



Regular Meeting

Item Number 2 – Open Session

Subject: Public Comment Regulations

Presenter(s): Brian J. Bartow

Item Type: Action

Date & Time: January 28, 2021 – 10 minutes

Attachment(s): Attachment 1 – Final Proposed Text of Public Comment Regulations

Attachment 2 – Resolution

PowerPoint(s): None

PURPOSE

The purpose of this item is to seek the board's adoption of CalSTRS regulations related to the framework for public comment at board and committee meetings.

DISCUSSION/SUMMARY

At the [January 2020](#) meeting, the board directed staff to begin the formal rulemaking process. A 45-day public comment period was noticed to the public, and the board conducted a hearing in July 2020. In [November 2020](#), the board approved proposed amendments to the regulations to address stakeholder concerns raised through public comment. In accordance with the Administrative Procedure Act, CalSTRS posted the revised regulations on November 16 for an additional 15-day public comment period.

No further substantive public comments were received. CalSTRS received one letter co-signed by four organizations during the 15-day comment period that notes staff's efforts to integrate nearly all previously requested amendments and expresses gratitude for staff responsiveness during the rulemaking process. The letter expresses continued concern with any limitations on speakers younger than 18 years old. However, the proposed regulations do not limit speakers' ability to address the board by age. As a result, staff is not recommending any changes to address this concern.

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The proposed final regulations are attached. The text is identical to what was made available to the public during the 15-day comment period.

RECOMMENDATION

Staff recommends that the board adopt the proposed regulations by adopting the attached draft resolution.

Title 5. Education. Division 3. Teachers' Retirement System.
Chapter 1. Teachers' Retirement System
Article 2. Rules of Procedure

§ 20511. Public Comment

- (a) The Teachers' Retirement Board operates with transparency in conducting the people's business and welcomes and embraces public participation on the matters before it in recognition of the importance and value such participation brings. The board also recognizes that unrestricted participation may at times delay or hinder completion of the public's business, and it therefore adopted this section in the interest of providing fair and equal access to as many members of the public to participate while adhering to its publicly noticed agenda.
- (b) Public comment will be limited to agenda items or to the subject matter within the jurisdiction of the board or committee that are not listed on the agenda. Comments on subject matter not listed on the agenda will be limited to those periods of time listed for general public comment.
- (c) Public comment for each speaker is limited to three (3) minutes per agenda item and three (3) minutes during the general comment period subject to subdivision (f).
- (d) The presiding chair of the board or committee may set, limit or extend the amount of time allotted to each member of the public and may set, limit or extend the amount of time allotted to any public comment period if the presiding chair determines that it is necessary for the orderly conduct of business.
- (e) The presiding chair may group members of the public who wish to provide public comment together by either topic or organization or by topic and organization.
- (f) The presiding chair of the board or committee may allow a member of the public to transfer their unused time for public comment to another member of the public if the presiding chair determines that it is necessary for the orderly conduct of business. In doing so, no member of the public shall exceed nine (9) minutes of speaking time per agenda item and the general comment period.
- (g) Any member of the public may submit comments in writing provided that such written comments are limited to items listed on the agenda or within the board's or committee's subject matter jurisdiction. To be included as a part of the administrative record for the board or committee meeting, written comments must be provided to a designated member of the staff.
- (h) In order to provide public comment as set forth in subdivisions (b) through (f), a member of the public is encouraged to submit a request to provide public comment with their name, whether they are 18 years of age or older, the agenda item number and the topic they wish to address. Completed public comment requests should be submitted to a designated staff member prior to the start of the public comment period to secure time to speak. Speakers will be called in the order in which the public comment requests are received unless otherwise grouped or organized at the discretion of the presiding chair. The presiding chair has the discretion to recognize additional speakers.
- (i) CalSTRS webcast, audio and video recording of the board and committee meetings is within the sound discretion of the board. Nothing in this regulation shall be interpreted to limit the public's

right to record or broadcast subject to the restrictions set forth in Government Code section 11124.1.

- (j) The presiding chair may stop a member of the public from providing further public comment or recess the meeting if they fail to comply with any of the foregoing, are unduly repetitious, or if they engage in any conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the meeting as set forth in subdivision (k).
- (k) In the event that any board or committee meeting is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting infeasible, the presiding chair of the board or committee may order the person, group or groups of persons willfully interrupting the meeting to leave the meeting or be removed from the meeting. Prior to removal, the presiding chair shall: notify the person, group or groups of persons that they are in non-compliance with meeting procedures; request that they comply; and inform them of the consequences of non-compliance.
- (l) CalSTRS reserves the right to inspect packages, backpacks, purses, and similar containers prior to allowing entrance into the board and committee meeting rooms.
- (m) Access to the meeting room is subject to applicable fire and safety codes, regulations and policies.

Note: Authority cited: Section 22305, Education Code and Section 11125.7, Government Code.
Reference: Sections 11120 and 11125.7, Government Code.

RESOLUTION
OF THE
TEACHERS' RETIREMENT BOARD

SUBJECT: Adoption of Public Comment Regulations

RESOLUTION NO. _____

WHEREAS, Section 22305 of the Education Code provides that any rules and regulations adopted by the board have the force and effect of law; and

WHEREAS, Section 11120 of the Government Code provides that it is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed; and

WHEREAS, Section 11125.7 of the Government Code provides that a state body may adopt reasonable regulations to ensure that the state body is able to provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item; and

WHEREAS, on January 31, 2020, the board approved adding Section 20511 to Article 2 of Chapter 1, Division 3, Title 5, California Code of Regulations and directed CalSTRS staff to give public notice and schedule a public hearing to be conducted by the Teachers' Retirement Board; and

WHEREAS, the Teachers' Retirement Board held a public hearing on July 16, 2020; and

WHEREAS, on November 5, 2020, the board approved amendments to Section 20511 of the regulations, and directed CalSTRS staff to hold a 15-day public comment period; and

WHEREAS, the Teachers' Retirement Board has provided an opportunity for public comment regarding the proposed regulations and duly considered all comments, objections or recommendations received; therefore, be it

RESOLVED, that the Teachers' Retirement Board adopts Section 20511 of Article 2 of Chapter 1, Division 3, Title 5, California Code of Regulations; and therefore, be it further

RESOLVED, that CalSTRS staff is instructed to submit the adopted regulation to the Office of Administrative Law (OAL) for final approval; and therefore, be it further

RESOLVED, that if, during the approval process, CalSTRS staff or the OAL determines that nonsubstantive corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the Chief Executive Officer or his designee may make such changes.

Adopted by:
Teachers' Retirement Board
on 1/28/2021

Jack Ehnes
Chief Executive Officer

Reviewed by:

Brian J. Bartow
General Counsel