

RESOLUTION NO. 2009-16

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE PLACER MOSQUITO AND VECTOR CONTROL DISTRICT ESTABLISHING RULES FOR PROCEEDINGS OF BOARD MEETINGS

BE IT RESOLVED by the Board of Trustees of the Placer Mosquito and Vector Control District that the following rules for proceedings of Board meetings are hereby established:

PLACER MOSQUITO AND VECTOR CONTROL DISTRICT RULES FOR PROCEEDINGS OF BOARD OF TRUSTEES MEETINGS

1. Introduction. These are the rules for proceedings of meetings of the Board of Trustees of the Placer Mosquito and Vector Control District. They are adopted pursuant to Health and Safety Code section 2029(e). The Board governs the District and determines all questions of District policy. The purpose of these rules is to facilitate the conduct of Board meetings, and public participation in Board meetings, in an orderly and efficient manner. The Mosquito Abatement and Vector Control District Law (Health and Safety Code § 2000 and following), Ralph M. Brown Act (Government Code § 54950 and following) and any other applicable law shall control over any inconsistent provision contained in these rules.

2. Board Composition. The Board of Trustees shall be appointed pursuant to Health and Safety Code section 2021(b). The Board consists of seven trustees with one trustee appointed by each City Council of the Cities of Auburn, Colfax, Lincoln, Rocklin, Roseville, Town of Loomis, and one trustee appointed by the Placer County Board of Supervisors. Trustees serve for a term of office of two or four years as determined by the appointing city or county. Terms of office commence on the first Monday in January. A vacancy on the Board of Trustees shall be filled by the appointing city or county pursuant to Health and Safety Code section 2024(b) and Government Code section 1779.

3. Method of Transacting Business. A majority of the Board shall constitute a quorum for the transaction of business (i.e., at least four trustees). The Board shall act only by ordinance, resolution or motion. Board action requires a majority vote of those trustees present and voting (i.e., a majority of a quorum), except when a different voting requirement to approve a particular action is specified under state law. Unless a trustee expressly abstains from voting, a trustee's silence will be recorded as an affirmative vote. An express abstention will not be counted as an affirmative vote.

4. Minutes. The District Secretary shall prepare and maintain written minutes of each Board meeting. The District Board minutes shall include at least the following information: names of the trustees and staff present at the meeting; brief summary of the discussion of the Board on each matter considered; names of the trustees who make and second ordinances, resolutions and motions; and, the ayes and noes taken upon all action items. Any trustee may request that a brief abstract of his or her statement either in support or opposition of any matter be entered in the minutes.

5. Board Officers. The officers of the Board shall consist of a President, Vice President and Secretary. At its regular meeting in the month of January, the Board shall elect one of its members as President and one of its members as Vice President and shall appoint a District employee as Secretary. The term of office for President, Vice President and Secretary shall be for one year from February 1 to January 31; provided, however, that the President, Vice President and Secretary serve at the pleasure of the Board and may be changed at any time with or without cause. In the event of a vacancy, the office may be filled immediately by the Board.

The President shall have the following duties:

- (a) To preside over Board meetings and preserve order and decorum.
- (b) To determine questions of order and enforce rules of the Board, subject to appeal to the entire Board.
- (c) To call special meetings.
- (d) To execute all ordinances, resolutions and contracts of the District, except as otherwise authorized by the Board.
- (e) To appoint Board committees.

In the absence of the President or vacancy in the office of President, the Vice President shall perform the duties of the President.

The Secretary shall have the following duties:

- (a) To keep and maintain the Board agendas, notices and minutes.
- (b) To attest to the signature of the President on ordinances, resolutions and other documents requiring attestation or verification.
- (c) To certify District documents as true and correct copies.
- (d) To give notice of meetings and hearings as required by law and these rules.
- (e) To maintain records of the District.
- (f) To serve as FPPC Form 700 filing officer.
- (g) To perform such other duties as directed by the President or the Board.

6. Order of Business. The order of business taken up for consideration by the Board at a regular Board meeting will ordinarily be in the following order:

- (a) Call to order.

- (b) Roll call and determination of quorum.
- (c) Pledge of Allegiance.
- (d) Presentation/introduction of guests.
- (e) Agenda review.
- (f) Consent agenda, including approval of minutes.
- (g) Opportunity for public comment.
- (h) Public hearing(s), if any.
- (i) District Manager and other administrative and staff reports.
- (j) Review correspondence.
- (k) Board business, including, but not limited to, new and unfinished business action items, committee reports, meeting announcements.
- (l) Board/staff general discussion.
- (m) Closed sessions, if any.
- (n) Adjournment.

The Board by motion or President may take any item of business out of order.

7. Meeting Agenda.

(a) Regular meetings. The Board of Trustees shall hold a regular meeting each month. The time and location of the regular Board meeting shall be determined by Board resolution.

(b) Agenda preparation. The District Manager, in consultation with the President, shall be responsible for preparing the regular Board meeting agenda and special meeting notice/agenda. The Secretary shall post meeting agendas and notices at the District office at least 72 hours before each regular meeting and at least 24 hours before each special meeting. The agenda must specify the time and location of the meeting and contain a brief general description (generally no more than 20 words) of each item of business to be transacted or discussed at the meeting. Any trustee may request the District Manager to place an item for discussion or action on the agenda. In order to allow sufficient time to prepare the agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting generally shall be five business days preceding the Board meeting date.

(c) Board/staff general reports. Under this agenda item, trustees and staff may ask questions for clarification and make brief announcements and reports, and trustees may provide information to staff, request staff to report back on a matter, or direct staff to place a matter on a subsequent agenda.

Unless the Board makes one of the determinations required under Government Code section 54954.2, there shall be no substantive discussion or action on matters covered in these reports.

(d) Public comments on non-agenda items. Every agenda for a regular meeting shall provide an opportunity for members of the public to directly address the Board on items of interest that are within the subject matter jurisdiction of the Board and that do not appear on the agenda. In response to these public comments, the Board may briefly respond, request staff to report back on the matter, or direct staff to place the matter on a subsequent agenda. In order to facilitate the meeting and public participation during the public forum session of the meeting, the President may limit the total amount of time allocated for public comment on a particular issue or matter (15 minutes or less shall normally be standard), and may limit the time allocated for public comment by an individual speaker (three minutes or less shall normally be standard).

8. Adjournment. A meeting of the Board shall be adjourned by (a) loss of a quorum, (b) motion made, seconded and approved to adjourn the meeting, or (c) declaration of the President that the meeting is adjourned when the agenda has been completed and there is no further business to come before the Board. A meeting of the Board may be adjourned to a specific day and time by (a) motion made, seconded and approved by the Board, (b) approval of less than a quorum of the Board if a quorum is not present, or (c) the Secretary if all trustees are absent from any regular or adjourned regular meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the District office where the meeting was held within 24 hours after the time of adjournment.

9. Special Meeting. A special meeting may be called at any time by the President or by a majority of the Board by delivering personally or by mail written notice to each trustee and to each newspaper, radio or television station requesting notice in writing. The special meeting notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at a special meeting. The special meeting notice must be received at least 24 hours before the time of the meeting specified in the notice. The special meeting notice also must be posted at least 24 hours before the meeting in the usual agenda posting location. The written notice may be dispensed with as to any trustee who at or prior to the time the meeting convenes files with the Secretary a written waiver of notice. The written notice may also be dispensed with as to any trustee who is present at the meeting at the time it convenes.

10. Closed Session.

(a) General. A closed session may be held on any subject authorized under the Ralph M. Brown Act. Closed sessions must be properly disclosed and described in the agenda as required by the Brown Act. (Government Code § 54954.5.) The Board shall not keep minutes of its closed sessions. Prior to holding a closed session on any matter, the President shall refer to the closed session item or items by reference to the appropriate agenda item number(s). In the closed session, the Board shall consider only those matters covered in the agenda.

(b) Report Back. After any closed session, the Board shall reconvene into open session and publicly report any action taken (including the roll call vote) during the closed session to finally

approve a real property acquisition; to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a District employee; or to finally approve a labor contract. For the report back obligations relating to pending litigation, the Board should consult the District's attorney. (Government Code § 54957.1.)

(c) Closed Session Confidentiality. A trustee shall not disclose confidential information that has been received for, or during, a closed session meeting of the Board to a person not authorized to receive the information, unless the Board of Trustees authorizes such disclosure. This section does not prohibit any of the following: (1) making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law; (2) expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action; or (3) disclosing information acquired by being present in a closed session that is not confidential information.

11. Rules of Order.

(a) Point of order. Action items shall be brought before and considered by the Board by motion in accordance with the following rules of order. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and therefore does not conduct its meetings under formalized rules (e.g., Robert's Rules of Order). If a trustee believes order is not being maintained or procedures are not adequate, then he or she may raise a point of order to the President. A point of order does not require a second. If the ruling of the President on the point of order is not satisfactory, then it may be appealed by motion (which does require a second) to the full Board. A majority vote of the Board will govern and determine the point of order.

(b) Obtaining the floor. Any trustee desiring to speak should address the President and upon recognition by the President may address the subject under discussion.

(c) Motions. Any trustee, including the President, may make or second a motion. A motion shall be brought and considered as follows: (1) a trustee makes a motion; (2) another trustee seconds the motion; and (3) the President states the motion. Once the President has stated the motion, it is open to discussion and debate. Before voting on any motion, the President should ask for any comments from the public audience. After the matter has been fully debated (subject to a motion to close debate and vote immediately, discussed below), the President will call for the vote.

(d) Secondary motions. Ordinarily, only one motion may be considered at a time, and a pending motion must be voted on before the Board considers any other motion or business. However, there are a few exceptions to this general rule where a secondary motion concerning the main motion may be made and considered before voting on the main motion. The secondary motion exceptions are the following:

(1) Motion to amend. A main motion may be amended before it is voted on, either by the consent of the trustees who moved and seconded, or by a motion to amend, which is then seconded and approved by the Board. After approving an amendment by consent or by a motion to amend, the Board then proceeds to consider the main motion as amended.

(2) Motion to table. A main motion may be indefinitely tabled before it is voted on by a motion to table, which is then seconded and approved by the Board. After approving a motion to table, the main motion is not furthered considered at that meeting and remains tabled until placed on a subsequent meeting agenda.

(3) Motion to postpone. A main motion may be postponed to a specified date and time by a motion to postpone, which is then seconded and approved by the Board. After approving a motion to postpone, the main motion is not furthered considered at that meeting and is then reconsidered at the date and time specified in the motion to postpone.

(4) Motion to refer to committee. A main motion may be referred to a Board committee for further study, recommendation, and report back to the Board by a motion to refer to a specified committee, which is then seconded and approved by the Board.

(5) Motion to close debate and vote immediately. Debate on a main motion may be closed by a motion to close debate and vote immediately, which is then seconded and approved by the Board.

(6) Motion to adjourn. A meeting may be adjourned before voting on a main motion by a motion to adjourn, which is then seconded and approved by the Board. After approving a motion to adjourn, the meeting then immediately adjourns without further consideration of the main motion.

(e) Public comments. Any person shall have the right to address the Board as provided in these rules upon attaining recognition of the President. No person shall address the Board without first being recognized by the President. A member of the public may address the Board on any matter within the jurisdiction of the Board either at the time of the agenda item or, if the matter relates to a non-agenda item, during the public comment portion of the agenda. Except for public hearings, comments from the public on agenda items shall not be received until after completion of the Board discussion and deliberation, and just before final action or completion of the agenda item. The President may limit or restrict public comment that is irrelevant to the particular agenda item, outside the jurisdiction of the District, or unduly repetitive or cumulative of comments already received.

(f) Decorum. Each trustee, staff person, and member of the public who addresses the Board shall do so in an orderly manner. No person shall yell or make profane or threatening remarks to any member of the Board, staff or general public. No person shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet, clapping, or other acts that unreasonably disturb, disrupt, delay or otherwise impede the orderly conduct of any Board meeting. Except as allowed by these rules of order, a trustee or staff person shall not by conversation or other means delay the Board proceedings or disturb any other trustee or staff person while speaking.

12. Public Hearing. Matters that are required to be heard at a public hearing shall be conducted in accordance with the procedures in this section. Public hearings generally will be held at the beginning of the meeting as a convenience to the public. The usual order of procedure is as follows:

- (a) No sooner than the time set for the public hearing, the President declares the public hearing open.
- (b) The Secretary or other appropriate staff person verifies that notice of the public hearing has been given in the manner required by law.
- (c) The District Manager or other appropriate staff person presents a staff report concerning the subject of the hearing.
- (d) The President asks whether any trustee has any questions of the staff.
- (e) The President asks the District Manager or other appropriate staff person whether any written comments on the subject matter of the public hearing have been received.
- (f) The President asks whether any members of the public wish to present written or oral comments on the subject of the public hearing.
- (g) The President closes the public hearing.
- (h) The Board deliberates and acts on the item.

No person shall be permitted to speak during the hearing about matters not germane or relevant to the subject of the hearing. Individuals testifying at a public hearing do not have a right of unlimited time. In his or her discretion, the President may set time limits on the amount of time an individual speaker is allowed to speak during the public hearing. When many individuals intend to present oral comments, a three minute per speaker time limit may be imposed by the President. Any time limits so established shall be uniformly applied and strictly adhered to. A public hearing may be continued from time to time by motion of the Board.

13. Meeting By Teleconference. The Board may conduct meetings by which one or more trustees attends and participates in the meeting by telephone, video conferencing or any other electronic means using live audio or video, or both. (See Government Code § 54953(b).) For any meeting by teleconference conducted by the Board, the following requirements will apply:

- (a) Each teleconference location (i.e., the location from which one or more trustees attends and participates via teleconference) will be accessible to the public.
- (b) When meetings by teleconference are held by telephone, speaker phones will be used at the main meeting location and, when feasible, at any teleconference location where there are members of the public in attendance.
- (c) All votes taken at a meeting by teleconference will be by roll call.
- (d) Each teleconference location will be identified in the regular meeting agenda or special meeting notice/agenda, and the agenda or notice will state that members of the public will have the opportunity to address the Board from any teleconference location.

(e) Notice of any meeting by teleconference will be included in the meeting agenda or special meeting notice/agenda in substantially the following form: "All or portions of this meeting will be conducted by teleconference in accordance with Government Code section 54953(b). The teleconference location(s) for the meeting are as follows: *insert teleconference location(s)*. Each teleconference location is accessible to the public, and members of the public may address the Board of trustees from any teleconference location."

(f) In addition to the usual notice and agenda requirements, the regular meeting agenda or special meeting notice must be posted at all teleconference locations at least 72 hours before regular meetings or 24 hours before special meetings.

14. Rule Enforcement. The President shall maintain order and decorum of meetings and enforce these rules for proceedings. If a person (including a trustee, staff person or member of the public) breaches these rules, then the President may order that the person be orderly and silent or otherwise control his or her comments or behavior in accordance with these rules. If, after receiving such an order, a person persists in disturbing the meeting, the President may order the person to leave the Board meeting. If the person does not leave, the President may adjourn or continue the meeting, or direct a law enforcement officer to remove the person from the Board room. If necessary, the President may suspend a meeting until the disturbance has ceased or appropriate law enforcement personnel may be summoned.

15. Rule Suspension. By motion, the Board in its discretion may at any meeting temporarily suspend these rules in whole or in part, so long as the suspension does not violate any state law.

PASSED AND ADOPTED by the Board of Trustees of the Placer Mosquito and Vector Control District on the 21st day of December, 2009 by the following vote:

AYES: Trustees Clothier, Cunningham, Harvey, Kelley, Smith, Snyder
NOES: Ø
ABSTAIN: Ø
ABSENT: Trustee Stackpoole



Bob Snyder, Board President

Attest:



Eugenie Guadron, Acting Board Secretary