



TO: Board of Directors

FROM: Deborah Rumbaugh, Ed.D.

SUBJECT: Revised Board Policy 1400 Meeting Conduct, Order of Business and Quorum

DATE: January 3, 2023

TYPE: Action Required

This is the second reading of revised Policy 1400 Meeting Conduct, Order of Business and Quorum. Based on House Bill 1329, Open Public Meetings, various provisions, the Washington State School Directors' Association (WSSDA) has revised 1400. The revisions align with WSSDA's model policy.

Recommendation: It is recommended that the board approve the second reading of revised policy 1400 Meeting Conduct, Order of Business and Quorum.

MEETING CONDUCT, ORDER OF BUSINESS, AND QUORUM

Board meetings will be scheduled in compliance with the law and as deemed by the board to be in the best interests of the district and community. The board will function through (1) regular meetings, (2) special meetings, and (3) emergency meetings.

Regular Meetings

Regular meetings are held the first Tuesday and the third Tuesday of each month, per procedure, in the boardroom or at other times and places as determined by the presiding officer or by majority vote of the board. An agenda of business to be transacted must be posted on the district website not less than twenty-four (24) hours in advance of the published start time of the meeting.

If regular meetings are to be held at places other than the boardroom or are adjourned to times other than a regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. All regular meetings of the board shall be held within the district boundaries. When a regular meeting date falls on a legal holiday, the meeting shall be held on the next business day. **In cases of emergency, fire, flood, earthquake, or other emergency, the presiding president may provide for a location other than that of the regular meeting, a remote meeting with no physical location, or a meeting at which physical attendance is limited. In the instances of remote or limited in-person meetings, the district will provide real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting**

The district will hold remote or a limited attendance in-person meeting only in cases of emergency declared by federal, state or local government, or in cases of local emergency, fire, flood, earthquake or other emergency, and at such meetings will provide real-time telephonic, electronic, internet or other readily available means of remote access that do not require an additional cost to access the meeting.

Special Meetings

Special meetings may be called by the president at the request of a majority of the board members. A written notice of a special meeting, stating the time and place of the special meeting and the business to be transacted will be delivered to each board member. The written notice requirement will be deemed waived if a board member:

1. Submits a written waiver of notice to the board secretary at or prior to the time the meeting convenes. The waiver may be given by telegram, fax, or electronic mail; or
2. Is actually present at the time the meeting convenes.

Written notice will also be delivered to each newspaper and radio or television station that has filed a written request for such notices. Written notice may be delivered personally or by mail, facsimile or electronic mail. The notice must be posted on the district's website.

All required notices must be delivered or posted not less than twenty-four (24) hours prior to the meeting.

The district must also prominently display the notice at the main entrance of the district's headquarters as well as at the location of the meeting if the meeting is held at a location other than the headquarters- **and is not held as a remote meeting. During a declared emergency that prevents a meeting from being held in-person with reasonable safety, the district may post notice of a remote meeting without a physical location on the district website, or the website hosted or shared by another agency.**

Final action will not be taken on any matter other than those items stated in the meeting notice. If the district calls a special meeting of the board to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage, or when the required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against, the board may meet immediately with no prior notice.

Emergency Meetings

~~In the event of an emergency involving fire, flood, earthquake, possible personal injury or property damage, the board may meet immediately and take official action without prior notification.~~

If the district determines, by reason of fire, flood, earthquake, or other emergency, that there is a need for expedited action by the board to meet the emergency, the *chair/president* may provide for a meeting site other than the regular meeting site, for a remote meeting without a physical location, or for a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency. The *chair/president* may provide for an emergency meeting without providing notice.

If, after the declaration of an emergency by a local or state government or agency, or by the federal government, the district determines that it cannot hold a board meeting with its members or with public attendance in person with reasonable safety because of the emergency, the district will either:

1. Hold a remote meeting without a physical location, or
2. Hold a meeting at which the physical attendance by some or all members of the public is limited due to the declared emergency.

Members of the board may appear at a remote meeting telephonically or by other electronic means that allows for real-time, remote communication.

For a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, the district must provide an option for the public to listen to the proceedings telephonically or by using a readily available alternative in real-time that does not require any additional cost for participation. Free readily available options include, but are not limited to, broadcast by the public agency on a locally available cable television station that is available throughout the jurisdiction or other electronic, internet, or other means of remote access that does not require any additional cost for access to the program. The district may also permit the other electronic means of remote access.

The district will provide notice for remote meetings or meetings at which the physical attendance by some or all members of the public is limited due to a declared emergency according to this Policy. The notice for meetings pursuant to a declared emergency must include instructions on how the public may listen live to proceedings and how the public may access any other electronic means of remote access offered by the district.

The district will not take final disposition on any matter during a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency

unless the district has provided an option for the public to listen to the proceedings, except for an executive session, pursuant to this Policy.

Public Notice

Public notice will be properly given for any special meeting; whenever a regular meeting is adjourned to another time; or, when a regular meeting is to be held at a place other than the boardroom.

All meetings shall be open to the public with the exception of executive or closed sessions authorized by law. Final action resulting from executive session discussions will be taken during a meeting open to the public as required by law.

Individuals with disabilities who may need a modification to participate in a meeting should contact the superintendent's office no later than three days before a regular meeting and as soon as possible in advance of a special meeting so that special arrangements can be made.

During the interim between meetings, the office of the superintendent, as board secretary, shall be the office of the board. The district's public records shall be open for inspection in the manner provided by and subject to the limitation of the law.

Quorum and Voting

~~Three board members shall be considered as constituting a quorum for the transaction of business.~~

A quorum consists of the majority of all board members. For school boards with five members, three board members constitute a quorum. A quorum is required for the transaction of business, including voting. Board members are not required to be physically present to attend a board meeting. Any or all board members may attend a board meeting and vote via any communication platform that provides real-time verbal communication without being in the same physical location with those in attendance.

Additionally, any meeting held via a communication platform must: 1) include proper notice with any required passwords or authorization codes; 2) be known and accessible to the public; and 3) accommodate any member of the public who wishes to participate.

The board will take no action by secret ballot at any meeting required to be open to the public. Generally, the board votes on motions and resolutions by "voice" vote, unless a board member requests to vote by oral roll call, in which case the board will do so. A motion passes when a majority of those board members present and voting vote in favor. However, a majority vote of *all* board members is required to elect or select a superintendent or board officer and the board must vote on these matters by an oral roll call. The board will vote by an oral roll call whenever required by law.

Meeting Conduct and Order of Business

All board meetings will be conducted in an orderly and business-like manner using Roberts Rules of Order (Revised) as a guide, except when such rules are superseded by board bylaws or policies. The order of business will be that indicated in the agenda. Any additions or changes in the prepared agenda may be requested by the superintendent or a board member and must be approved by majority vote of the board members present. In order to establish a quorum, a board member with approval of the board president may attend a board meeting and vote via a communication platform, including videoconference or teleconference, that provides simultaneous communication between those present, provided: 1) the meeting is properly noticed with any required passwords or authorization codes; 2) the

meeting is accessible to the public; 3) the meeting accommodates any member of the public who wishes to participate and 4) the communication platform is generally known and accessible to the public.

The board will establish its regular order of business, but may elect to change the order by a majority vote of the members present. All votes on motions and resolutions will be by "voice" vote unless an oral roll-call vote is requested by a member of the board. All votes will be approved by a majority of those present and voting, unless otherwise required by law. No action will be taken by secret ballot at any meeting required to be open to the public.

An oral roll-call vote of all the members of the board is required for the election of board officers, filling a vacancy on the board, or for the selection of the school district superintendent, and a majority vote of all the members of the board is required for any person to be elected or selected for such positions.

It is unlawful for any member of the public to knowingly carry onto, or to possess on, any area of a facility being used for official school board meetings, a dangerous weapon, including but not limited to a firearm, "nun-chu-ka sticks," "throwing stars," air gun or pistol, stun gun, or other dangerous weapon as listed in RCW 9.41.280. The board will ensure that signs providing notice of the restrictions on possession of firearms and other weapons are posted at facilities being used for official meetings of the board.

Public Attendance and Comment

Any member of the public may attend board meetings, including individuals who do not live within district boundaries. The board will not require people to sign in, complete questionnaires, or establish other conditions for attendance.

The board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. In order to permit fair and orderly expression of such comment, the board will provide a period near the end of the meeting after the consent agenda during which visitors may address the board on any topic within the scope of the board's responsibility. The board may structure the public comment period, including determining the total time allotted for public comment and equally apportioning the minutes for each speaker. The board is not obligated to provide additional public comment time to accommodate everyone in attendance who wishes to speak. Any structure the board imposes will be content neutral.

The board may require those who wish to speak (but not all attendees) to sign in so that the board has a tally of individuals who wish to speak and can call them forward. When called forward, individuals will identify themselves and proceed to make comments within the time limits established by the board. The board is not obligated to respond to questions or challenges made during the public comment period and the board's silence will not signal agreement or endorsement of the speaker's remarks.

The board will also allow individuals to express an opinion prior to board action on agenda items that the board determines require or will benefit from public comment. Written and oral comments will be accepted by the board before the adoption or amendment of policies. Individuals wishing to be heard by the board will first be recognized by the president.

Individuals, after identifying themselves, will proceed to make comments within the time limits established by the board. Any representative of a firm eligible to bid on materials or services solicited by the board will also be entitled to express an opinion. The president may interrupt or terminate an

individual's statement when it is too lengthy. The board as a whole has the final decision in determining the appropriateness of all such rulings.

Cross Reference:

Policy 1220	Board Officers and Duties of Board Members
Policy 1410	Executive or Closed Sessions
Policy 1420	Proposed Agenda and Consent Agenda
Policy 1430	Audience Participation

Legal References:

RCW 28A.330.020	Certain board elections, manner and vote required – selection of personnel, manner
RCW 28A.320.040	Bylaws to board and school government
RCW 28A.330.070	Office for board—Records available for public inspection
RCW 28A.343.370	Vacancies
RCW 28A.343.380	Meetings
RCW 28A.343.390	Quorum—Failure to attend meetings
RCW 42.30.030	Meetings declared open and public
RCW 42.30.060	Ordinances, rules, resolutions, regulations, etc., adopted at public meetings – Notice – Secret voting prohibited.
RCW 42.30.070	Times and places for meetings – Emergencies – Exception
RCW 42.30.080	Special Meetings
RCW 9.41.280	Possessing dangerous weapons on school facilities – Penalty - Exceptions

42 United States Code 12101– 2213 American with Disabilities Act

Management Resources:

2022 – June Policy & Legal News
2018 – August Policy & Legal News
2014 – June Policy & Legal News
2013 – April Policy & Legal News
2012 – June Policy and Legal News
Policy News, June 2005 Special Meeting Notice Requirements.

Adoption Date: 05.08.01

Stanwood-Camano School District

Revised Date: 03.18.03; 08.16.05; 04.17.07; 07.07.15; 06.07.16; 09.06.16; 06.19.18; 12.18.18; 08.03.21;
01.03.23