Public Comment Policy

Policy Owner: CEO	**Policy Version:** 3.0
Effective Date: 6/18/2026	**Next Review Date:** June 2029

PURPOSE

The Boards of Administration (the "Boards") for the Federated City Employees' Retirement System and Police & Fire Department Retirement Plan are committed to transparent governance. The purpose of this Policy is to establish reasonable regulations governing public comment at public meetings of the Boards and their committees for the orderly conduct of such meetings, consistent with the Ralph M. Brown Act, Government Code §§ 54950 *et seq*.

SCOPE

This Policy applies to all public meetings of the Boards of the following retirement systems, including meetings of the full Boards and any standing committees thereof, and to all members of the public wishing to address those bodies:

☒ Federated City Employees' Retirement System

☒ Police & Fire Department Retirement Plan

This Policy governs public comment at any meeting of the Board or a Board Committee subject to the Ralph M. Brown Act, whether participation is in person, remotely, or both.

AUTHORITY & GOVERNANCE

This Policy is jointly issued under the authority of the Boards of the Federated City Employees' Retirement System and the Police and Fire Department Retirement Plan, pursuant to San José Municipal Code sections 3.28.140 and 3.36.350 and California Government Code sections 54954.3, 54957.95, and 54957.96 of the Ralph M. Brown Act.

The Boards are responsible for approving and maintaining this Policy and for reviewing it periodically to ensure continued compliance with applicable law.

Implementation and administration of this Policy is the responsibility of the Board Chair, and the Office of Retirement Services under the direction of the Chief Executive Officer.

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OVERVIEW

This Policy establishes rules and regulations governing public comment at meetings of the Boards and their committees, including timing, speaker limits, total time limits, remote participation, Chair authority, and the formal closing of public comment.

A. Public Speaker Recognition & Identification

Members of the public who wish to address the Board or its committees may state their name and affiliation for the record. Speakers will be called on in turn, and time limits as prescribed below will be set to ensure the meeting runs orderly.

B. Public Comment on Agenda Items

The public shall be afforded the opportunity to address the Board or Committee on each item on the agenda, limited to the matters directly related to the item under consideration, including closed session items prior to adjournment into closed session.

For each agenda item, the Chair shall invite public comment after the staff presentation and before Board or committee deliberation and action.

1). Frequency

No individual shall be permitted to address the Board or Committee more than once on the same agenda item.

2) Individual Time Limits and Adjustments

Each speaker is normally limited to **two minutes** per agenda item. Moreover, a speaker may not yield their time to another member of the public, bypassing the **two-minute** limit. ORS staff will time each speaker and when the signal is given, the speaker must close their comments. Where a speaker provides public comment beyond the two-minute limit without permission, the speaker disrupts the orderly conduct of the meeting, thereby impeding the Board from accomplishing its business in a reasonably efficient manner. In such circumstances, the Chair may direct ORS staff to either mute or remove the speaker from the meeting.

If more than **twelve** individuals request to speak on a single agenda item, the Chair may reduce individual speaker time to **one minute**.

In all cases, the meeting Chair will allow twice the allotted time for a speaker who requires the use of a translator to address the Board or Committee.

3) Formal Closure of Public Comment

Once all speakers have concluded or the applicable time limit has been reached, the Chair shall make a statement to formally close public comment. Upon such closing, no additional public comment shall be accepted on that item.

4) Board and Committee Response

At the conclusion of public comments, the Board or Committee may discuss agenda items and take any necessary action.

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C. General Public Comment

Each agenda shall include a designated General Public Comment item during which the public may address the Board or Committee on the subject matters within its jurisdiction that are not otherwise listed on the agenda.

1) Frequency

No individual shall be permitted to address the Board or Committee more than once during General Public Comment.

2) Individual Time Limits and Adjustments

Each speaker is generally limited to **two minutes** and they may not yield their time to another member of the public, bypassing the **two-minute** limit.

If more than **twelve** individuals request to speak on a single agenda item, the Chair may reduce individual speaker time to **one minute**.

In all cases, the meeting Chair will allow twice the allotted time for a speaker who requires the use of a translator to address the Board or Committee.

3) Formal Closure of Public Comment

Once all speakers have concluded or the applicable time limit has been reached, the Chair shall make a statement to formally close public comment. Upon such closing, no additional public comment shall be accepted.

4) Board and Committee Response

In accordance with the Ralph M. Brown Act, the Board or Committee shall not deliberate or take action on matters raised during General Public Comment at that meeting. However, subject to the Chair's discretion and direction, members of the Board or Committee or staff present may:

- Briefly respond
- Give direction to staff, including to place a matter of business on the agenda for a future meeting

D. Remote Public Comment

When remote public comment is offered, speakers participating remotely shall be subject to the same rules, time limits, and procedures as in-person speakers.

The Chair may, for meeting management purposes, sequence speakers by taking in-person public comment before remote public comment. Remote speakers shall be afforded the same individual time limits and total comment times as in-person speakers.

E. Chair Authority and Orderly Conduct

The Chair is responsible for maintaining the orderly conduct of meetings.

The Chair shall:

1) Enforce time limits and procedural rules established by this Policy

2) Provide notice and redirect speakers who stray from the subject of the agenda, or the subject matter jurisdiction of the Board or Committee

3) Remove or mute speakers who engage in disruptive conduct, including behavior that impedes the orderly conduct of the meeting, after appropriate warning that their behavior is disorderly and that their failure to cease such behavior may result in their removal, consistent with the Ralph M. Brown Act.

For the purpose of this Policy, "disruptive conduct" shall mean:

(1) Behavior during a meeting of the Board or Committee that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting;

(2) a failure to comply with this Policy; or

(3) Behavior that constitutes use of force or a true threat of force that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat of use of force by person making the threat.

This Policy supports open, lawful public comment and does not restrict the public's right to express criticism or viewpoints regarding the Board, its committees, staff, or the department.

F. Signs and Symbolic Materials

Members of the public may bring objects and symbolic materials, such as signs or banners, to meetings of the Board or its committees, subject to the following restrictions:

1) Size and Construction – No object shall be larger than two feet by three feet. No sticks, posts, poles, or similar items shall be attached to any sign or symbolic material. Items may not create a building maintenance problem or a fire or safety hazard.

2) Display and Conduct – Persons displaying signs or symbolic materials must remain seated while doing so and may not raise items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the conduct of the meeting.

3) Prohibited Items – Objects deemed a threat to persons at the meeting or to facility infrastructure are not permitted. ORS staff and building security are authorized to remove items and/or individuals from the meeting room if a threat exists or is perceived to exist. This restriction does not apply to firearms carried by active or retired law enforcement officers authorized to carry under applicable law. All other weapons, dangerous materials, and items unrelated to the meeting that create a safety or security concern are prohibited.

4) Prohibited Obscenity – Images or content of lewd material depicting sexual acts shall not be permitted.

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ROLES & RESPONSIBILITIES

Role	Responsibility
Board and Committee Chairs	Ensure public comment is conducted in accordance with this Policy and applicable law.
Boards and Committees	Apply this Policy consistently while conducting public business.
Office of Retirement Services Staff	Support meeting administration and implementation of this Policy.

EXCEPTIONS & NON-COMPLIANCE

Exceptions to this policy may be made in the discretion of and by direction of the Chair.

RELATED DOCUMENTS & REFERENCES

Ralph M. Brown Act, Government Code §§ 54950 *et seq.*

DOCUMENT REVIEW HISTORY

Version	Approval Date	Description of Changes
1.0	PF 4/15/2026 FED 4/16/2026	Creation of Policy
2.0	PF 5/20/2026 FED 5/21/2026	Amended – Total Time Limit for sections “Public Comment on Agenda Items” and “General Public Comment”, and total thirty-minute limit was removed based on guidance from legal counsel
3.0	PF 6/17/2026 FED 6/18/2026	Amended – Section E. Chair Authority and Orderly Conduct, replaced the word “and” with “or” in regard to elements of disruptive conduct.