

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

ORDINANCE NO. 22-

**AN ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF
DECORUM IN THE PARTICIPATION OF BOARD AND COMMITTEE MEETINGS**

The Board of Directors of the Santa Clara Valley Water District (“Valley Water”) do ordain as follows:

SECTION 1. PURPOSE OF ORDINANCE

The purpose of this Ordinance is to promote the safe and orderly conduct of Valley Water Board and Committee meetings (“Meetings”) by enhancing civility and decorum, and by ensuring the safety of those participating in those Meetings. Valley Water seeks to avoid an atmosphere in Meetings that: is uncivil, threatening, and disrespectful; stifles public participation and debate; threatens the quality of decision making; or otherwise undermines the democratic process. **To those ends, this Ordinance preserves the rights of other members of the public at the meeting and allows the Board and its committees to continue their work on behalf of the public.**

The Valley Water Board of Directors (Board) finds and declares that this ordinance imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article 1 of the California Constitution. The Board further finds and declares that this Ordinance furthers, within the meaning of paragraph (7) of Section 3 of Article 1 of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies.

Pursuant to those constitutional provisions, the Board makes the following findings to demonstrate the interests protected by Ordinance and the need for protecting those interests:

SECTION 2. DECORUM AT MEETINGS

Meetings must, at all times, ~~operate be conducted~~ in an orderly and non-threatening manner to ensure the public has a full opportunity to be heard and that the Board may engage in the deliberative process.

SECTION 3. RULES OF MEETING DECORUM

While a Meeting is in session, the following rules of order and decorum must be observed:

- a. Persons in the audience ~~must not engage in disorderly conduct, including uttering will refrain from behavior which will disrupt the Meeting so as to render the orderly conduct of such Meeting unfeasible. This will include making loud threatening, personal or abusive language, using their cellular phones, stomping their feet, whistling noises, clapping, shouting, booing, hissing or engaging in any other acts-activity in a manner that disturbs, disrupts or impedes~~ the orderly conduct of the Meeting. Audience members must also refrain from creating, provoking, or participating in any type of

disturbance involving unwelcomed physical contact or other actions that could reasonably be construed as promoting or participating in violence.

- ~~b. To ensure orderly conduct, Meeting participants must wear clothing covering the upper body, lower body, and feet. Appropriate attire, including shoes and shirts are required in the Board Room and Committee Rooms at all times.~~
- c. All persons attending the Meeting must remain seated in their seats unless addressing the Board at the podium or waiting in line to do so or when entering or leaving the Meeting.
- d. Persons in the audience must not place their feet on the seats in front of them.
- ~~e. No person may bring any food, drink (other than water drinks in reusable bottles with a cap) or chewing gum into the Board Room, Committee Room(s) and designated meeting room(s), except as otherwise pre-approved by Valley Water's Clerk of the Board.~~
- f. All persons attending the meeting must obey any lawful order of the Board/Committee Chair to enforce any provision of this Ordinance.
- g. Objects or other materials must not obstruct the view of others or be used to disturb the orderly conduct of the Meeting.

SECTION 4. RULES REGARDING SIGNS, BANNERS AND OTHER MATERIALS

To ensure the safety of participants of the Meeting, audience members may not bring signs, banners or other materials ("Materials") into the Board Room, Committee Room or designated Meeting room, unless all of the following are met:

- a. Materials are no larger than 2 feet by 3 feet;
- b. No sticks, posts, poles, or other like items are attached to the Materials;
- c. Materials will not likely pose a building maintenance problem, a fire safety hazard, or a physical threat to others; and
- d. Materials do not impede the movement of other Meeting participants.

SECTION 5. PROHIBITED OBJECTS

No audience member may bring objects that are reasonably deemed a physical threat to the Meetings. Audience members must not bring to Meetings: firearms (~~including~~ replicas and antiques) and their carriers (whether empty or not); toy guns; explosive material and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers; ~~scissors; razors, scalpels, box cutting knives, and other cutting tools; letter openers; corkscrews; can openers with points; knitting needles and hooks; hairspray; pepper spray, and aerosol containers;~~ scissors; razors, scalpels, box cutting knives, and

other cutting tools; letter openers; corkscrews; can openers with points; hairspray, pepper spray, and aerosol containers; tools that could reasonably be wielded as weapons; glass containers; large backpacks, suitcases, and bags; or other objects that Valley Water security staff or law enforcement personnel construe in their professional judgement as a weapon or security risk.

SECTION 6. ENFORCEMENT

This Ordinance will be enforced in the following manner:

All persons entering the Board Room, Committee Room(s) and designated Meeting room(s) and their effects, including but not limited to their bags, purses, briefcases, and similar belongings are subject to search.

- a. Audience members found to be in possession of a prohibited object (as defined in Section 5 hereof) will be asked to secure the prohibited object offsite ~~or in their vehicle.~~ . Security personnel will manage storing prohibited items during the Meeting as appropriate. If the audience member refuses to comply, the audience member will be denied entry to the Meeting.
- b. When the Board/Committee Chair becomes aware that a person is in violation of this ordinance, the Board/Committee Chair will order that person to abide by it. If, after receiving a warning from the Board/Committee Chair, the person persists in disturbing the Meeting, continuing to pose a safety threat or otherwise refusing to abide by this Ordinance, the Board/Committee Chair will order the person to leave the Meeting. If such person does not leave the Meeting, the Board/Committee Chair may direct the law enforcement officer assigned to the Meeting to remove that person from the Meeting.
- c. Pursuant to the California Water Code Appendix, Chapter 60, Section 9, it is a misdemeanor for any person to violate this Ordinance. Such violation is punishable by a fine not exceeding five hundred dollars (\$500), or imprisonment in the county jail not exceeding 30 days, or both that fine and that imprisonment.
- d. If a Meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the Meeting may be adjourned or continued by the Board/Committee Chair or by a majority of the Board/Committee, and any remaining Board/Committee business may be continued to the next Meeting as may be allowed by the Ralph M. Brown Act (Government Code section 54950 *et seq.*).

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on ~~March 22~~, ~~April 12~~, May 24, 2022:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: _____
John L. Varela
Board of Directors Chair Pro Tem

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors