

# Proposed Amendments to Code of Conduct for Public Meetings

JPB Board of Directors  
January 5, 2023



# Background

- JPB approved Code of Conduct for public meetings approved on May 5, 2022
- Purpose of policy is to promote public participation and transparency by ensuring orderly conduct of public meetings
- Presented proposed amendments to the CAC on December 21, 2022
- Brown Act permits governing bodies to adopt codes of conduct to preserve decorum and permit the orderly conduct of meetings

# Public Participation in Brown Act Meetings

## JPB and Committees:

- 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
- SB 1100 clarifies when a legislative body may permissibly remove disruptive individuals from meetings in order to allow the meeting to continue

# 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 (effective January 1, 2023)

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 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.

# Recommendation: Adopt Proposed Amendments

- The proposed amendments to the Code of Conduct incorporate SB 1100's new procedures and definitions regarding disruptive attendees, including:
  - Requirement for warning before removal of disruptive attendees
  - Process for readmitting non-disruptive attendees after the room has been cleared for a disruption under other provisions of the Brown Act
- Staff recommends that the Board adopt the proposed amendments to establish processes for managing disruptions in order to maximize public participation and the orderly conduct of meetings

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