

Proposed Amendments to Code of Conduct for Public Meetings

Citizens Advisory Committee
December 21, 2022
Agenda Item 9



Background

- Presented proposed code of conduct to the CAC in April 2022; Approved by JPB May 5, 2022
- Purpose of policy is to promote public participation and transparency by ensuring orderly conduct of public meetings
- Request CAC feedback on proposed amendments today

Brown Act Meetings

- Meetings of the JPB and its Committees are subject to the Brown Act, which requires that meetings of local legislative bodies be open to the public
- Guarantees the public's right to attend and participate in meetings of local legislative bodies
- Permits governing bodies to adopt codes of conduct to preserve decorum and permit the orderly conduct of in-person meetings and meetings held via teleconference

Public Participation in Brown Act Meetings

JPB and Committees, including CAC:

- Must permit public criticism of the agenda to be freely expressed at meetings
- May decline to take public comment on topics that are not within the subject matter jurisdiction of the agency
- May remove disruptive individuals from meetings in order to preserve order in a meeting

Current Code of Conduct

- Establishes expectations for conduct at meetings in order to promote productivity and efficiency while fostering public participation
- Provides guidance and rules for public comment
- Authorizes Chair to sanction speaker(s) if conduct:
 - Disrupts orderly conduct of a meeting or
 - Interferes with the Board's ability to conduct its business

SB 1100

Starting January 1, 2023, the Chair of the Board/Committee or other presiding member may remove a disruptive attendee under certain conditions:

- Removal must be preceded by a warning to the individual that the individual's behavior is disrupting the meeting and that the individual's failure to cease the behavior may result in removal
- The presiding member or a designee may remove the individual if the individual does not promptly cease the disruptive behavior
- The warning requirement does not apply to behavior that constitutes a use of force or a true threat of force

Definitions

- “Disrupting” means engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including:
 - A failure to comply with reasonable and lawful regulations of the legislative body regarding the conduct of meetings enacted pursuant to the Brown Act or any other law; or
 - Engaging in behavior that constitutes use of force or a true threat of force.
- A “true threat of force” means a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force.

Proposed Amendments

- The proposed amendments to the Code of Conduct incorporate SB 1100's new disruptive attendee procedures and definitions
- Proposed amendments also add procedures regarding readmitting non-disruptive attendees, at the discretion of the Chair or presiding member, or their designee, after the room has been cleared for a disruption under other provisions of the Brown Act
- Policy will become effective if adopted by the Board at the January Board meeting

FOR MORE INFORMATION

WWW.CALTRAIN.COM

