

## **BSFCS BROWN ACT PUBLIC SPEAKING PROCEDURE & PROTOCOL**

### **INTRODUCTION**

The Brown Act, hereinafter known as the "ACT," was adopted by the State of California in 1953 to guarantee that the people represented in specified "Governing" capacities would be adequately represented and heard in any and all matters deliberated by their elected officials and board members.

As referenced in Gov't Codes § 54950 – 54963 (1953): "The people of this State do not yield their sovereignty to the agencies which serve them. The people in delegating authority do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

Although the Public is encouraged to comment freely on items that are both on the agenda of the meeting and issues that are not on the agenda but are pertinent to public interest, there is a strict code of conduct associated with such comments. All comments are to be addressed to the President or Acting President of the Board in a factual and non-adversarial manner and no ad hominem (personal) attacks against any Board member shall be tolerated. Aggressive acts against the Board, staff or administration are considered as criminal offenses and will be dealt with, according to the law.

However, the Act also charges the governing bodies to act in both an equitable and efficient manner in performing their duties. As such, BSFCS has adopted the following protocol and procedures for public address at its open meetings, as proscribed within the ACT.

**General Session Public Comment:** At the beginning of all regular meetings, the Public shall be given the opportunity to address the Board on any issue that is not on the meeting Agenda. Such public comment shall be limited to Three (3) Minutes per speaker unless otherwise extended by the President of the Board, Acting President of the Board or a majority vote of Board members. Overall time allotted for such public comment shall be subject to the provisions set forth herein, under "Public Comment Period Duration." The Board may comment on the Public's comments, but there will be no intra-board discussion of the issue at the time of the initial presentation. If the Board wishes to further consider the commented upon item of the public, the board, with a majority of votes, may place the public's concern into the agenda of a subsequent appropriately noticed meeting, or may request staff or administration to investigate the item and report back to the Board, during a regularly scheduled meeting, at a later date. Although, there is no requirement for General Public Comment during Special Meetings, BSFCS shall,

whenever possible, maintain such public comment time to bring forth non-agenda items.

**Regular Meeting Agenda Item Public Comment:** The Public shall be given the opportunity to address each agenda item, as it is introduced, following a short initial presentation by staff, administration or board member. Such public comment shall be limited to Three (3) Minutes unless otherwise extended by the President of the Board, Acting President of the Board or a majority vote of Board members. Overall time allotted for such public comment shall be subject to the provisions set forth herein, under "Public Comment Duration." Once public comment is satisfied or terminated as set forth herein, the agenda item shall be returned to the Board for discussion and possible action. No further public comment shall be elicited, unless the President or Acting President of the Board believes that additional information was raised by the Board that would materially modify the substance of the item, as originally presented in the introduction.

**Public Comment Duration Period:** The interest of encouraging the public to speak both on non-agenda and agenda meeting items is critical to the intent of the Brown Act, however, it may not unreasonably disrupt the ability of the Board to accomplish its duties during a meeting. As such, public comment duration shall be set at Thirty (30) Minutes. At the end of this initial public comment session, the Board shall, by a majority of votes, determine if it shall ask for consensus tolling and termination of the session or if time shall be extended. In the event that it is determined to extend time, the President or Acting President of the Board shall make a determination of the amount of time to be extended. At the end of the extended period the Board must again make the determination for termination or extension of the session and the President or Acting President shall determine the length of the time extension. At any time that public comment is terminated prior to the opportunity for each individual public member in attendance to comment, the President or Acting President of the Board shall summarize and categorize, as best as possible, the opinions stated. There then shall be a call for a hand count to determine a public consensus to each general opinion voiced by prior speakers. In the event that individuals believe that they have an opinion that materially differs from the previous speakers, they shall be afforded the opportunity to comment. However, if the President or Vice President determines that the comment does not represent a truly original position, the speaker will be asked to refrain from further comment. Failure of that individual to cease comment is a violation of the protocol and subject to remedies outlined in the Act.