

PLEASANT VALLEY RECREATION & PARK DISTRICT
ADMINISTRATION OFFICE –ROOM 6
1605 E. BURNLEY ST., CAMARILLO, CALIFORNIA

2021 POLICY COMMITTEE
AGENDA

THURSDAY, APRIL 22, 2021
2:30 P.M.

Zoom Meeting Information:

Meeting Link: <https://zoom.us/j/96594254950>

Meeting ID: 965 9425 4950

Passcode: 414175

Phone Number: 1-669-900-6833

In order to minimize the spread of COVID-19 and keep with social distancing, the meeting room will not be open to the public. To participate in the Board Committee meeting from the comfort of your home or other Stay Well at Home compliant location, you may choose one of the following options:

- a. Email – If you wish to submit a written comment on a specific agenda item, please send your comment via email by 1:30 pm on Thursday, April 22, 2021 to Anthony Miller, Administrative Analyst at amiller@pvrpd.org. Your email will be distributed to the Policy Committee members prior to the meeting and be included in the public record.
- b. Cell Phone/Computer with Microphone: Click on the Zoom link included above. Enter your name so we may call on you when it is your turn to speak. The Chair will ask if anyone wishes to speak on the item. At that time, raise your hand by clicking the “Raise Hand” button. Follow the instructions below regarding speaking.
- c. Phone – If you wish to make a comment by phone during the public comment section of the meeting or on a specific agenda item, please call in to the listed phone number above and when prompted, enter the Meeting ID and Passcode. After entering those items, you will be admitted to the meeting and your line will be muted. The Chair will ask if anyone wishes to speak on the item. At that time, raise your hand by dialing *9. Then, follow the speaking instructions below.

Speaking Instructions

When it is your turn to speak, the Chair will call your name or the last four digits of the phone number you are calling from. You will have three minutes to address the Committee. **Please ensure all background noise is muted (TV, radio, etc.)** You will be prompted to unmute your microphone/phone. Unmute your device and begin by stating your name. After three minutes has elapsed your microphone will be muted and the next speaker will be invited to speak.

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **PUBLIC COMMENTS**
4. **BOARD COMPENSATION AND ETHICS POLICY REVIEW**
5. **BOARD BYLAWS DISCUSSION/ATTORNEY COMMENTS**
6. **BOARD CONDUCT POLICY INTRODUCTION/DISCUSSION**
7. **DISPOSAL OF DISTRICT PROPERTY POLICY REVIEW**
8. **ORAL COMMUNICATIONS**
9. **ADJOURNMENT**

Note: Written materials related to these agenda items are available for public inspection in the Office of the Clerk of the Board located at 1605 E. Burnley Street, Camarillo during regular business hours beginning the day preceding the Committee meeting.

Announcement: Should you need special assistance (i.e. a disability-related modification or accommodations) to participate in the Committee meeting or other District activities (including receipt of an agenda in an appropriate alternative format), as outlined in the Americans With Disabilities Act, or require further information, please contact the General Manager at 482-1996, extension 114. Please notify us 48 hours in advance to provide sufficient time to make a disability-related modification or reasonable accommodation.

**PLEASANT VALLEY RECREATION AND PARK DISTRICT
STAFF REPORT / AGENDA REPORT**

TO: BOARD OF DIRECTORS

FROM: MARY OTTEN, GENERAL MANAGER
By: Anthony Miller, Administrative Analyst

DATE: April 22, 2021

**SUBJECT: REVIEW OF DISTRICT POLICY SETTING
COMPENSATION, REIMBURSEMENT OF BOARD
MEMBER EXPENSES, PROVIDING FOR ETHICS
TRAINING AND RELATED MATTERS**

SUMMARY

Staff is recommending that the Policy Committee Review both Ordinance No. 10 and Resolution No. 583 which are established as the District's policy setting compensation, reimbursement of board member expenses, providing for ethics training and related matters. It is considered best practice to review these documents approximately every two years.

BACKGROUND

The District is obligated to comply with several Government codes, in particular the Public Resource Code Section 5784.15. Each Board Member of the Board of Directors may receive per diem compensation for each day of service rendered, together with expenses, subject to limits set for by the law. Within these sections, the code requires that special districts establish policies and procedures for the orderly and efficient operation of Board business. Traditionally, the Policy Committee reviews the existing policy for potential changes and makes recommendations to the full board for approval. In 2018, a series of minor modifications were made. Additionally, in 2019, the Board Also Approved Ordinance No. 10, which effectively raised the compensation limit to \$105 per meeting, not to exceed 5 meetings per month.

ANALYSIS

The attached Ordinance and resolution are currently under review by the District's Attorney and have not yet been approved to form.

FISCAL IMPACT

District staff anticipates that with an approval of a 5% increase to days of service compensation, a minor fiscal impact is expected. There is no fiscal impact expected regarding, reimbursement of Board Member actual expenses or providing for ethics training and related matters.

RECOMMENDATION

It is recommended that the Policy Committee review Ordinance No. 12 and Resolution 583 as amended.

ATTACHMENTS

- 1) Resolution No. 583
- 2) Ordinance No. 12

RESOLUTION NO. 583

RESOLUTION OF THE BOARD OF DIRECTORS OF PLEASANT VALLEY RECREATION AND PARK DISTRICT SETTING COMPENSATION FOR DAYS OF SERVICE BY BOARD MEMBERS, REIMBURSEMENT OF BOARD MEMBER EXPENSES, PROVIDING FOR ETHICS TRAINING AND RELATED MATTERS

WHEREAS, California Public Resources Code Section 5784.15 provides that each member (“Director”) of the Board of Directors (“Board”) may receive per diem compensation for each day of service rendered, together with expenses, subject to limits set forth by law; and

WHEREAS, AB 1234 (Chapter 700, Statutes of 2005) added and amended certain statutory requirements, which among other things govern the receipt of per diem and expense reimbursement by Directors; and

WHEREAS, this resolution is intended to set forth the District’s policy and procedures for compensation and reimbursement of expenses of Directors, to ensure compliance with Public Resources Code Section 5784.15 and AB 1234.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. 1. PER DIEM COMPENSATION/DAY OF SERVICE: Pursuant to Public Resources Code section 5784.15 and Water Code section 20202, each Director shall receive compensation from the District in an amount not to exceed ~~one hundred and five dollars (\$105)~~ the amount in the following schedule, provided an ordinance is passed authorizing each increase, per day.

1. October 2021 - \$110.25
2. October 2022 - \$115.76
3. October 2023 - \$121.55
4. October 2024 - \$127.62
5. October 2025 - \$134.00

Compensation for each Director is authorized for the following:

- (A) Attendance by a Director at any Board meeting including, but not limited to, regular board meetings, special meetings, closed sessions, emergency meetings, Board field trips, district public hearings, or meetings of a committee of the Board.
- (B) Attendance at conferences, organized educational activities, or meetings when the Board hereby determines that such attendance has significant and meaningful link to purpose, policies and interests of the district and is therefore beneficial to the District such as events sponsored by:
 - I. California Special Districts Association (CSDA)
 - II. California Association of Recreation and Park Districts (CARPD)
 - III. Santa Monica Mountains Conservancy
 - IV. Ventura County Special Districts Association
 - V. LAFCO
 - VI. Designated by Board Chair
- (C) Attendance at meetings providing ethics training in accordance with Government Code section 53232.1(a)(3).
- (D) Attendance at meetings providing Sexual Harassment Prevention Training and Education in accordance with Government Code section 53237.1, which the Board deems to be part of the official duties of a Director.

A member of the Board of Directors may waive the compensation which must be designated prior to attendance.

The maximum compensation for each Director in any calendar month shall be ~~five hundred dollars (\$500)~~ no more than that which can be paid for five authorized activities, *exclusive of expenses*. Directors may receive their actual and necessary traveling and incidental expenses incurred while on official business in accordance with Section 2 below.

2. REIMBURSEMENT OF EXPENSES:

- (A) Each Director shall be entitled to reimbursement of actual and necessary expenses incurred in the performance of official duties. Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. In accordance with Government Code section 53232.2, the District shall use the Internal Revenue Service (IRS) rates for reimbursement of such expenses as established in Publication 463 or any successor publication thereto.
- (B) If the lodging expenses are in connection with a conference or organized educational activity, conducted in compliance with subdivision of Section 54952.2, including but not limited to, ethics training, required by Article 2.4 (commencing with Section 53234), or as otherwise approved by the Board in accordance with Section 1, the costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the board member at the time of booking. If the group rate is not available, the Director shall use comparable lodging that is consistent with the requirements of this policy. Each Director shall use government rates and group rates offered by a provider of transportation and lodging for travel and lodging when available.
- (C) All expenses that do not fall within this policy or the IRS reimbursable rates shall be subject to approval by the Board of Directors, in a public meeting, before the expense is incurred. Any such expenses not approved by the Board of Directors prior to being incurred will not be eligible for reimbursement.
- I. The following expenses will not be reimbursed:
1. Alcoholic beverages
 2. Parking or traffic violations
 3. In-room movies
 4. Laundry services
 5. Entertainment
 6. Expenses incurred on behalf of a spouse, dependent or traveling companion.
- (D) If a Board member chooses to incur additional costs that are above the rates established pursuant to this section and those costs have not been approved, then the Board member may do so at his or her own expense.

3. EXPENSE REPORTS:

- (A) Each Director shall submit expense reports within thirty (30) days after attendance at a meeting, conference, or event at which authorized or pre-approved reimbursement expenses were incurred; a Director shall submit a signed expense reimbursement request on a form approved by the District, together with valid receipts documenting each expense. All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Government Code Section 6250 et seq.).
- (B) The Board secretary shall produce and distribute a quarterly report containing the expense reimbursements of the Directors. The report shall be presented to the Board on a quarterly basis.

4. BOARD MEMBER REPORTS: All Board members, either verbal or in writing, shall briefly report on meetings attended at District expense at the next regular scheduled Board meeting following the meeting for which the reimbursement is received.

5. ETHICS TRAINING: In accordance with Government Code section 53234, Directors and any designated employees shall receive at least two (2) hours of training in general ethics principals and ethics laws relevant to his or her public service every two (2) years. Certificates of completion of ethics training shall be maintained by the District for at least five (5) years.

6. SEXUAL HARASSMENT PREVENTION TRAINING AND EDUCATION: In accordance with Government Code section 53237.1, Directors and any designated employees shall receive at least two (2) hours of training in Sexual Harassment Prevention Training and Education within the first six months of taking office or commencing employment, and every two (2) years thereafter. Certificates of completion of this training shall be maintained by the District for at least five (5) years.

7. EFFECTIVE DATE: These Board Bylaws and Rules of Procedure shall take effect immediately and shall supersede Resolution No. 394 previously-adopted Board reimbursement of expenses, providing for ethics training and related matters.

PASSED AND ADOPTED by the Board of Directors of Pleasant Valley Recreation and Park District this _____ day of _____, 2018, by the following vote:

AYES: _____
NAYS: _____
ABSENT: _____

**Mark Malloy, Chairman, Board of Directors
PLEASANT VALLEY RECREATION AND PARK
DISTRICT**

**(SEAL)
ATTEST:**

**Elaine Magner, Secretary, Board of Directors
PLEASANT VALLEY RECREATION AND PARK DISTRICT**

DRAFT

ORDINANCE NO. 12

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE PLEASANT VALLEY RECREATION AND PARK DISTRICT SETTING BOARD MEMBER COMPENSATION

WHEREAS, on January 3, 2018 the Board adopted Resolution No. 583 pursuant to Public Resources Code 5784.15 setting the compensation of Board Members; and

WHEREAS, on October 2, 2019 the Board adopted Ordinance No 10 pursuant to Public Resources Code 5784.15 and Water Code 20201 amending Resolution No. 583, setting the compensation of Board Members; and

WHEREAS, the current compensation for Directors for each day's attendance at meetings of the Board or for each day's service rendered as a Director by request of the Board is \$105 under Resolution No. 583; and

WHEREAS, pursuant to Water Code 20202 the District Board may increase the daily compensation over \$100 by no more than 5% for each calendar year following the operative date of the last adjustment; and

WHEREAS, the Board desires to adjust Board Member compensation as permitted under State law; and

WHEREAS, this item was properly noticed for a public hearing by the Board of Directors on **XXXXXXXXXX**.

THE BOARD OF DIRECTORS OF THE PLEASANT VALLEY RECREATION AND PARK DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. – The recitals above are true and correct and incorporated herein by reference.

SECTION 2. – Permitted Compensation

A. The first sentence of Section 1 of Resolution No. 583 is revised to increase the amount of compensation for each Director for each day's attendance at meetings of the Board or for each day's service rendered as a Director by request of the Board to \$110.25. Furthermore, the following schedule is to be included with the requirement that the Board must authorize each increase via ordinance no earlier than October of each year.

1. October 2021 - \$110.25
2. October 2022 - \$115.76
3. October 2023 - \$121.55
4. October 2024 - \$127.62
5. October 2025 - \$134.00

B. The final paragraph of Section 1 of Resolution No. 583 is revised to read:

“The maximum compensation for each Director in any calendar month shall be no more than that which can be paid for five authorized activities, *exclusive of expenses*. Directors may receive their actual and necessary traveling and incidental expenses incurred while on official business in accordance with Section 2 below.”

C. Directors may not receive compensation for services rendered for more than a total of 5 days in any calendar month per the Public Resources Code Section 5784.15.

D. In addition to daily compensation authorized in subsection A, the Board authorizes the reimbursement of any actual costs, per Resolution No. 583, incurred by a Director when rendering services as a Director by request of the Board.

SECTION 3. – Future Adjustments to Compensation. Any future increases in compensation for Directors must be approved by an ordinance of the Board and the increase may not exceed the amount permitted by State law since the last increase.

SECTION 4. – This Ordinance will become effective 60 days from the date of adoption.

SECTION 5. – Except as expressly provided for in Section 1(A) above, all other provisions of Resolution No. 583 shall remain in full force and effect.

SECTION 6. – This Ordinance repeals in entirety Ordinance No. 10.

SECTION 7. – The Clerk of the Board of Directors shall certify to the passage of this Ordinance and cause the same to be posted and published in accordance with law.

PASSED AND ADOPTED this sixth day of October, 2021, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

Mark Malloy, Chairman, Board of Directors
Pleasant Valley Recreation and Park District

ATTESTED:

Elaine Magner, Secretary, Board of Directors
Pleasant Valley Recreation and Park District

**PLEASANT VALLEY RECREATION AND PARK DISTRICT
STAFF REPORT / AGENDA REPORT**

TO: BOARD OF DIRECTORS

FROM: MARY OTTEN, GENERAL MANAGER
By: Anthony Miller, Administrative Analyst

DATE: April 22, 2021

**SUBJECT: REVIEWING BOARD BYLAWS AND RULES OF
PROCEDURE**

SUMMARY

It is recommended that the Board review the Board Bylaws and Rules of Procedure for the conduct of Board Business every few years to keep them up to date and relevant to changing Board priorities.

BACKGROUND

The District is obligated to comply with several Government codes, in particular the Public Resource Code Section 5784.13 and Government Code Section 54954(a) governing all aspects of the management and operation of Special Districts. Within these sections, the code requires that special districts establish policies and procedures for the orderly and efficient operation of Board business. Traditionally, the Policy Committee reviews the existing bylaws for potential changes and makes recommendations to the full board for approval. In 2018, minor changes were made to sections 2, 3, and 6.

ANALYSIS

The current bylaws do not have any major outstanding issues. However, the bylaws are currently under review by the District's legal counsel for any potential recommended changes.

The following changes were recommended from the Policy Committee at the April 8 meeting and have been incorporated:

- Section 2.B. Election – Election of Board officers after a District election has been specified to occur at the first regular or special board meeting after election results have been certified and no later than 45 days after the election. The included language is what has been suggested by the District's Attorney.
- Section 3.E. Procedures & Order – Robert's Rules of Order has been specifically removed from the Bylaws for reasons of complexity. However, at the recommendation of the District's Attorney, Rosenberg's Rules of Order have been substituted. They are generally accepted to be less complex than Robert's Rules and many cities and agencies use them.

FISCAL IMPACT

District staff does not anticipate a fiscal impact associated with approval of the revised Board Bylaws and Rules of Procedure for the conduct of Board Business.

RECOMMENDATION

It is recommended the Policy Committee review the Board Bylaws and Rules of Procedure for the conduct of Board Business and refer to the full Board for approval.

ATTACHMENTS

- 1) Resolution No. XXX – DRAFT Board Bylaws and Rules of Procedure (4 pages)
- 2) Rosenberg’s Rules of Order Revised 2011 (10 pages)

RESOLUTION NO. 582

BOARD BYLAWS AND RULES OF PROCEDURE

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PLEASANT VALLEY RECREATION AND PARK DISTRICT ESTABLISHING BYLAWS AND RULES OF PROCEDURE FOR THE CONDUCT OF BOARD BUSINESS

WHEREAS, in accordance with Government Code section 54954(a) and Public Resources Code section 5784.13, the Board of Directors ("Board") of the Pleasant Valley Recreation and Park District ("District") must specify the time and place for the holding of regular Board meetings, and enact rules for Board proceedings; and

WHEREAS, the Board accordingly desires to establish Board Bylaws and Rules of Procedure for the orderly and efficient operation of Board business.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby establishes the following Board Bylaws and Rules of Procedure:

Section 1. Power & Authority of Board.

- (A) **The Board.** The Board is the legislative body of the District. The Board possesses and shall exercise its powers in accordance with the District's principal act [the Recreation and Park District Law, Public Resources Code section 5780 et seq.], and other provisions of law governing the District and Board, including but not limited to the Ralph M. Brown Act (Government Code section 54950 et seq.).
- (B) **Roles & Responsibilities.** The Board is the District's policy maker. The District General Manager together with District staff shall administer and implement Board policies and directives. The Board shall provide direction to District staff through the General Manager or designee on all new and/or major issues. Individual Board members shall not direct staff to initiate an action, project, or study, or prepare a report which is significant in nature (exceeding 10 hours to accomplish) without approval of the Chair or a majority of the Board. All Directors shall receive or be notified of information requested by an individual Board member. The Board and District staff shall strive to work together in a positive, professional relationship.

Section 2. Board Officers.

- (A) **Officers.** Pursuant to Public Resources Code section 5784.7, the officers of the Board are a Chair and Vice Chair, respectively. The Board shall also elect a Secretary. No member of the Board may hold more than one (1) office.
- (B) **Election.** The Board shall reorganize by electing its officers for one year terms each year as follows: (i) at its regular December board meeting, or (ii) in an election year, at the first meeting after the election results have been certified, and within 45 days of the general district election.~~Board officers shall be elected by the Board after the election results have been certified and at the first regular or special~~

~~meeting occurring within forty-five (45) days of each general district election or unopposed election, or at the beginning of each new term, the board shall meet and elect its officers for one-year terms, at the Board's annual reorganization meeting each year.~~

- 1) **Chair:** The Chair shall: (a) preside at all meetings of the Board to preserve order and decorum; (b) call special meetings of the Board as may be necessary; (c) consult with the General Manager and District staff in the preparation of Board meeting agendas; (d) appoint the chairs and members of Board committees, and establish ad hoc or advisory committees; (e) act as Board spokesperson concerning District issues; (f) sign District documents, as required or appropriate; and (g) perform other duties as may be required by law.
- 2) **Vice Chair:** In the event of absence, resignation or inability of the Chair to perform those duties of office listed in the preceding paragraph, the Vice Chair shall perform such duties.
- 3) **Secretary:** The Secretary, through the employee Clerk of the Board, shall be responsible for: (a) keeping accurate minutes of all meetings; (b) providing advance and proper notice of meetings in accordance with law; (c) countersigning any District documents, as required or appropriate; and (d) carrying out other duties as may be required by law.
- 4) **Finance Officer:** Pursuant to Public Resources Code section 5784.9, the Board shall appoint a Finance Officer. The Board hereby appoints the General Manager as the Finance Officer.
- 5) **Pleasure of Directors:** Officers shall serve at the pleasure of the majority of the Directors. At a regular or special meeting, a majority of the total membership of the Board may: (a) elect a successor to fill any officer vacancy created by absence, resignation or inability to perform the duties of office; or (b) remove an officer prior to the expiration of his or her one-year term. In such event, the Board shall elect a Director to fill such position for the balance of the then-current one-year term.

Section 3. Board Meetings. All Board meetings shall be held in accordance with the Ralph M. Brown Act, Government Code section 54950 et seq., and any other requirements established by law.

- (A) **Regular Meetings:** The regular monthly Board meetings shall be held on the first Wednesday of each calendar month, commencing at 6:00 p.m., at the City of Camarillo, City Hall Council Chambers at 601 Carmen Drive, Camarillo, California 93010. The Community Center at 1605 E. Burnley Street, Camarillo California 93010 is allocated as an alternate meeting location in the event the primary location specified is unavailable due to unforeseen circumstances. The Board may adjourn any regular meeting to a specific time and place, as set forth in the order of adjournment and in accordance with law.

- (B) **Special Meetings:** A special meeting may be called at any time by the Chair or by a majority of Directors, in accordance with the Ralph M. Brown Act. Such meetings shall be held at the District office, unless otherwise specified in the written notice of the meeting.
- (C) **Emergency Meetings:** An emergency meeting may be called at any time, if an "emergency situation" exists as defined in the Ralph M. Brown Act.
- (D) **Quorum:** Three Directors constitute a quorum of the Board for the transaction of business. The Board shall act by ordinance, resolution or motion. Except as otherwise provided by law, a recorded majority vote of the total membership of the Board is required on each action. The Board shall keep a record of all its acts, including financial transactions.
- (E) **Procedures & Order:** Rules for order and procedure of Board meetings shall be determined by the Chair and subject to approval by a majority of the Board. [Robert's Rosenberg's](#) Rules of Order shall be applied to or govern the procedures for the conduct of Board business. In the case of ambiguity or uncertainty in the application of rules to any procedure, the Chair may direct such question to the District's Legal Counsel, who shall be the parliamentarian for the Board.
- (F) **Public Input:** Meeting agendas shall provide an opportunity for members of the public to directly address the Board on any item of interest to the public, before or during the Board's consideration of an item, in accordance with the requirements of the Ralph M. Brown Act. Speakers shall be requested, but cannot be required, to fill out a speaker card and state their name and city of residence for the record and thereafter address their remarks to the Board. Speakers on non-agenda items may address only items that are within the subject matter jurisdiction of the Board. Speakers on agenda items may be deferred until the specific agenda item is taken for discussion. All speakers are limited to three (3) minutes. The total time allotted for all public input on any one agenda item shall be limited to one (1) hour, in the discretion of the Chair, taking into consideration the number of speakers filing a request to address the Board. All questions of staff or the District shall be directed to the Chair, who will decide if a question is appropriate and who will respond. Typically, public inquiries on technical matters shall be referred to the General Manager or other District staff.
- (G) **Voting:** Voting shall occur by voice vote, except that a roll call vote shall occur if the item is an ordinance, resolution, or contract, or if a roll call vote is requested by any Director or is otherwise required by law. The Chair shall determine whether an item has been approved or adopted.
- (H) **Disqualification For Conflict of Interest:** Any Board member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state the nature of such disqualification, recuse themselves, step down from the dais and leave the meeting room until the matter is concluded.

(I) Litigation & Confidential Information.

(1) Closed Sessions: Board members shall keep in complete confidence all written materials and information provided to them during closed session, to ensure that the District's position is not compromised. Board members shall not discuss confidential information with anyone other than other Board members, the General Manager or designee, and District Legal Counsel, and any such discussion shall be in accordance with the Ralph M. Brown Act.

(2) Negotiations: If the Board in closed session has provided direction on negotiations concerning a closed session item (e.g. real property negotiations, litigation, etc.), all contact(s) with the other party or its representative(s) will be by the designated District representative (Board member, General Manager or designee, or District Legal Counsel) representing the District. Unless designated as a representative, a Board member shall not have contact or discussion with the other party or its representative(s) during the negotiations period, and shall not communicate any discussion or information occurring or provided in closed session.

Section 4. Board Committees. There shall exist the following standing committees of the Board: (a) Finance; (b) Foundation; (c) Liaison; (d) Long-Range Planning; (e) Personnel; and (f) Policy. Each committee is a "legislative body" and shall comply with applicable requirements of the Ralph M. Brown Act. Each committee shall determine the time and place for holding regular meetings.

Section 5. Amendments. These Board Bylaws and Rules of Procedure may be amended by a majority of the total membership of the Board.

Section 6. Effective Date. These Board Bylaws and Rules of Procedure shall take effect immediately and shall supersede Resolution No. ~~515-XXX~~ previously adopted Board bylaws and procedures.

ADOPTED AND APPROVED BY THE BOARD OF DIRECTORS on ~~January 3, 2018~~ June, 2021, by the following vote:

Ayes:
Nays:
Abstain:

Mark Malloy

Chair, Board of Directors

Attested:

Elaine Magner
Secretary, Board of Directors



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes *Western City* magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



TABLE OF CONTENTS

About the Author	ii
Introduction	2
Establishing a Quorum	2
The Role of the Chair	2
The Basic Format for an Agenda Item Discussion	2
Motions in General	3
The Three Basic Motions	3
Multiple Motions Before the Body	4
To Debate or Not to Debate	4
Majority and Super-Majority Votes	5
Counting Votes	5
The Motion to Reconsider	6
Courtesy and Decorum	7
Special Notes About Public Input	7

INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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PLEASANT VALLEY RECREATION AND PARK DISTRICT

DIRECTORS CODE OF ETHICS AND CONDUCT FOR ELECTED OFFICIALS

Board approved xxx, 2021

The Board of Directors of the Pleasant Valley Recreation and Park District (the District) is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to constituents. It is the overall responsibility of the Board to:

- Gather information and knowledge.
- Promote organizational accountability through appropriate controls and procedures.
- Keep the common good as the highest purpose and focus on achieving constructive solutions for the public benefit by listening to the public and make the needs of the constituents a priority.
- Help create an atmosphere of respect and civility where individual members, staff, and the public are free to express their ideas and work to their full potential.
- Keep a long-range perspective.
- Exercising compassion, kindness, integrity, fairness and respect for others.
- Hold to the highest standards of ethical and professional conduct in the performance of its duties.
- Being prepared to make decisions that may not be popular.

GENERAL PRINCIPLES

1. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the District Board governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the District Board by District staff
2. **Policy Role of Board Members.** In this structure, the Board members determine the policies of the District with advice, information and analysis provided by the public, committees, and District staff. The General Manager, through District staff, implements District policy. Routine matters concerning the operational aspects of the District are to be delegated to the Districts professional staff.
3. **Responsibility.** Represent and work for the common good of the District and not for any private interest as well as provide fair treatment for all persons and matters coming before the board or committee.
4. **Tolerant.** Refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics or morals of other members of the committee, board, District staff, or the public or other personal comments not germane to the issues before the body. Members are to be tolerant of all view expressed at public meetings.
5. **Decision-Making Process.** Differing Viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the board takes action, Directors should commit to supporting said action and not create barriers to the implementation of said action.
6. **Conduct of Members.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Board, committees, the staff and/or public. Cliques and voting blocs based on personalities rather than issues should be avoided.



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7. Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
8. Laws. The Board complies with all laws relating to open meetings, public records, and conflicts of interest.
9. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the District. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests held pursuant to laws.

PUBLIC MEETINGS

1. The Chairperson of the Board is the presiding officer at the Board meetings. The Board Chair oversees Board deliberation to move the Board to final action on each item. In the Chairperson's absence, the Vice Chair is the presiding officer.
2. Conduct of Public Meetings. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
3. The Board Chair controls the meeting and discourages personal attacks of any kind from speakers and the audience by encouraging them to productively address the issues at hand when it is their turn to speak.
4. Board members should if possible, avoid surprising their colleagues or staff. Should Board member becomes aware of an unexpected issue that may be brought up by a member of the public at a Board meeting, committee meeting or ad hoc meeting, they should advise the General Manager. This refers to issues and questions that staff would not normally anticipate or have researched for that particular meeting.
5. Board members shall perform their duties in accordance with the processes and rules of order established by the District Board and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the District Board by District staff.
6. Board members must refrain from engaging in a dialogue with members of the public during public comments on non-agenda items.
7. Demonstrate effective problem-solving approaches as Board members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.



PLEASANT VALLEY RECREATION AND PARK DISTRICT

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BOARD MEMBER INTERACTION AND COMMUNICATION

The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs and accomplishing the mission and vision of the District.

1. Board members should be sensitive to the negative impact that inappropriate conduct has on the public perception of the District. Board members should be mindful of the fact that they are representatives of the District in all their public and private activities/encounters.
2. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.
3. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
4. Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.
5. Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication. Board members maintain a respectful decorum, and avoids personal attacks during public meetings, in the press, social media, or at any other time.
6. Each Board member has the responsibility to initiate action to resolve problems cooperatively and as soon as possible, either directly with other Board members or with the General Manager.

BOARD MEMBERS INTERACTION WITH STAFF

Governance of a District relies on the cooperative efforts of elected officials, who set policy, and District staff who implement and administer the Districts policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

1. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
2. Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.



PLEASANT VALLEY RECREATION AND PARK DISTRICT

DIRECTORS CODE OF ETHICS AND CONDUCT FOR ELECTED OFFICIALS

Board approved xxx, 2021

3. Do not get involved in administrative functions Elected and appointed officials acting in their individual capacity must not attempt to influence District staff on awarding of contracts, selecting of consultants, processing of applications, or granting of District and permits.
4. Complaints received by residents and property owners of the District, should be referred to the General Manager.
5. Directors shall make all special requests of staff through the General Manager.
6. In seeking clarification on informational items, Directors may contact the appropriate staff person directly to obtain information needed to supplement, upgrade, or enhance their knowledge to improve the decision-making process.
7. Items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations hold be dealt with immediately by seeking appropriate assistance.
8. In seeking clarification for policy-related concerns, especially those involving personnel, legislation, finances, projects and programs, Directors should contact the General Manager directly.
9. No Attorney-Client Relationship Members shall not seek to establish an attorney-client relationship with the District's Attorney, including his or her staff and attorneys contracted to work on behalf of the District. The District Attorney represents the District and not individual members. Members who consult with the District's Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

ELECTIONS

Campaigning can sometimes be the cause of a serious breakdown of communications and trust between District Board members. To minimize the potential for such a breakdown, it is best for participants in a campaign, whether candidate or supporter, to abide by some ground rules of fairness.

1. It is never fair to misrepresent the facts of a candidate's record, or to make other assertions that are simply not true or accurate in fact.
2. If a Board member decides to actively support the opponent of a fellow Board member, it is a matter of courtesy to advise that Board member personally at an appropriate time before going public.
3. Campaign dirty tricks, such as disrupting an opponent's event, removing or defacing signs, or removing flyers delivered door to door, must never be permitted or condoned.
4. Board members agree to abide by the Code of Fair Campaign Practices, whether they are a candidate or not. The Code of Fair Campaign Practices can be found in the California Elections Code, Section 20440.



**PLEASANT VALLEY
RECREATION AND PARK DISTRICT**

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5. Board members have the right to endorse candidates for all District seats or other elected offices. It is inappropriate to mention or display endorsements during Board meetings, committee meetings, or other official District meetings or functions.
6. Do not solicit political support from staff. Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from District staff. District staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the District. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.



PLEASANT VALLEY RECREATION AND PARK DISTRICT

SURPLUS DISTRICT PROPERTY DISPOSAL POLICY

Board approved XXXX, 2020

PURPOSE

The Pleasant Valley Recreation and Park District (the District) shall establish an administrative policy for the disposition of surplus personal property, equipment, and materials. This policy does not apply to real property and exists to ensure the receipt of all revenues from the disposal of surplus personal property, equipment, and materials.

POLICY

The General Manager (or his/her designee) shall develop a “Surplus Supplies and Equipment List” (“personal property” or “property”) which is surplus. Prior to disposition, the Board shall be provided with, and approve the “List.”

DEFINITIONS

- SURPLUS SUPPLIES AND EQUIPMENT LIST - List of property which has been determined “surplus” by the General Manager.
- SURPLUS – Non “real property” has little or no remaining useful life for the District.

MEANS OF PROPERTY DISPOSAL AND ACCOUNTING

The property may be disposed of as follows:

The first effort shall be to dispose of that property in a manner which is most likely to generate the greatest return to the District. Staff will determine which method of disposal is best. Such methods of disposal include but are not limited to the following:

1. Sale on the open market. The General Manager shall cause to be published at least three days before the sale, in a newspaper circulated throughout the District, and/or by posting on any District website, a notice of sale setting forth a general description of the personal property to be sold, and the day, time and location of the sale. The terms of all such sales shall be cashier’s check or money order in the amount of the full purchase price. The District also may conduct a public auction in this manner. The fees for this sale shall be deducted from the proceeds of the sale.
2. Sale by sealed bid. The General Manager may post such property for sale on the District website or on another website for the sale of surplus items (such as eBay) subject to posted rules developed for such sale or the rules of that website.



PLEASANT VALLEY RECREATION AND PARK DISTRICT

SURPLUS DISTRICT PROPERTY DISPOSAL POLICY

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3. Donation. The General Manager may, when in his/her judgment sale or auction of surplus personal property is infeasible or will result in minimal return to the District, cause such surplus personal property to be donated to any other governmental organization or non-profit group or corporation exempt from federal taxes pursuant to Internal Revenue Code Section 501(c) (3) located within or serving the District.

4. Selling for Scrap. Surplus property may be sold as scrap if the General Manager deems that the value of its parts exceeds the value of the surplus property as a whole.

5. No Value Item. Where the General Manager determines that property is surplus and of minimal or no value to the District or the cost of disposal of such property would exceed the recovery value, the General Manager shall authorize the disposal of the same in the most appropriate manner as determined by Staff. No Value Items are not required to be listed on the Surplus Supplies and Equipment List. ~~dispose of the same in such a manner he deems appropriate and in the best interest of the District.~~

6. No employee or Director of the District or his or her immediate family may acquire any District surplus property.

Accounting for the disposition of personal property, equipment and materials

When so authorized to sell, donate, recycle, and scrap District property, the employee directed to undertake such activity shall:

1. Remit the entire proceeds from any such activity to the District's Administrative Manager.
2. Complete receipt documentation form for the disposal of surplus personal property, equipment and materials and submit with proceeds, if any, to the District's Administrative Manager.

Administrative Department Shall:

1. Make adjustments to the Surplus Supplies and Equipment List
2. Deposit all proceeds from the disposition of surplus personal property, equipment and materials in the General Fund.
3. Cause licenses and title documents to be executed and transferred upon verification of receipt of funds.
4. Authorize the delivery of the surplus property.