

**South Bay Adult Education Consortium/Southwestern
Governance Rules and Procedures**

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I. MEMBERSHIP IN THE SOUTH BAY CONSORTIUM

The boundaries of the South Bay Adult Education Consortium/Southwestern match the boundaries of the Southwestern Community **College** District. **The** South Bay Adult Education Consortium includes **three** Members: Sweetwater Union High School District (SUHSD), Coronado Unified School District (CUSD), and Southwestern Community **College** District (SWC).

Any other community college district, school district, **or** county office **of** education, or any

joint powers authority consisting of community college districts, school districts, county offices of education, or a combination of these, located within the boundaries of the South Bay Adult Education Consortium shall be permitted to join the Consortium as a Member. As a condition of joining the Consortium, a Member shall commit to reporting any funds available to that member for the purposes of education and workforce services for adults and the uses of those funds.

These Governance Rules and Procedures reflect shared leadership and decision making:

The Consortium Directors Council (CDC) is the decision-making body on issues pertaining to AB104 and adult education in the region, including the Consortium's annual plan and budget. The CDC Chair is elected at the first meeting of the fiscal year. The CDC is subject to AB 104 - Section 84905.

The decision-making process of this Consortium reflects the shared governance expectations of each Member district, wherein voting should adequately represent districts' constituent groups.

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o The CDC works to consensus through discussion; the majority rules when consensus cannot be reached. For matters concerning the funding for the Consortium as a whole, Sweetwater Union High School District has one (1) votes, Coronado Unified School District has one (1) vote, and Southwestern College Community College District has one (1) vote on decisions facing the CDC.

For matters concerning the Maintenance of Effort (MOE) funding, each Member that receives MOE funding, as delineated in the 2016-2017 Consortium Allocation Schedule, shall have full jurisdiction over the MOE funding it receives, subject to the Consortium's three-year plan and annual action plan. MOE allocations for future years will be determined by the state.

The Advisory Committee consists of two individuals working in adult education from CUSD, six representatives from SUHSD and six representatives from SWC. One representative from SUHSD and one representative from SWC serve as Co-Chairs of the Advisory Committee, and as liaisons to district level administration of their

respective districts. **The** Co-Chairs serve **as** facilitators of Advisory Committee meetings. **The** Project Director sets **the** agenda for Advisory Committee **meetings**, but does not act as a member representative. Advisory Committee representatives shall **be** named by the CDC **representative** from **each** Member.

- The responsibility of the Advisory Committee is discussion and making recommendations to CDC. The Advisory Committee **works** to consensus **through** discussion; the majority rules when consensus cannot be reached.
- The **agenda** for each Advisory Committee meeting shall **be** posted on the Consortium website three (3) **days before the meeting**.
- Consortium partners, students, interested faculty, **teachers** and **staff**, and members **of the public may** attend Advisory Committee **meetings**. **The Advisory Committee** co-Chairs shall invite public comment on **the** agenda at **the start of the** Advisory Committee meeting under public comment. Each speaker **shall** have a maximum of three (3) minutes to **speak**. Individuals who cannot attend the meeting may submit their comments by email to **the** Project Director by 9am the morning of the meeting. **The** Project Director will **read the** comments received via email during **the** public comment section of the agenda.
- Each Advisory Committee member is expected to disseminate pertinent information about issues discussed **in the** Advisory Committee meetings to their colleagues **in their** district, and to **bring** feedback from those colleagues back to **the** Advisory Committee.
- The CDC **shall review the** composition of the Advisory Committee annually to ensure **that** both faculty and administrators **are** represented.

The CDC representative from each Member shall identify a project coordinator from **their** District **to** serve as key contact person for implementation of activities, and to provide

follow-up on communications and tasks to **be** completed. The **three** project coordinators **serve as** member representatives on the Advisory Committee.

The South Bay Adult Education Consortium/Southwestern Fiscal Agent, and the **Project Director**, **are jointly responsible for** budget management. The Fiscal Agent **is responsible for payment of** Consortium **staff and consultants (with candidate selection by the CDC)**, and **the** timely submission **of** all required reports. The Fiscal Agent is approved **by the CDC**, upon consultation with member **Chief Financial Officers**.

Members of the Consortium Directors Council

A Member of the consortium shall **be** represented only by an official designated by the **Governing Board of the Member**. Representatives **shall be** appointed by the Governing Board of each Consortium Member (Sweetwater Union High School District, Coronado Unified School District, or Southwestern Community **College** District). A quorum necessary to the transaction **of** business at any meeting (voting on actions) of the CDC shall consist of a **designated** representative of each Member **of the** Consortium. Representatives of two Members **of the** Consortium will be considered a quorum only for **the** purposes of review and discussion of items for later action. Each Member Governing Board will appoint one representative and alternate(s) to ensure that a quorum is **available** for each scheduled meeting of **the** CDC.

Robert's Rules of Order shall govern the conduct of meetings in all matters not covered by the Rules and Regulations or policies/procedures of the CDC.

The Rules and Regulations and the policies and procedures of **the CDC** may **be** amended at any regular **meeting**, or any special meeting, when properly placed on the agenda and approved by **three** affirmative votes.

Role and Responsibilities of the Consortium Directors Council

CDC decision-making responsibilities include approval of an **adult** education plan (pursuant to Section 84906 of AB104) and approval **of** a funding distribution **schedule** (pursuant to Section 84913 of AB104).

The CDC may **change** allocations **of** AB104 funding if the CDC representatives **find** any one of **the** following findings **related to the** Member for **which** the distribution **would** be reduced:

(A) **The Member** no longer wishes to **provide** services consistent with the adult education plan.

(B) **The Member** cannot **provide services that** address the needs **identified in** the adult education **plan**.

(C) The Member has **been** consistently ineffective in providing services that address **the needs** identified in the adult **education** plan and reasonable interventions have not resulted in improvements

Consortium **Directors Council Decision Making** Process

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CDC decision-making procedures ensure that all of the following conditions are **satisfied**:

(A) All members of the consortium **shall** participate in any decision made **by the** consortium.

(B) A proposed decision is considered at an open, properly noticed public meeting of **the** consortium **at** which **members** of the public may comment.

(C) The consortium has provided the public **with** adequate notice of a proposed decision and considered **any** comments submitted by members **of** the public, and any comments submitted by members of the public have **been** distributed publicly.

(D) The consortium has requested comments regarding a proposed decision from other entities located **in the** adult education region **that** provide education and workforce **services** for adults. Entities that provide education and workforce services to adults include, but are not necessarily limited to, local public agencies, departments, and offices, particularly those with responsibility for local public **safety** and social services; workforce investment boards; libraries; and community-based organizations. **The** consortium has considered and responded to any comments submitted **by** entities.

(E) The CDC will seek consensus, but **if** consensus cannot be reached, a majority vote of those CDC members present will constitute approval of any action. In the **event of** a tie vote, the motion at **issue** shall **lose**. No action **shall** be taken by **secret ballot**. The CDC will publicly report **any** action taken **in open** session and the **vote or** abstention of each individual member present.

(F) A decision is final.

The CDC will conduct its business in public. Meetings will be open and **public**, and all persons

will be permitted to attend. **The** CDC prescribes a reasonable written meeting protocol in these Rules and Procedures to help ensure that a **meeting** is conducted **effectively** without unnecessary **disruption**. **This** protocol shall be announced at the opening of the **meeting**.

II. TYPES OF MEETINGS

A. Regular Meetings. Regular meetings of **the** CDC shall **be** open to **the** public, **be** accessible to persons with disabilities, and **be held at** a Sweetwater Union High School District, Southwestern College Community College District, or Coronado Unified School District facility, as regularly scheduled in accordance with AB 104 **guidelines**. A notice identifying the location, date and time **of each regular meeting of the** CDC shall **be** posted **outside the adult education** office of each Member and **on** the Consortium's website at **least** 72 hours prior to the meeting and shall remain posted until **the** day and time of the meeting.

B. Special Meetings. **Special** meetings **may be called by** the Chair or **by a majority of the members** of the CDC. **Notice of** such meetings **shall** be posted at least 24 hours **before** the time of the **meeting**. No business **other than** that indicated in the **notice** may be transacted or discussed.

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C. CDC Member Communications Between Meetings. **The** CDC **members** may communicate among themselves between meetings as **needed** to strengthen understanding of **the** Members' different **programs** and operations, and to **facilitate** Consortium operations. **The CDC members shall provide** a report **of** any communications that took **place** between scheduled meetings as an **agenda** item at each CDC **meeting**.

III. AGENDAS

A. The Consortium Staff **shall** submit **an** agenda, which includes reports and recommendations, to each member **of the** CDC at **least** four working days prior to the scheduled **meeting** of the CDC, except as provided in CDC **Policy**, Section II.B. **The CDC** agenda is comprised of the Table of Contents (with a brief description **of the** session) and **the** individual CDC reports.

The CDC's **typical** meeting agenda sequence will include:

- a) **Call** to Order
- b) Review/approve Minutes **of Previous** Meeting(s)
- c) CDC Report on Interim Communications
- d) Public Comments
- e) Consent Agenda

- f) Reports (including CDC representatives, staff and consultants)
- g) Business Items
- h) Announcements
- i) Announce **Next** Regular Meeting
- j) Adjournment

B. Three working days (72 hours) before each **regular** meeting of **the** CDC the official agenda shall be posted in a conspicuous place in the adult education administration offices of each Member, and **on the** South Bay Consortium **web site**; for special meetings, the agenda **shall** be posted 24 hours before the meeting.

C. Members of the CDC may attend Advisory Committee meetings for the purpose of presentations and discussion about agenda **items** that will appear the agenda of a subsequent **meeting of the** CDC. No CDC votes **will be** taken during these Advisory Committee meetings. A report **of the** content **of the** Advisory Committee meetings attended by CDC members **will be** presented as part of **the** CDC **meeting** agenda.

D. The order of business **may be** changed by consent of **the** CDC.

E. No business may be **acted** on or discussed which is not **on the** agenda, **except** when one **or more of the** following apply:

Two-thirds of **the** **CDC** members (**or** all members if **less** than two-thirds are present) **determine** there is a need for immediate action **and the need to take action came** to the attention of the CDC subsequent to the agenda being posted; and/or
An item appeared on **the** agenda **of** and **was** continued from a meeting held **not** more than five days earlier.

However, members **of the** CDC or staff may (1) **briefly** respond to statements made or questions posed by persons during **public** comment periods; (2) ask questions for clarification and provide a reference **to staff or other** resources **for** factual **information**; **or** (3) **make** a brief announcement, ask a question or **make a brief** report on his or her own activities.

Members may, subject **to** the procedural rules of **the** **CDC**, request staff to report back to the CDC at a subsequent meeting concerning any matter. **The** CDC may **itself** as a body, subject to these rules and procedures, take action to direct staff to **place** a matter

of business on a future agenda.

Any one member of the CDC may request an item to be placed on a subsequent agenda.

F. Public Right to Place Matters on Agenda

Members of the public may **place** matters directly relating to South Bay Consortium business on **the** agenda of South Bay **CDC** meetings, and **members of the public** may address **the** CDC regarding **items** on the agenda as such items are taken up. Persons seeking to place items on **the** agenda must submit a written description **of the** item to the Consortium **Staff**. **Speakers** must adhere to the subject provided in writing. The request to be **placed** on the agenda must **be** in accordance with deadlines **set by the** Consortium **staff** for preparation of agenda materials. The Consortium **staff will** schedule the item on **the** next regular meeting agenda if public notice requirements can be met.

Members of the public submitting items on the agenda will **be** allotted **three (3)** minutes to **address the** CDC on **the** item.

G. Public **Comments**

Public Comments at Regular Meetings. Agendas for regular meetings will allow **for** two types of public comment periods. The first is a general audience comment period, **which is the** part of the meeting where **the** public can comment on **any** item of interest that is **within the** subject matter jurisdiction of **the** local agency. **The** second **type of** public comment period **is the** specific comment period pertaining to items on the agenda. These specific comment periods on **agenda items will** occur prior to or during **the** CDC's consideration of **that** item.

The CDC will place a general audience comment period at the beginning of the agenda where the public can comment on agenda and non-agenda **items**. **The** CDC **will** have a public comment period for consent calendar items before the body acts on **the** consent calendar. **Each** speaker will **be** restricted to **three** minutes of public testimony. **The** topic of the public's comments must **be within the** subject matter jurisdiction of **the** Consortium **or the member of the public will** not be **allowed** to speak for three minutes. These Rules and Procedures preclude a speaker from disrupting, disturbing or **otherwise** impeding the orderly conduct of public **meetings**. The use of profanity **may be a basis** for stopping a speaker.

The Agenda **for each** meeting shall **include** information about **accommodations available** to members of **the** public who are **unable** to attend **the** CDC **meeting** but **would** like to submit comments for **review by** the Council members. These accommodations may include submitting

written comments by mail or email to Consortium staff, to be read during **the public** comment period. **Members of the public seeking** such accommodations shall **be** requested to contact **the** Consortium staff to **determine the method to submit comments that addresses their need** for accommodation.

Public Comments at Special Meetings. Agendas for special meetings will provide an opportunity for **members of the public to address the** body concerning any item listed on the agenda prior to **the body's** consideration of that item (Section 54954.3). **The CDC** will not **allow** public comment on any non-agenda matter **at a Special Meeting**.

The Public's Right to Photograph, Videotape, Tape-Record and Broadcast Open Meetings. The public has the right to videotape or broadcast a public meeting or to make a motion picture or still camera record of such meeting (Section 54953.5). However, **the CDC may** prohibit or limit recording of a meeting if the CDC finds that the recording cannot continue without noise, illumination, or obstruction of a view that constitutes, or would constitute, a disruption **of** the proceedings (Section 54953.5).

Any audio **or** video tape record of an open and public meeting that is made, for whatever purpose, by or **at the** direction of **the** CDC is a public record and is subject to inspection by the public consistent with the requirements of the Public Records **Act**. **The** Consortium **will not** destroy **the tape** or film record of the open and public meeting for at **least 30** days following **the** date of the **taping or** recording. Inspection of **the** audiotape or videotape **will be made available to the** public for **free on** equipment provided by **the Consortium Members** (Section 54953.5). If a member of the public requests a duplicate **of** the audio **or** videotape, the CDC will provide such copy. **The CDC may** charge a **fee** to **cover the** cost of duplication.

Written materials distributed during a CDC meeting and prepared by **the CDC** staff will be **available** for public inspection **at the** meeting. If it is distributed during the meeting by a member **of** the public, it **will** be made **available** for public inspection **after** the meeting (Section 54957.5).

IV. CLOSED SESSION

No **closed** sessions of **the** CDC **shall be** conducted.

V. MINUTES

A. A record of all transactions of **the** CDC **shall be** recorded and kept on **file** in the office of the Project Director of **the** South Bay Consortium **as the** permanent official record of **the** South

Bay Consortium. **The** minutes shall, at a minimum, be open to inspection by **the** public during regular office hours. For convenience, **the** South Bay Consortium will make every effort to provide **the** CDC agendas, minutes, policies and procedures on **the web** site.

B. The action of the CDC **shall be recorded** in accordance with Section 72121(a) of the Education **Code**. Minutes **shall** be taken at all **of** those meetings, recording **all** actions taken by **the** CDC. The minutes are public records and shall be **available to the public**.