

Board of Trustees Agenda Item

Board Meeting Date: 2/7/11

Title of Item: BP 9211 Communication Among Board Members (New) (2nd Reading)

Background and Analysis:

The district currently does not have a policy addressing communication among board members as referenced in the Brown Act. This policy would clearly affirm the District's commitment to an open and ethical process of board interaction. Wording for this policy was taken from the CCLC's template regarding communications among board members.

This proposed policy was discussed on January 10, 2011 and is presented for a second reading and action.

Recommendation: Chancellor Linda Thor recommends approval of the policy as submitted.

Submitted by:	Linda Thor, x6104
Additional contact names:	
Is backup provided?	Yes

Communication Among Board Members







9211

In accordance with provisions of the Brown Act, a majority of members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board.

This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

Government Code 54952.2
Reviewed/Approved by CAC 12/10/10
Approved 2/7/11

California Code

-  **California Code**
-  **CALIFORNIA GOVERNMENT CODE**
-  **TITLE 5. LOCAL AGENCIES**
-  **DIVISION 2. CITIES, COUNTIES AND OTHER AGENCIES**
-  **Part 1. Powers and Duties Common to Cities, Counties, and Other Agencies**
-  **Chapter 9. Meetings**

§ 54952.2 Gov't

(a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees