting

A. Public Participation

1. Members of the public are encouraged to attend Board of Trustees meetings and to address the Board concerning any item on the agenda or within the Board's subject matter 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 the meeting.
2. To conduct District business in an orderly and efficient manner, the Board of Trustees requires that public presentations to the Board comply with the following procedures:
 - a. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, but not appearing on the agenda of a regular meeting. The agenda will designate a time for such opportunity during the public comment segment of the meeting. (Education Code section 72121.5, and Government Code section 54954.3.)
 - b. Members of the public who would like to address the Board regarding items appearing on the closed session portion of the agenda will be given an

opportunity to do so prior to the Board recessing to closed session, subject to the time limits and procedures specified below.

- c. Members of the public who would like to address the Board regarding items appearing on the public session portion of the agenda will be given the opportunity to address agenda items either at the time the Board hears from members of the public on items not appearing on the agenda or at the time the relevant agenda item is before the Board of Trustees.
 - d. The Board shall provide at least twice the allotted time specified below for agenda and non-agenda speakers, if the member of the public utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Board. This subsection shall not apply if the Board utilizes simultaneous translation equipment in a manner that allows the Board to hear the translated public testimony simultaneous.
(Government Code section 54954.3(b)(2) and (3).)
- B. Members of the public shall complete a written request to address the Board of Trustees 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 be addressed.
1. Speakers who wish to be heard on a specific agenda item, or items, will be heard at the time the agenda item is before the Board of Trustees for consideration, subject to the time and procedural limitations set forth in this policy. If the agenda provides that speakers regarding items not appearing on the agenda will be heard in advance of the Board considering items on the agenda then speakers who wish to be heard on a single agenda items may choose to be heard at the same time as speakers addressing the Board on non-agenda matters.
 - a. Members of the public who have requested to be heard on an agenda item must be allowed to address the Board before any vote relating to the item is taken, including any motions that would delay the Board's consideration of the item.
 - b. Before an item appearing on the agenda may be disposed of for lack of a motion, or for lack of a second, members of the public who have requested to be heard on the item will be provided the opportunity to address the Board on the item.
 - c. If the item has been removed from the agenda at the request of the Chief Executive Officer, but it is anticipated the item will be returned to the agenda at a later date, the Board President may request that members of the public hold their comments until the item is returned for consideration at a subsequent meeting. Even if an agenda item is removed from the agenda at the request of the President/Chief Executive Officer, members of the

public may still address the Board on the subject matter of the item as non-agenda item speakers, subject to the rules set for in this Board Policy. Items to be removed from the agenda must be identified prior to the time designated to hear from members of the public on non-agenda items.

2. A person who has requested to be heard by the Board shall first be recognized by the Board President and shall then proceed to speak.
 - a. Individual speakers shall be allowed up to three minutes to address the Board on any one agenda item. The Board shall limit the total time for public input on any one agenda item to thirty minutes. In the absence of any objection by a Board member, the Board President may increase or decrease the time allowed for public speakers on an agenda item, depending on the number of persons requesting to be heard, and the need to assure that the Board can complete its meeting agenda in a timely manner.
 - i. If fewer than all members of the Board are present at the meeting, a simple majority of the quorum is sufficient to authorize the extension of a speaker's time, or authorize the increase or decrease of the amount of time allocated to any one agenda item.
 - ii. If the increase or decrease of time is not approved by a majority of Board members present, the three-minute limitation per speaker, and the thirty-minute limitation per agenda item shall apply.
 - b. The Secretary to the Board or designee shall be responsible for tracking the total amount of time remaining for any speaker, as well as on any one agenda item.
 - c. The Board President may take a poll of speakers for or against a particular issue and ask that additional persons speak only if they have something new to add.
 - d. If a member of the public desires to be heard on more than one item appearing on the agenda, he or she will be allowed up to a total of ten minutes to address all desired agenda items at the time they are before the Board for action, discussion, or information with a maximum of three minutes per any one agenda item. The Secretary to the Board or designee shall be responsible for tracking the amount of time remaining for a given speaker.
 - e. If any member of the Board objects to the Board President's decision to either increase or decrease the total amount of time allocated per speaker, or to the specific amount of time allocated to public speakers on an agenda item, the matter shall be immediately submitted to a vote by the raising of hands. If fewer than all members of the Board are present at the meeting, a simple majority of the quorum is sufficient to authorize an increase or decrease in the

total time allocated to each speaker as proposed by the Board President, or to establish specific time limits per speaker or per agenda item as proposed by the Board President.

- f. The Board need not allow the public to speak on any agenda 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 Board President determines that the item has been substantially changed since the committee heard the item, the Board President shall provide an opportunity for the public to address the item at the appropriate place on the agenda. (Government Code section 54954.3(a).)

C. Public Speakers Addressing the Board on Issues Not on the Agenda

1. Members of the public may address the Board at regular meetings with respect to items of interest not appearing on the agenda, so long as the item is within the subject matter jurisdiction of the Board. The Board may refer such a matter to the Chief Executive Officer or designee or take it under advisement, but shall not take action at that time, except as authorized by law. (Education Code section 72121.5, and Government Code sections 54954.2(a)(2) and 54954.3(a).)
2. Without taking action, 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. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. The Board or a Board member may also request that the CEO or designee provide factual information in response to statements by a speaker, 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. If a Board member is seeking factual information not readily available at the meeting, or if a Board member is asking for a report at a subsequent meeting, or requesting that a matter be placed on a future agenda, such requests will be considered by the Board at the appropriate place on the agenda, and shall require a majority vote in order to direct staff to take the requested action. (Government Code section 54954.2(a)(2).)
3. If a member of the public desires to be heard on a matter not appearing on the agenda, he or she will be allowed up to three minutes to address the Board. This time may be extended in increments of thirty seconds by the Board President, absent objection by any other member of the Board. If the extension of time is objected to, the matter shall be immediately submitted to a vote by the raising of hands. If fewer than all members of the Board are present at the meeting, a simple majority of the quorum is sufficient to authorize the extension of a speaker's time. If a majority of members present do not vote to extend the speaker's time, the three-minute limitation shall apply.

4. The total amount of time allocated for public speakers to address matters not appearing on the agenda, but within the Board's subject matter jurisdiction, is a maximum of thirty minutes. As set forth above with respect to speakers addressing agenda topics, this time may be shortened or extended in the same manner provided above for public speakers addressing agenda items. The Secretary to the Board or designee shall be responsible for tracking the total amount of time remaining for non-agenda speakers.
5. The Board President may rule on whether a topic that is not on the agenda is within the subject matter jurisdiction of the Board.

D. Public Speakers and Decorum

1. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code section 54954.3(c).) The Board may not prohibit public criticism of District employees.
2. Whenever a member of the public makes specific complaints or charges against an employee while addressing the Board, the Board President shall inform the complainant that it is the preference of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code section 54957(b)(2). The Board President may also inform the complainant that a complaint may be filed using an applicable District complaint procedure. However, the presentation of such complaints or charges to the Board by a recognized speaker shall not alone be grounds for declaring the speaker out of order. All speakers are subject to the requirements and conditions of this policy.
3. Members of the public who wish to address the Board will do so from the podium, unless other arrangements have been made in advance of the meeting through the President's office. Members of the public who address the Board without being recognized to do so by the Board President are out of order.
4. Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
5. When a speaker's allotted time has expired, and has not been extended, he or she shall leave the podium immediately. Members of the public who continue to speak after their time to do so has expired, or without having been recognized by the Board President, are out of order.
 - a. If a member of the public either refuses to leave the podium or persists in engaging in conduct that disrupts the meeting, the Board President shall warn the member of the public that he or she is out of order and disrupting the meeting.
 - b. If after such warning the disruption continues, the Board President may take

action as necessary to restore order to the meeting. In such event, the Board President may call for a voice vote to immediately recess the meeting. If the disruption persists after returning from the recess, the Board President may take such further action as he or she deems necessary to restore order to the meeting. Individuals whose conduct willfully disrupts a meeting of the Board are subject to arrest and removal pursuant to Penal Code section 403.

- c. As appropriate, the President may, after warning disruptive members of the public in attendance at the meeting, ask for a voice vote of the Board directing that the meeting room be cleared pursuant to Government Code section 54957.9.
 - i. In the event the Board directs that the room be cleared, 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 disturbance, further proceedings shall concern only matters appearing on the agenda. (Government Code section 54957.9).
 - ii. The Board may permit members of the public present who did not participate in the disruption to return to the meeting after the room has been cleared.

E. Recording by the Public

- 1. Any person attending a Board meeting has the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the Board that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings. (Government Code section 54953.5(a).)
- 2. If the Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings, these activities may be discontinued or restricted as determined by the Board. (Government Code sections 54953.5 and 54953.6)