

# **VALLEJO FLOOD AND WASTEWATER DISTRICT RULES OF ORDER AND PROCEDURE**

Last Version Adopted January 9, 2018

Revisions: Resolution 99-4531, 99-4534, 99-4535, 2000-4537, 2001-4641, 2003-4810, 2010-5347, 2011-5395, 2015-5665, 2017-5795, and 2018-5846.

## **I.** **AUTHORITY**

### **Section 1. Preamble.**

At a regular meeting of the Board of Trustees held on September 28, 1999, the Board of Trustees ("Board") by Resolution Number 99-4531, adopted written rules of order and procedure by which it governs its meetings. The purpose of these rules is to assure the orderly and efficient conduct of the meetings of the Board. These rules are intended to assure the right of the majority of the Board to decide items of business brought before the Board; the right of the minority to be heard; and the rights of any absent Trustees to be protected. These rules are also intended to foster and promote the right of citizens to have adequate notice of business scheduled for consideration by the Board and a fair and reasonable opportunity to attend and be heard.

### **Section 2. Source.**

These rules of order and procedure for the meetings of the Board are adopted in compliance with the requirements of laws of the State of California (see in particular, the **Ralph M. Brown Act**, California Government Code, sections 54950 through 54963, as amended). Whenever these rules are found to be in conflict with the terms and provisions of the Brown Act, the Act shall apply and govern.

## **II.** **GENERAL RULES**

### **Section 3. Quorum.**

A quorum shall be five or more Trustees, except as provided otherwise by State law, but fewer may adjourn from time to time and compel attendance of absent members in such manner as may be prescribed by ordinance.

### **Section 4. Election of Officers.**

At the first regular meeting in February of each calendar year, the Board shall elect the following officers: President, Vice-President, and Secretary. Each of said officers shall serve as such until the election held in February of the following calendar year.

Any time any office is vacated an election may be held to fill the vacancy until the next regular election in February.

**Section 5. Journal of Proceedings.**

An account of all open sessions of the Board shall be prepared and kept by the Clerk of the Board and shall be entered in a permanent book or other permanent form constituting the official record of the Board meetings (excluding closed sessions).

**Section 6. Ordinances; Limitations.**

- A. No ordinance, except an appropriations ordinance, an ordinance adopting or embodying provisions of the California Code of Regulations or the California Government Code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.
- B. Prior to the preparation by District staff of a new ordinance or substantial revisions (as determined by District Counsel) of an existing ordinance involving policy considerations, the matter shall be presented to the Board for a determination whether the Board wants to proceed, and if so, a resolution of intention to consider such ordinance or revised ordinance shall be adopted directing preparation and submission of the ordinance proposal.

**Section 7. Use of Electronic Media.**

During meetings of the Board and committees of the Board that are noticed and open to the public pursuant to the Brown Act, the use of electronic media by members of the Board to access the Internet or to communicate with other members (e.g., by e-mail or text messages) or with members of the public, is not permitted.

**III.**  
**STAFFING OF BOARD MEETINGS**

**Section 8. District Manager.**

The District Manager or designee shall attend each Board meeting unless excused by the presiding officer or Board, and shall be subject to the direction of the Board during Board meetings. The District Manager may make recommendations to the Board and shall have the right to take part in all discussions of the Board, but shall have no vote.

**Section 9. District Counsel.**

The District Counsel, or designee shall attend each Board meeting unless excused by the presiding officer or Board, and shall be subject to the direction of the Board during Board meetings. The presiding officer, the Board or any Trustee, may call upon the District Counsel at any time for an explanation of, or written opinion on, a point of law. Rulings on points of order shall, however, be made by the presiding officer, subject to the right of appeal by a Board member as set forth in Section 68.

**Section 10. Clerk of the Board.**

The Clerk of the Board, or designee shall attend each Board meeting unless excused by the presiding officer or Board, and shall be subject to the direction of the Board during Board meetings. The Clerk of the Board shall keep the official minutes and perform such other duties as may be requested by the Board.

**Section 11. Officers and Employees.**

Departmental Directors, or their designee, shall attend such Board meetings upon request of the District Manager where there is pertinent business from their department on the Board agenda.

**Section 12. Security Officers.**

At his or her discretion, the District Manager may arrange to have a sufficient number of trained and sworn security officers in attendance at the Board's public meetings, who shall be sergeants-at-arms of the Board meetings. Such security personnel shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Board meetings. Upon direction of the presiding officer and/or District Manager, it shall be the duty of such security personnel to place any person who violates the order and decorum of the meeting after appropriate warning under arrest, and cause such person to be prosecuted under provisions of applicable law, the complaint to be signed by the presiding officer.

**IV.  
MEETINGS OF THE BOARD**

**Section 13. Regular Meetings.**

- A. Regular meetings of the Board shall be held on the second (2<sup>nd</sup>) Tuesday of each month at the hour of 6:00 p.m. The Board meeting schedule prepared and circulated by the Clerk of the Board may provide for cancellation of regular meetings for recognized holidays and may be modified by the Board from time to time to conduct the District's business. If at any regular meeting, business before the Board remains unfinished, the Board may adjourn from time to time to dispose of the same or to transact any other unfinished business. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Clerk of the Board may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 14 for special meetings, unless such notice is waived as provided for special meetings. A copy of the notice of adjournment shall be posted conspicuously on or near the door of the place where the regular, or adjourned regular, meeting was held within 24 hours after the time of adjournment. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.
- B. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held on the next regular meeting day set forth in the annual meeting schedule at 6:00 p.m.

**Section 14. Special and Emergency Meetings.**

Special and emergency meetings shall be held and noticed in compliance with the terms and provisions of the Brown Act, Govt. Code sections 54956 and 54956.5.

**Section 15. Closed Sessions.**

Closed sessions shall be held and noticed in compliance with the terms and provisions of the Brown Act, Govt. Code sections 54956.7 through 54957.10.

**V.**

**CHAMBER ATTENDANCE AND FACILITIES**

**Section 16. Board Attendance; Limitations.**

Meeting chamber attendance shall be limited to the posted seating capacity thereof. Entrance to the chamber will be appropriately regulated by the District Manager or designee, on occasions when the Board chamber capacity is likely to be exceeded. While the Board is in session, members of the public shall not remain standing in the Board chamber except to address the Board, and sitting on the floor shall not be permitted. During Board meetings, no musical instruments, firearms (except in the possession of peace officers), toy firearms, placards or other items of potentially disruptive nature, shall be brought into the Board chamber nor shall any handbills or fliers be distributed in the Board chamber. The Board proceedings may be conveyed by loud speaker to those who have been unable to enter the Board chamber.

**Section 17. Facilities.**

Regular and special meetings of the Board shall be held in the City of Vallejo Council Chambers, City Hall, 555 Santa Clara Street, Vallejo, California, or at such other locations as permitted by the Brown Act, Govt. Code section 54954. Whenever at a regular or special meeting of the Board it is anticipated by the District Manager that the attendance will be substantially greater than the posted capacity of the regular meeting location, the District Manager may make arrangements for the use of a suitable alternative facility for such meeting of the Board. The Board shall not conduct any regular or special meeting in any facility that prohibits the admittance of any person or persons on the basis of race, religion, creed, color, national origin, ancestry, gender, or sexual orientation. Facilities shall be accessible to the physically disabled.

**VI.**

**DECORUM**

**Section 18. Presiding Officer.**

The presiding officer shall take all action reasonably necessary to preserve order at all times during Board meetings.

## **Section 19. Responsibility of Trustees.**

During Board meetings, Trustees shall conduct themselves in accordance with these rules and in such a manner as to avoid disrupting the meeting. Except as otherwise provided in these rules, Board members shall abide by the rulings of the Board and presiding officer.

## **Section 20. Responsibility of Other Persons.**

Other persons attending Board meetings shall observe these rules, any additional rules the Board may establish or concur in for a particular matter, and the orders of the presiding officer with respect to the conduct of the meeting. No person shall willfully disrupt or disturb any Board meeting without lawful authority. This includes, but is not limited to, unsolicited comments, talking or making noise so loud as to interfere with the conduct of business at the meeting. No person shall approach a Trustee while the Board is in session, unless specifically requested to do so by the presiding officer. Any message to, or contact with a Trustee while the Board is in session shall be made through the Clerk of the Board.

## **Section 21. Remedies for Disruption of Board Meeting.**

- A. Any person who unlawfully disrupts or disturbs a Board meeting may be removed and barred from further attendance before the Board at that meeting, unless permission to remain or return is granted by a majority vote of the Board.
- B. Decorum at the meeting shall be enforced in the following manner:
  1. Warning. The presiding officer shall request that a person who is disrupting or disturbing the meeting be orderly and silent. If, after receiving a warning from the presiding officer, a person persists in disrupting or disturbing the meeting, the presiding officer shall order him or her to leave the Board meeting. If such person does not remove him or herself immediately, the presiding officer may order any security officer or other law enforcement officer who is on duty at the meeting to remove that person from the meeting.
  2. Resisting or interference with removal. Any person who resists removal or interferes with the removal of a person by the security officer may be charged with a violation of this section and/or any other applicable State penal statute, including, but not limited to, Penal Code section 148.
- C. Any person who unlawfully disrupts or disturbs a Board meeting may be arrested for a violation of Penal Code section 403, or any other then applicable statute. Such arrest may be accomplished in any manner authorized by law, including, but not limited to, a citizen's arrest at the request of the presiding officer.
- D. In the event that any Board meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the presiding officer or Board may order the meeting room cleared and continue in session pursuant to the Brown Act, Govt. Code section 54957.9, or any other applicable statute.

- E. The remedies set forth above are in addition to any other remedies provided by law. The barring of a person from further attendance before the Board at a meeting pursuant to Subsection A and the clearing of the meeting room pursuant to Subsection D are not intended to preclude the bringing of criminal charges against any person who unlawfully disrupts or disturbs the Board meeting.

**VII.**  
**AGENDA AND ORDER OF BUSINESS FOR**  
**REGULAR MEETINGS**

**Section 22. Items Included.**

Prior to a deadline established by the Clerk of the Board for the preparation of a regular meeting agenda, items of business shall be included on the agenda at the request of the President, by an individual Board member, by the District Manager, or by the District Counsel; provided, however, that no item of business which has been acted upon by the Board at a prior meeting within the past twelve months, shall be placed upon the written agenda for reconsideration except at the request of a Trustee who voted in the majority on such matter or question, or upon the consent in writing of a majority of the members of the Board filed with the Clerk of the Board prior to the agenda's deadline.

**Section 23. Preparation and Posting.**

The Clerk of the Board or designee shall prepare and furnish to each Trustee and to the District Counsel, and to such other persons as the Board may designate, an electronic agenda for regular meetings. The District Manager or designee shall endeavor to arrange the agenda in such a manner that adjournment, if at all possible, shall be had no later than 11:00 p.m. of the date scheduled for the meeting. The agenda shall be published and posted, and no action or discussion shall take place on any item not appearing on the posted agenda except as permitted by the terms and provisions of the Brown Act, Govt. Code section 54954.2. The Clerk of the Board shall cause the agenda to be physically posted by the front door of the main office of the District, and at the meeting location (whenever possible), or at another location that is freely accessible to members of the public, at least seventy-two hours prior to the regular meeting. The Clerk of the Board shall electronically post the agenda to the District's website. The agenda, with all attachments, shall be made available to any member of the public at the office of the Clerk of the Board upon request, free of charge. At the place of the regular meeting, a copy of the agenda, plus all attachments, placed in a binder shall be available to members of the public during the Board meeting. Requests for agendas to be mailed shall be accommodated by the Clerk of the Board upon receipt of a self-addressed, stamped envelope provided by the requesting party, or the agenda shall be emailed to the requesting party free of charge.

**Section 24. Order of Business.**

The business of the Board at its regular meetings shall be as set forth in the agenda published and posted by the Clerk of the Board or designee and shall be taken up for consideration and disposition in the order hereinafter set forth. On the majority vote of the Board, a matter may be taken out of order as is deemed necessary or advisable so long as there is no discernible prejudice to the right of the public to be heard on the matter.

Any item not on the posted agenda may be added to the agenda and considered only in the manner prescribed by the Brown Act, Govt. Code section 54954.2.

Order of Business

- A. Call to order;
- B. Pledge of allegiance;
- C. Roll call;
- D. Presentations and Commendations;
- E. Comments on Consent Calendar by members of the public;
- F. Consent Calendar and Approval of Agenda (may include unadopted minutes of a prior meeting and payment of claims);
- G. Public hearings;
- H. Policy items;
- I. Administrative items;
- J. Appointments to boards, commissions and committees;
- K. Written communications;
- L. District Manager's report;
- M. District Counsel's report;
- N. Community Forum;
- O. Reports by presiding officer and Trustees;
- P. Closed Session;
- Q. Adjournment.

**Section 25. Roll Call.**

After initial roll call by the Clerk of the Board, the later arrival of any Trustee shall be entered in the minutes with the time of arrival to be noted.

**Section 26. Special Presentations.**

Special presentations by members of the public to the Board may be made from time to time provided that prior notice is given to the District Manager that a special presentation is being planned, and describing the subject matter and the date requested to appear on the agenda. The District Manager shall determine when the presentation shall appear on the agenda, scheduling it as promptly as time permits, taking into account the date requested.

**Section 27. Minutes.**

The Clerk of the Board shall distribute copies (electronic or otherwise) of the unadopted minutes of any previous meeting(s) to each Trustee along with the agenda and accompanying materials (agenda packet). Unless reading the minutes is requested by a Trustee, such minutes may be adopted on the consent calendar without reading.

**Section 28. Written Communications.**

Written communications from the public to the Board must be received by the Clerk of the Board no later than the time and date established by the Clerk of the Board for preparation of the next meeting's agenda. The Clerk of the Board shall include such communications in the agenda packet. When the Board so directs, appropriate replies shall be made by the District Manager or other person(s) designated by the Board. Anonymous or unsigned communications shall not be submitted to the Board for any purpose.

**Section 29. Community Forum.**

The presiding officer shall announce, after consideration of reports of the District Manager and District Counsel, that members of the public shall have the opportunity to address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board. Community forum shall be conducted for a reasonable period of time to accommodate all those persons wishing to speak, with each speaker limited to three (3) minutes. Except as permitted by the Brown Act, Govt. Code sections 54954.2 and 54954.3, no discussion or action shall be taken on matters brought up during the community forum.

**Section 30. Consent Calendar.**

The District Manager, District Counsel, or the Clerk of the Board may recommend that certain items be placed on the consent calendar for action by the Board. Each item placed on the consent calendar shall appear with a recommendation of the District Manager or District Counsel as to the action to be taken by the Board. Upon motion by any Trustee, all items placed upon the consent calendar may be acted upon collectively, and each shall be deemed to have received the action recommended by the District Manager or District Counsel. If any Trustee requests removal of an item from the consent calendar, or if any member of the public requests removal of an item for the purpose of addressing it and a majority of the Board concurs in that request, the item shall be removed from the consent calendar and shall be heard and acted upon immediately after approval of the consent calendar and approval of the agenda. Consistent with the Brown Act and before the Board takes action on the consent calendar and approval of agenda, members of the public shall be given the opportunity to address the Board on any item appearing on the consent calendar, including requesting the removal of any item thereon as set forth above, with each speaker limited to five (5) minutes.

**Section 31. Approval of Agenda.**

After making such changes in the agenda, if any, as permitted under these rules and the applicable state law, the Board shall approve the agenda, which shall constitute the agenda of business to be considered at the meeting. The motion offered to approve the agenda shall include the adoption of the consent calendar.

## **Section 32. Public Hearings - General.**

- A. The Board may from time to time order that public hearings be conducted on items of public interest even though such hearing may not be required by law. The presiding officer, with the consent of the Board, may set a reasonable time limit in which the public hearing is to be conducted. Anyone desiring to address the Board on the subject of the public hearing shall conform to the provisions of Sections 38 and 39. The presiding officer may direct those making a presentation to avoid repetition in order to permit the maximum amount of information to be provided the Board, and may require that one person be designated to represent groups or organization to facilitate maximum community input.
- B. Procedure for Hearing
1. The Clerk of the Board of the Board shall announce the public hearing.
  2. The staff report, if any, shall be presented.
  3. The presiding officer shall declare the public hearing open.
  4. The Board shall hear those members of the public interested in the matter. The presiding officer:
    - a) May limit individual presentations, may limit the amount of time allotted for public input, and may limit the number of speakers with similar positions.
    - b) May order that no person speak more than once until all persons wishing to speak have spoken once.
    - c) May use the card system provided for in Section 38.
  5. The presiding officer shall close the public hearing.
  6. A Trustee:
    - a) May question any speaker during the hearing.
    - b) Shall not introduce a motion, resolution, or ordinance to approve, modify or deny the subject matter being heard until the presiding officer closes the public hearing.
- C. Any public hearing being held, or noticed, or ordered to be held may, by the Board at any meeting, be continued or re-continued to any subsequent meeting, in the same manner and to the same extent as set forth herein for the adjournment of meeting; provided, however, if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the original order or notice of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order or notice of continuance was adopted.

### **Section 33. Procedures for Public Hearings on Appeals from Decisions of Staff.**

- A. On an appeal to the Board from a decision of staff, the Clerk of the Board shall secure from the staff the documents upon which the staff has acted. The Clerk of the Board shall inform the appellant that the Board will not consider the appeal if any concept, substantive portion, or detail of the plan(s) or document(s) upon which staff has acted will be changed by the time of the hearing. Should the appellant desire to submit any new or illustrative material at the time of the hearing, the appellant shall first submit it to the staff, which shall certify on the material whether or not the additional material conforms to that upon which staff has acted. The material so certified shall then be delivered to the Clerk of the Board.
- B. Procedure for Hearing.
1. The Clerk of the Board shall announce the public hearing.
  2. The staff report shall be presented.
  3. The presiding officer shall declare the public hearing open.
  4. The presiding officer shall first call on the appellant to be heard, with twenty minutes as the time limit for presentation. If the appellant is not also the applicant, the applicant shall be permitted ten minutes for rebuttal. Ten minutes shall then be permitted the staff for rebuttal, and ten minutes thereafter for surrebuttal by the appellant. These time limitations may be extended by permission of the Board. Presentation of plans or drawings containing substantive changes from those upon which the staff has acted shall be ruled out of order.
  5. The Board shall hear those members of the public interested in the appeal. The presiding officer:
    - a) May limit individual presentations, may limit the amount of time allotted for public input, and may limit the number of speakers with similar positions;
    - b) May order that no person speak more than once until all persons wishing to speak have spoken once;
    - c) May use the card system provided for in Section 38.
  7. The presiding officer shall close the public hearing.
  8. A Trustee:
    - a) May question any speaker during the hearing.
    - b) Shall not introduce a motion, resolution, or ordinance to approve, modify, or deny the subject matter being heard until the public hearing is closed by the presiding officer.

- C. Any appellate hearing being held, or noticed or ordered to be held, may by the Board at any meeting be continued or re-continued to any subsequent meeting, in the same manner and to the same extent set forth herein for the adjournment of meetings; provided, however, if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the original order or notice of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order or notice of continuance was adopted.

**Section 34. Payment of Claims.**

The presiding officer shall appoint a Trustee to review the claims. Payment of claims may be placed on the consent calendar as an item for Board action in the manner specified in Section 30. Any Trustee may inquire or request further investigation and report as to any item appearing upon the written claims printout.

**VIII.**  
**PUBLIC PARTICIPATION**

**Section 35. Policy.**

Pursuant to the Brown Act, Govt. Code section 54954.3, members of the public shall be afforded the opportunity to speak on any agenda item of a substantive nature providing they are first recognized by the presiding officer.

**Section 36. Addressing the Board.**

Any person desiring to address the Board by oral communication shall first secure the permission of the presiding officer; provided, however, that preference will be given to those persons who have submitted a card provided for that purpose, or in the absence of the card system those who have submitted to the Clerk of the Board a written request in advance or at the commencement of the meeting of their desire to speak, and they will be given preferential recognition by the presiding officer in the order in which received.

**Section 37. Spokespersons.**

Designated spokespersons for recognized groups or organizations may be given priority over individuals who desire to address the Board.

**Section 38. Card System.**

Cards will be available at the meeting location for persons who wish to address the Board at a public hearing or on another item of agenda business. After filling out the information requested, the a person wishing to speak shall hand the card to the Clerk of the Board or designated staff member no earlier than 15 minutes before the commencement of the meeting. The presiding officer will call on those wishing to speak in the order in which the cards are received, except as provided elsewhere in this chapter. After such persons are heard, the presiding officer may then call for any additional speakers.

**Section 39. Method for Obtaining Recognition by Presiding Officer.**

If a written request for permission to address the Board has not been submitted, a person wishing to gain recognition may approach the speaker's podium and wait, silently, to be recognized by the presiding officer.

**Section 40. Time Limit.**

Persons wishing to address the Board on items of business listed on the agenda will have five (5) minutes to do so; provided, however, that any speaker may request additional time and will be granted such only with the permission of the presiding officer and subject to the consent of the Board.

**Section 41. Discussion between Citizens and Board.**

All remarks shall be addressed to the Board as a body and not any member thereof. No person, other than the presiding officer of the Board and the person having the floor, shall be permitted to enter into any brief discussion, either directly or through a member of the Board, without the permission of the presiding officer. No question shall be asked of a Trustee or member of the staff except through the presiding officer.

**Section 42. Topic for Discussion.**

Members of the public shall address their remarks only to the agenda item then under discussion by the Board.

**Section 43. Manner of Addressing Board.**

Before speaking on the issue under consideration, a member of the public shall state his or her name and may state his or her business or home address in a clear and audible tone of voice.

**Section 44. Repetition.**

Recognized speakers shall refrain from unnecessary repetition of issues and points already raised by previous speakers.

**IX.**  
**RULES OF ORDER AND DEBATE**

**Section 45. Rules of Order.**

At all meetings of the Board, Roberts Rules of Order, as amended, shall be the governing rules of order and debate, unless such are in conflict with these rules, in which case these rules shall apply and govern.

**Section 46. Presiding Officer.**

The President, if present, shall preside at all meetings of the Board. In the absence of the President, the Vice President shall preside. In the absence of the President and Vice President, the Secretary shall preside. The presiding officer may debate and vote, and may make a motion, offer a resolution, or introduce an ordinance, without relinquishing the chair.

**Section 47. Preservation of Order.**

The presiding officer shall preserve order and decorum, prevent attacks on personalities or the impugning of Trustees' motives, confine Trustees in debate to the question under discussion, and otherwise curtail disruption of the meeting.

**Section 48. Points of Order.**

The presiding officer shall determine all points of order, subject to the right of any Trustee to appeal to the Board. If an appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?"

**Section 49. Personal Privilege.**

The right of a Trustee to address the Board on a question of privilege shall be limited to cases in which the members' integrity, character or motives are assailed, questioned or impugned.

**Section 50. Dissents and Protests.**

Any Trustee shall have the right to dissent from any action of the Board or ruling of the presiding officer and have the reason therefor entered in the minutes. Such dissent shall be in writing, stated in respectful terms, and presented to the Board not later than the next regular meeting following the date of such action.

**Section 51. Trustees.**

Trustees desiring to speak shall so signify by using the lighting system provided for that purpose, or in its absence shall address the presiding officer. The presiding officer shall call upon Trustees in the sequence in which they have sought recognition. A Trustee shall not call for a showing of hands or other demonstration of those present in the audience, unless granted permission to do so by the presiding officer. No Board member may speak for longer than fifteen (15) minutes at any one time, unless additional time is granted upon a majority vote of the Board.

**Section 52. Discussion Prior to Formal Action.**

It shall not be necessary to make a motion, offer a resolution, or introduce an ordinance, before debate by the Board, or before the public is allowed to speak. No such motion or resolution, or introduction of an ordinance, shall be made at any time before a public hearing on that subject is closed.

**Section 53. Second Not Required.**

A second shall not be required in order to make a motion, offer a resolution, or introduce an ordinance for Board action.

**Section 54. Amendment.**

An amendment merely changes the wording of the motion or matter to be voted upon; it is made by striking out, inserting, adding, or substituting certain words, phrases, sentences or paragraphs in the original motion. There can be no more than two amendments under consideration at the same time.

**Section 55. Substitute Motion.**

A substitute motion, proposing to strike out the entire original motion and to insert in its place a more satisfactory motion, ranks as an amendment to the main motion.

**Section 56. Division of Question.**

If a motion, or any proposed amendment thereto, contains two or more separable propositions, the presiding officer may, and upon request of a trustee shall, divide the question.

**Section 57. Motions to Postpone.**

- A. A motion to postpone indefinitely is debatable if the main motion to which it applies is debatable. The motion cannot be amended nor referred. If carried, the subject cannot be brought up again except by way of a motion to reconsider at a subsequent meeting as provided in Section 63.
- B. A motion to postpone definitely (*i.e.*, to a time certain), has priority over motions to refer, to amend, to postpone indefinitely, and the main motion. Such a motion is debatable as to the desirability of postponement and the time to which postponement is to be made. It can be amended by changing the time to which postponement is to be made. It yields only to a motion to close debate or to table.

**Section 58. Motion to Refer.**

A motion may be made to refer the question at hand to a specified committee, staff member, other person, or to a special committee to be appointed. The motion is debatable as to desirability of referring, as to the size and method of appointment of the committee if one is to be appointed, and as to instructions for and responsibility of those to whom the question is referred. The motion shall have priority over the main motion, a motion to amend, and a motion to postpone indefinitely. It cannot be tabled or postponed.

**Section 59. Motion to Close Debate (Previous Question); Limit Debate.**

- A. A motion to close debate requires a two-thirds vote for passage. It is not debatable and cannot be amended. It yields only to a motion to lay on the table. If the motion carries, and unless the motion is made to include "all pending questions," the presiding officer shall put pending amendments to the main question, without debate, in the inverse order of their introduction, before putting the main question to vote.
- B. A motion to limit debate shall be subject to the same rules as a motion to close debate, said motion to specify time limits for each speaker, or the number of speakers for affirmative and negative sides, or the total time limit for consideration of the main motion or question.

**Section 60. Motion to Table.**

A motion to table (*i.e.*, to lay on the table) is not debatable and cannot be amended. The motion is in order where a motion to close debate has been carried, or when it is pending. The motion is proper only when the pending subject needs to be set aside temporarily because something else of immediate urgency has arisen. If the motion is carried, consideration of the subject matter may be resumed at that meeting or the next succeeding meeting on motion to take from the table made by any Trustee, and if not taken up by that time, the subject expires. The subject, however, may be reintroduced before the Board at a later date as a new matter.

**Section 61. To Withdraw a Motion.**

A motion or offer of a resolution may be withdrawn by the maker, after first gaining recognition from the presiding officer, at any time before vote by the Board.

**Section 62. Motion to Reconsider.**

A motion to reconsider any action taken by the Board may be made at any time at the meeting during which such action was taken or at a recessed session of that meeting. The motion may be made only by a Trustee who had previously voted with the prevailing side. A resolution or motion authorizing or relating to the approval of a contract may be reconsidered only prior to the actual execution of the contract. A question can be reconsidered only once during the meeting.

**Section 63. Motion to Reconsider at Subsequent Meeting.**

After the Board has taken action on a matter or question, a motion to reconsider that action, or to reconsider any prior action taken on a matter or question having substantially the same content or purpose as the matter already acted upon, shall not be made at any subsequent meeting for at least twelve months after the date of such action, except by a Trustee who voted in the majority on such matter or question, or upon the written consent of a majority of Trustees filed with the Clerk of the Board. The item then before the Board shall be whether the matter or question should be reconsidered, and, if the Board approves the request, the matter or question shall be placed on a future agenda for consideration.

**Section 64. Method of Voting.**

Votes of the Board shall be cast and displayed on the electronic voting board so that each Trustee's vote may be recorded by the Clerk of the Board. In the event of a breakdown or a malfunction of the electronic voting equipment, the Clerk of the Board shall call the roll for voting in the descending order that the names of the Trustees appear on the electronic voting board. At the conclusion of the voting the Clerk shall announce the results of the vote by stating whether the measure carried or failed and by what vote. Voting by proxy shall not be permitted.

**Section 65. Tie Vote.**

Except as otherwise provided by general law, the affirmative vote of at least five Trustees shall be necessary to adopt any ordinance, resolution or motion. Any question on which the vote is tied is lost.

**Section 66. Abstention.**

It shall be the duty of each Trustee present at a meeting of the Board to vote on each matter or question before the Board for action, unless:

- A. The Trustee is disqualified under the terms of the Political Reform Act (Govt. Code sections 87100, *et seq.*) wherein it is reasonably foreseeable that the decision would have a material financial effect on the Trustee, the Trustee's immediate family, or on specified economic interests of the Trustee if that financial effect is different from the effect on the general public; or
- B. The Trustee is disqualified under the terms of Govt. Code Sections 1090, *et seq.*, dealing with public contracts in which the Trustee may have a direct or indirect financial interest, the prohibition including preliminary discussions, negotiations, planning, and solicitation of bids.
- C. Abstention for any reason other than those mentioned above shall constitute consent to the action proposed, and the Clerk of the Board shall announce at the meeting and enter in the minutes that the abstention was cast as an "aye" vote pursuant to this rule.
- D. Nothing in this section is intended to abrogate the judicially declared "limited rule of necessity" adopted in this State pertaining to the duty of members of public and legislative bodies to vote on matters which require their action.

**Section 67. Point of Order.**

A Trustee may, without waiting for recognition, rise to a point of order to secure a ruling from the presiding officer on a matter thought to be of sufficient importance to require immediate attention. A Trustee may:

- A. Question the validity of the parliamentary procedure being followed;
- B. Call a speaker to order for the inappropriate use of language or any breach of decorum;
- C. Call attention to a condition that inconveniences members;

- D. Raise a parliamentary inquiry, or call attention to a violation of correct procedure; or
- E. Question a ruling by the presiding officer on a point of parliamentary procedure prior to appealing the decision of the presiding officer to the Board.

Rising to a point of order is in order at any time, may interrupt a speaker who has the floor, is not debatable, cannot be amended, and requires no vote of the Board. The Trustee rising to a point of order may explain his/her position and the presiding officer may state his/her position in ruling on the request.

#### **Section 68. Appeal from the Decision of the Presiding Officer.**

A Trustee may appeal to the Board a decision or ruling of the presiding officer. An appeal must be made immediately following the decision or ruling in question, and it may be made when another has been recognized (had the floor). The motion is debatable if appeal is from a decision regarding a debatable motion. It may not be amended, postponed, or referred to a committee. It is not debatable if the ruling appealed relates to decorum or violation of rules of speaking, or is made when an undebatable motion is pending. The appeal is subject to a motion to close debate and to table when debatable. The motion may be reconsidered.

#### **Section 69. Points of Information.**

A Trustee may make a request for information relevant to the business at hand but not related to parliamentary procedure. The request may be directed to the presiding officer or through the presiding officer to another Trustee or to an officer or employee of the District. The request must be put in the form of a question. If directed to a Trustee who has the floor, the presiding officer will ask consent of the speaker to the interruption.

#### **Section 70. Motion to Adjourn or Recess.**

An unqualified motion to adjourn has priority over all other motions except the motion to fix time of the next meeting. It is always in order, except:

- A. When repeated without intervening business or discussion;
- B. When made as an interruption of a Trustee speaking;
- C. When a previous question has been ordered and is being discussed; and
- D. While a vote is being taken.

The motion to adjourn is not debatable and cannot be amended. Before putting the motion to adjourn to vote of the Board, the presiding officer may inform the Board of any important matter demanding its attention and consideration before adjournment.

As a privileged motion, that is, when other business is pending, the motion to recess yields only to the unqualified motion to adjourn and to the motion to fix time of the next meeting. After a recess business proceeds from the point reached immediately preceding the recess.

## **Section 71. Precedence of Motions.**

When a question or motion is before the Board, only the following motions may be entertained, in descending order of preference:

- A. A motion to fix the time of the next meeting under Section 70;
- B. A motion to adjourn under Section 70;
- C. A motion to table or lay on the table under Section 60;
- D. A motion to close debate under Section 59;
- E. A motion to refer under Section 58;
- F. A motion to postpone definitely or a time certain under Section 57;
- G. A motion to postpone indefinitely under Section 57;
- H. A motion to amend, or substitute motion, under Sections 54 and 55.

The debatability of any such motion is as described in the sections referred to hereinabove. No such motion shall be entertained, however, if it is not in order.

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