

## Chapter 13: Addressing the Board

### A. Oral Presentations by Members of the Public

The rules governing oral presentations by Members of the public at Board Meetings are as follows:

1. Prior to the Meeting, or during the Meeting prior to a matter being reached, persons wishing to address the Board are requested to fill out a “Board Appearance Request Form” and submit it to the General Manager.
2. When called upon, the person is requested to come to the podium, state his or her name and address for the record (although not required), and, if speaking for an organization or other group, identify the organization or group represented.
3. All remarks should be addressed to the Board as a whole not to an individual Board Member.
4. Questions, if any, should be directed to the President/Presiding Officer who will determine whether, or in what manner, an answer will be provided.

### B. Public Comment

Public Comment is that period set aside at Board Meetings for Members of the public to address the Board on items of District business other than scheduled agenda items. The Public Comment portion of the Board Meeting is the opportunity for Members of the public to address the District in compliance with the Government Code.<sup>47</sup>

#### 1. Timing

Public Comment for each speaker is limited to three (3) minutes, unless the Board, by concurrence, extend such time.

#### 2. Board Appearance Request Form

Persons wishing to speak under Public Comment should submit a “Board Appearance Request Form” to the General Manager, or his or her designee, prior to the start of the Board item. Preference may be given to those persons who have notified the General Manager, or his or her designee, in advance of their desire to speak.

#### 3. District Matters

Presentations under Public Comment are limited to items within the subject matter jurisdiction of the District.

#### 4. Response to Public Comment

The Board, at its discretion, may direct Staff to respond to a concern or question raised, place items on the agenda for consideration at a future Board Meeting, or permit individual discussions between a Board Member and an individual providing the Public Comment for the purposes of clarification or discovery of facts, subject to recognition.

## **C. Agenda Item Oral Presentation**

Any Member of the public wishing to address the Board orally on District business matters appearing on the Board Agenda, may do so when that item is taken up by the Board, or as otherwise specified by the Board or the President/Presiding Officer.

### **1. Presentations Submitted in Writing**

Persons who anticipate oral presentations exceeding three (3) minutes, are encouraged to submit comments in writing, in advance, care of the General Manager, for prior distribution to the Board and other interested parties. Submission of comments in writing is encouraged in lieu of possible lengthy oral presentations which may not be permitted.

### **2. Timing**

Comments by the public on District business matters appearing on the agenda may do so once the President/Presiding Officer opens the matter for public comment. Members of the public may speak a second time after the close of Public Comment only if more time is allowed by the President/Presiding Officer or the majority of the Board.

### **3. Assigning Time**

Persons wishing to assign their time for oral presentations to other individuals may do so only with authorization of the President/Presiding Officer or a majority of the Board.

### **4. Reading Written Comments**

Persons wishing to read written comments into the record may do so only with authorization of the President/Presiding Officer or a majority of the Board. Additional procedures for written comments is detailed below.

## **D. Comments in Writing Encouraged**

Members of the public may submit, and are encouraged to submit, comments in writing to the Board, care of the General Manager, relating to any items of District business, whether on the Board agenda or otherwise. Such comments will be distributed to Members of the Board and considered and acted upon, or not acted upon, as the Board, in its judgment, may deem appropriate. All written comments submitted prior to or during the item the comments relate to, will be part of the record on that particular item. Written comments will not be read aloud at the Board Meeting.

### **1. Comment Cards**

Comment cards may be used by Members of the public in attendance at the Meeting who do not wish to, or cannot verbally, address the Board during a Meeting. A person may indicate his or her brief comments on the card and his or her opposition or support for an item on a comment card. During the public testimony on the item, the President indicates that the Board has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue.

## **2. Repetitious Comments Prohibited**

Speakers shall not present the same, or substantially the same, items or arguments to the Board repeatedly or be repetitious in presenting their oral comments. If a matter has been presented orally before the Board, whether the Board has taken action, or determined to take no action, the same or substantially the same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the Board in writing for such action or non-action as the Board, in its discretion, may deem appropriate.

### **E. Speaker Time Limits for An Agenda Item**

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, the President/Presiding Officer may request that a spokesperson be chosen by the group, and in case additional matters are to be presented by any other Member of the group, that there be a limit on the number of such persons addressing the Board. A specific time limit may also be set for the total presentation. No group shall arrange themselves so as to use individual speakers' times in sequential order to circumvent the time limits.

### **F. Waiver of Guidelines**

Any of the foregoing guidelines may be waived by majority vote of the Board Members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

### **G. Decorum**

It is crucial that the public have confidence in the integrity of its local government. Further, to ensure that the Board's business is conducted in a manner that is both professional and efficient, it is important that all participants in the process exercise decorum and civility.

The President/Presiding Officer shall maintain order, decorum, and the fair and equitable treatment of all speakers. The President/Presiding Officer shall keep discussions and questions focused on the specific agenda item under consideration.

Board Members shall perform their duties in accordance with the District's processes and rules of order governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the Board by District Staff. They shall work together collaboratively, assisting each other in conducting the affairs of the District. Board Members shall fully participate in public Meetings, in both the open and closed sessions, while demonstrating respect and courtesy to others. Board Members and the General Manager shall stay focused, stay on topic, and act efficiently during public Meetings. They shall refrain from interrupting other speakers or otherwise interfering with the orderly conduct of the meetings.

No person shall engage in harassment of another person during a public meeting. Harassment includes, but is not limited to:

1. Verbal harassment such as racial epithets, derogatory comments, or slurs;
2. Physical harassment such as assault, impeding or blocking movement, or any other physical interference or threat directed at an individual; and
3. Sexual harassment such as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talks and jokes that unreasonably interferes with an individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

During public meetings, all present shall:

1. Preserve safety and order;
2. Not block the audience from viewing the proceedings;
3. Not block or impede the microphone, which audibly records the proceedings;
4. Not engage in disruptive behavior, including but not limited to: heckling, whistling, yelling, and other similar demonstrations;
5. Not willfully disrupt the peace and order of the meeting;
6. Listen to others respectfully and not interrupt those whom are speaking;
7. Refrain from making comments that personally attack an individual in a way that disrupts, disturbs, or otherwise impedes orderly conduct;
8. Avoid the use of profanity, obscene language, and threats that disrupt, disturb, or otherwise impede orderly conduct;
9. Not use unlawful physical force. Physical force includes, but is not limited to: grabbing, pushing, slapping, punching, kicking, or otherwise striking the body of another or an object attached to another's body;
10. Not harass any other person in any way;

11. Avoid obscene gestures or motions that could be viewed as threatening or an effort to intimidate. Unacceptable gestures include, but are not limited to: those of a sexual nature, finger pointing and fist shaking in an overly aggressive or accusatory manner, miming the use of weapons or other violent acts and other movements that could be seen as threatening; and
12. Avoid raising voices beyond what is necessary to be heard by the audience.

Unruly conduct that disrupts the meeting such as undue noise, hissing, profanity, inappropriate applause, insults or physical disturbance shall not be permitted.

If these rules are violated, the District has the following recourse:

1. The President/Presiding Officer can call a point of order;
2. A Board Member present at the public Meeting may move to require the President/Presiding Officer to enforce the rules and upon majority vote, the President/Presiding Officer shall be required to do so;
3. The President/Presiding Chair may stop the Meeting and call the Sheriff's Department to enforce the rules; and
4. Once called, the Sheriff's Department may order an individual to sit, refrain from addressing the Board or remove the disruptive person from the meeting.

Any person making personal, impertinent, or derogatory remarks, or who shall become boisterous while addressing the Board, shall be barred from further audience before the Board at said Meeting by the President/Presiding Officer unless permission to continue is granted by a majority of the Board.<sup>48</sup>