

**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.

- For matters concerning the funding for the Consortium as a whole, Sweetwater Union High School District has three (3) votes, Coronado Unified School District has one (1) vote, and Southwestern College Community College District has three (3) votes 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. Consortium partners, interested faculty, teachers and staff, and members of the public may attend Advisory Committee meetings.
- 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

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 or Southwestern College Community College 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.

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 fiscal agent 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.