

Public Comment Policy Update

At the discretion of the TCA Board Chairs, TCA will be implementing the following modified public comment procedures for the upcoming Joint Board of Directors meeting on February 8, 2018. These modifications will provide for a longer initial public comment period (1 hour) at the beginning of the meeting. And, to allow for more speakers to be accommodated, the time limit for each speaker will be two minutes:

- The initial public comment period will be at the beginning of the Board meeting.
- The duration of this initial period of public comments will be set at one (1) hour.
- Each public speaker will have two (2) minutes to speak to be sure as many public speakers as possible are accommodated within the initial period of public comments that is set for one (1) hour
- The time limit can be increased to three (3) minutes if the number of public speakers would allow all of them to participate within the one (1) hour dedicated to the initial period of public comments. This will be at the discretion of the Board Chair.
- If necessary, there will be a second period of public comments scheduled after all Board business has been conducted, before any closed session items.

PUBLIC COMMENT/REQUEST TO SPEAK THE BOARD OF DIRECTORS

If you wish to address the Board of Directors regarding any items within the subject matter jurisdiction of the Boards, please complete this card and return to the Clerk. The Chair of the Board will announce your turn to address the Board. Comments are limited to two (2) minutes per person, unless a different time limit is set by the Chair.

Each member of the public may speak only once during a Board Meeting. Thus, you should identify whether you would like to speak during the Public Comment portion or during a particular agenda item. If you choose to speak during the Public Comment portion you will be able to address any item of interest that is within TCA's subject matter jurisdiction, including any agenda item.

Notwithstanding the above, you may speak more than once or for longer than two (2) minutes if mandated by federal, state or local law, or in order to respond to a specific question from the Chair or a Director recognized by the Chair.



AGENDA ITEM NUMBER/PUBLIC COMMENT: _____

POSITION (Please Circle): Support Opposed Neutral N/A

NAME: _____

ADDRESS: _____

COMMENTS: _____

Additionally, to clarify a specific concern regarding the depiction of minor children in presentations:

Evidence of consent will need to be provided from the parent or guardian of each child depicted in the presentation. The evidence of consent should allow Staff to correlate the consent with each child depicted. For example, if only one child is depicted on a photograph or slide, this correlation can be accomplished by identifying the photograph or slide. If multiple children are depicted on a photograph or slide, this correlation can be accomplished by identifying the photograph or slide and a particular item of clothing or the child's position in the photograph or slide.

The consent should also include an authorization for the transmission and dissemination of the child's image as a result of individuals viewing the image at the Board meeting, via live stream of the Board meeting, inclusion of the image as part of the public record and therefore subject to disclosure to any third party upon request, inclusion of the image in the video recording of the Board meeting that will be posted to the TCA's publicly available website, and/or any other lawful purpose. With respect to this authorization, this can be accomplished by having the parent or guardian state the following: "I hereby consent and authorize the transmission and dissemination of my child's image to the public for any legal purpose, including as a result of individuals viewing the image at the Board meeting, via live stream of the Board meeting, inclusion of the image as part of the public record and therefore subject to disclosure to any third party upon request, and/or inclusion of the image in the video recording of the Board meeting that will be posted to the TCA's publicly available website."



BOARDS OF DIRECTORS

San Joaquin Hills Transportation Corridor Agency
Foothill/Eastern Transportation Corridor Agency

BOARD MEETING - BEST PRACTICES AND PROCEDURES

PURPOSE

The purpose of this policy is to set forth rules of order and procedures relating to meetings of the San Joaquin Hills Transportation Corridor Agency (SJH) and the Foothill/Eastern Transportation Corridor Agency (F/E).

Develop updated best practices and procedures for SJH and F/E Board Meetings.

- Particularly focused on the public comment component
- To be developed, implemented, tested and adjusted as necessary through the Joint Strategic Planning Ad Hoc and Joint Executive Ad Hoc
- Ultimately to be incorporated into the SJH and F/E Administrative Code.

REFERENCES

- (1) SJH and F/E Administrative Code Section 2.4 Meetings and Appendix B Procedures for Simultaneous Board Meetings.
- (2) The Brown Act.
- (3) Robert's Rules of Order.

PROCEDURE

I. Boards of Director Meeting Preparation

- A. Placing an Item on the Agenda.** Matters to be placed on the agenda for any regular meeting shall be determined by the Chief Executive Officer, or his designee.
- B. Placing an Item on the Agenda by a Director for regular Board Meetings.** Matters may be placed on the agenda at the request of any Director, as long as said request is provided to the Clerk of the Board no later than ten (10) calendar days prior to the date of the meeting, and the Director making the request sits on the applicable Board.
- C. Posting of the Agenda.** The notice of an agenda for each regular meeting shall be prepared by the Chief Executive Officer, who shall cause copies to be transmitted electronically to Directors six (6) calendar days prior to the meeting (unless otherwise requested by a Director), and posted in accordance with applicable law.
- D. Agenda Posting Locations.** A copy of the Agencies Agenda shall be posted (1) on the outdoor bulletin board at Transportation Corridor Agencies (TCA), 125 Pacifica, Irvine, California 92618, (2) in the Board Room located on the second floor at TCA, and (3) on the TCA website.

- E. **Delivery and Distribution of Agenda Packets.** The TCA’s Agenda packets are prepared by the Clerk of the Board. Barring unavoidable difficulties or holidays, the Agenda packets will be distributed to members of the Boards the Friday evening preceding the Thursday Board Meeting.
- F. **Backup Material for Agenda Items.** Each Agenda item shall be composed of the Agencies Staff Report and all backup material needed for the Board or Boards to take an action.

II. Boards of Directors Meeting Order of Business

- A. **Order of Business.** Unless otherwise modified, the order of business for regular meetings of the Agencies shall be:

Invocation
 Pledge of Allegiance
 Roll Call
 Special Calendar
 Public Comments
 San Joaquin Hills – Consent Calendar
 Foothill/Eastern – Consent Calendar
 Board Business
 Public Comments -Continued Part 2 – (If Needed)
 Closed Session
 Public Comments – Continued Part 3 (If Needed)
 Chief Executive Officer’ Report
 Director’s Report and New Business
 Adjournment

III. Board of Directors Meeting Process and General Policies

- A. **Reordering Agenda Items.** The Chair may reorder items on the Agenda to accommodate the public or to address other concerns.
- B. **Minutes.** The written minutes shall be submitted for approval and/or correction on the Consent Calendar at a subsequent regular Boards Meeting. The purpose of the Meeting Minutes shall be to record the action taken by the Boards and the reason for a Director’s vote if requested. To the extent the information is provided, the written Minutes shall also include a record of all persons addressing the Agencies by name, city of residence, and subject or position.

IV. Board of Directors Meeting Rules of Order

- A. **Obtaining the Floor.** Any Director wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any Director who seeks the floor when that Director is appropriately entitled to do so.

- B. Consent Calendar.** Any Director can pull a joint item from the consent calendar. Joint Directors can pull any item on the Consent Calendar. F/E only and Joint Directors can pull any F/E consent item. SJH only and Joint Directors can pull any SJH consent items.

Board approval of the Consent Calendars are needed prior to voting for approval on each of the Consent Calendar items that has been pulled. A San Joaquin Hills (SJH) motion and a second must also be made by SJH Directors and a Foothill/Eastern (F/E) motion and a second must be made by F/E Directors for approval of the Consent Calendars. Directors will be voting for the joint consent items and the consent items pertaining to their specific board(s).

- C. Board Business.** The Chair will introduce the item as Joint, F/E Only or SJH Only so that members follow the correct protocol for the item.

Approval of an F/E Only or SJH Only Board Business Item. A motion and second must be made by Directors from the appropriate Board for action on F/E or SJH Only items prior to voting. Discussion of items specific to only one board shall be limited to participation by Directors who are a member of the specific Board to which the item applies. Directors for the Board to which the item applies will vote on the action for that F/E or SJH specific item. Directors from the non-involved Agency will not be permitted to vote.

Approval of the Joint Board Business Items. A motion and second must be made from each Board for action on Joint Items prior to voting. A F/E motion and a second must be made by F/E Directors for a joint item and a SJH motion and a second must also be made by SJH Directors. Approval of the joint item requires the appropriate majority or supermajority vote of each Board as specified in the Agency's Joint Powers Agreement (i.e. approval by the F/ETCA Board and approval by the SJHTCA Board). If the outcome of the joint item vote differs between the Boards, the Chair of the dissenting Board will introduce a motion to reconsider and reopen the discussion.

- D. Closed Session.** If needed, the Boards can adjourn to closed session. Closed session may be convened as a Joint Closed Session, a F/ETCA Closed Session or a SJHTCA Closed Session as appropriate.

- E. Motions.** The Chair or any member of the Board may call an action on any matter before the Board by making a motion. Before the motion can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Chair shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Director properly recognized by the Chair. Once the motion has been fully debated and the Chair calls for a vote, no further debate will be allowed. However, Directors may be allowed to explain their vote.

- F. Voting.**

- (1) All Directors present are encouraged to fully participate in the discussion of a matter pertaining to a joint item or their specific board, and shall vote for or against a motion, or shall abstain unless disqualified by conflict of interest or other legal reason. At the discretion of the Chair, Directors will be voting through voice vote, roll call or electronically for the action on the item.

- (2) If a Director chooses not to participate in the consideration of a matter, her or she shall leave the dais during the consideration of the matter; provided, however, that if the matter is being considered on the Consent Calendar and has not been pulled from Consent Calendar, the Director may remain on the dais and disclose the specific item and reason for not participating.

G. Procedural Rules of Order. Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon.

V. Public Participation in Board Meetings

A. Audience Decorum. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; clapping; whistling; stamping; blocking others' view of the proceedings; or other acts that disturb, impede, or otherwise render the orderly conduct of the Agencies' meeting unfeasible or raise potential safety concerns. A member of the audience engaging in such conduct shall, at the discretion of the Chair or a majority of the Directors, be subject to removal from that meeting.

B. Request to Speak Form. Members of the public may address the Boards during Public Comments and/or before consideration of any agenda item; however, no person shall address the Boards without first being recognized by the Chair. Any person wishing to speak, whether during Public Comments or on an agenda item, shall first submit a Public Comment/Request to Speak form to the Clerk of the Board before the Chair calls for Public Comments or calls the particular agenda item.

C. Purpose. The purpose of addressing the Board of Directors is to communicate formally with the Directors regarding matters that relate to the Agencies business or citizen concerns within the subject matter jurisdiction of the Agencies. Persons addressing the Board of Directors during the consideration of an agenda item shall confine their remarks to the matter under consideration by the Directors.

D. Speaker Decorum. Each person addressing the Board of Directors shall do so in an orderly manner and shall not engage in conduct that disrupts, or otherwise impedes the orderly conduct of the Agencies meeting. Any person who so disrupts the meeting shall, at the discretion of the Chair or a majority of the Board of Directors, be subject to removal from that meeting.

E. Time Limit. In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Board of Directors, each individual shall be limited to three (3) minutes per person and thirty (30) minutes for comments, unless different time limits are set by the Chair subject to the majority approval of the Boards.

F. Public Comment Placement on Agenda and Overall Time Limit. Unless otherwise modified by the Chair or a majority of the Board, Public Comment will be heard at the beginning of the meeting for thirty (30) minutes, thirty (30) minutes after "Board Business" during "Public Comments (Continued Part 2)" if needed. The balance of the public

comments will be heard at the conclusion of the “Closed Session” portion of the agenda during “Public Comments (Continued Part 3)”.

- G. Speak Only Once.** Each member of the public may speak only once on a particular issue or during Public Comment unless otherwise mandated by federal, state or local law, or in order to respond to a specific question from the Chair or a Director recognized by the Chair.
- H. Addressing the Board of Directors.** Comment and testimony are to be directed to the Chair. After being recognized by the Chair, a Director or Staff may briefly respond to statements made or questions posed by inquiries from citizens at the lectern. In addition, after being recognized by the Chair, a Director or Staff may ask a question for clarification.
- I. Yielding of Time.** It is understood that a person making a request to speak does so on his own behalf. For this reason and to guarantee all persons an ample opportunity to be heard, all speakers will be recognized for the same amount of time. No speaker will be allowed to yield part or all of his time to another, and no speaker will be credited with time requested but not used by another.
- J. Non-Agenda Items.** The Agenda shall provide for public comment about matters that are within the jurisdiction of the Agencies but are not specifically listed on the Agenda. The initial Public Comments period shall be for a maximum of thirty (30) minutes unless otherwise modified by the Chair or a majority of the Board. A member of the public who wishes to speak under Public Comments must fill out a Public Comment/Request to Speak form and submit it to the Clerk of the Board before the Chair calls for Public Comments. Persons may speak under Public Comments for a maximum of three (3) minutes and shall not be allowed to defer any portion of their time to any other person.

Pursuant to Government Code 54954.2(b), State law prohibits the Board of Directors from taking action on any item not listed on the Agenda unless the Board(s) makes a determination that an emergency exists or that the need to take immediate action on the item arose subsequent to the final posting of the Agenda.

- K. Agenda Items.** Public comment will be accepted on Agenda items. A member of the public who wishes to speak on an Agenda item, including items on the Consent Calendar, must fill out a Public Comment/Request to Speak form and submit it to the Clerk of the Board before the Chair calls the Agenda item. Persons may speak about an Agenda item for a maximum of three (3) minutes and will not be allowed to defer any portion of their time to any other person.
- L. Violation of the Rules of Decorum.** Upon violation of the rules of decorum established in Items A or D above, the procedure to enforce the rules shall be as follows:
 - (1) **Warning.** The Chair shall first request that person/persons who is/are violating the rules cease such conduct. If, after receiving a request from the Chair, the person or group of persons persist in violating the rules so as to inhibit the orderly conduct of the meeting, the Chair shall order a recess. The Sergeant at Arms present at the meeting when the violation occurs shall be authorized to warn the person or group of persons that their conduct is violating the rules and that he or she is requested to cease such conduct. If upon resumption of the meeting the violation persists and renders the orderly conduct off such meeting unfeasible, the Chair shall order another recess,

whereupon the Chair shall have the authority to ask the Sergeant at Arms to remove the person or group of persons from the meeting and/or to cite the person or group of persons as being in violation of Penal Code Section 403.

- (2) **Clearing the Room.** Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Government Code Section 54957.9.
- (3) **Violation of the California Penal Code.** A person or persons who substantially impair(s) the conduct of a Board of Directors meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

M. Submittal of Information by Members of the Public for Dissemination or Presentation at Public Meetings. Members of the public may submit information in hard copy form, or present information in electronic form or audio-visual media to supplement their testimony before the Board of Directors.

- (1) To ensure that staff can facilitate the use of electronic and audio-visual media materials in a timely and efficient manner, to provide staff with sufficient time to check for viruses, broadcast quality and compatibility, and to ensure that the materials do not contain inappropriate content (e.g., depictions prohibited by law), the information must be submitted consistent with the parameters set forth below.
- (2) All supplemental agenda related materials, including but not limited to PowerPoint presentations, videos, photographs, e-mails, writings and hard copy documents presented by members of the public prior to or at a public meeting shall become part of the public record and will be kept on file in the Clerk of the Board according to retention schedules.
- (3) The deadlines noted below do not preclude members of the public from submitting agenda related information in hard copy form prior to a meeting date. The Clerk of the Board will ensure that the Directors receive a copy of the information during consideration of the item.
- (4) Agency policy is to limit public testimony to three (3) minutes per speaker (unless extended by the Chair) which includes the presentation of any electronic, audio-visual information or hard copy information.
- (5) Members of the public are encouraged to arrive at the public meeting early and check in with the Clerk of the Board to finalize the details of their presentation and to complete a speaker's card.

- (6) No unauthorized laptop computers or other media devices will be connected to the Agency's media system.
- (7) **Written Materials/handouts.** Any member of the public who desires to submit documentation in hard copy form may do so prior to the meeting or at the time he/she addresses the Boards. Please provide twenty-seven (27) copies of the information to be submitted and file with the Clerk of the Board at the time of arrival to the meeting. This information will be disseminated to the Board of Directors at the time testimony is given.
- (8) **Large Displays/Maps/Renderings.** Any member of the public who desires to display freestanding large displays or renderings in conjunction with their public testimony is asked to notify the Clerk of the Board no later than twenty-four (24) hours prior of the scheduled meeting so that an easel can be made available if necessary.
- (9) **Electronic Documents/Audio-visuals:** Any member of the public who desires to display information electronically in conjunction with their public testimony is asked to submit the information to the Clerk of the Board no later than twenty-four (24) hours prior to the scheduled meeting. Information must be provided on CD, DVD, memory stick, or can be emailed to clerkoftheboard@thetollroads.com no later than twenty-four (24) hours prior to the scheduled meeting. Members of the public will be asked to provide their name, identify the meeting and the agenda item to be addressed, and a day time phone number. To facilitate your request, contact the Clerk of the Board at (949) 754-3402.
- (10) Agency staff will preload and queue the electronic information in the Agency's media system and display it when the public member is called upon to speak. The Clerk of the Board will notify the person submitting the information as soon as possible prior to the meeting if the information cannot be accessed, if the version provided is incompatible with the Agency's system, or if the content is deemed inappropriate (e.g., depictions prohibited by law).

VI. Board of Directors Powers

A. Role of the Chair.

- (1) The Chair shall, if present, preside at all meetings of the Board and shall exercise and perform such other powers and duties as may from time to time be assigned to him/her by the Board or as prescribed herein.
- (2) Meeting Chair will alternate monthly between F/ETCA and SJHTCA.
- (3) All comments should be directed to the Chair. Cross talk between Directors should be ruled out of order by the Chair.

B. Role of the Vice-Chair.

- (1) The Vice Chair shall perform the duties of the Chair in his/her absence and, when so acting, shall have all the powers of and be subject to all the restrictions enacted upon

the Chair and shall exercise and perform such other powers and duties as may from time to time be assigned his/her by the Board.

C. Role of the Chair Pro Tempore.

- (1) In the event of the absence, or inability to act, of the Chair and Vice Chair, the Board Members present at any meeting of the Board, by resolution entered in the minutes, shall select one of their members to act as Chair Pro Tempore, who, while so acting, shall have all of the authority of the Chair.

VII. Boards of Directors Authority

The Boards of Directors shall have the authority to waive provisions of the procedures established by this policy unless the procedure is required by State or Federal Law. Failure of the Director to follow these procedures shall not invalidate or otherwise affect any action of the Board.