

Board Meetings

B-50

PURPOSE: This policy sets forth the rules for the conduct of Board meetings.

B-50-10 Regular Meetings. District Board meetings are held the second Thursday of each month at 6:30 PM in the Board Room located at the Administration Building and Learning Center at 3800 Arthur Road, Martinez. Meetings are opened to the Public. The Board may adjourn its Regular Meeting to a new date and time which shall be an Adjourned Regular Meeting.

B-50-20 Special Meetings. A special meeting of the Board may be called as needed by the Board President or by a majority of the Board. A written notice of the special meeting, specifying the time and place of the meeting and the business to be transacted or discussed, shall be delivered at least 24 hours prior to the meeting to Board Members. Newspapers of general circulation in the District, radio stations and television stations, organizations, citizens and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable. Those requesting notification of special meetings must file said requests annually in January. Only business set forth in the notice shall be considered or discussed at special meetings. The Board may meet in closed session during a special meeting.

B-50-30 Emergency Meeting. In the case of an emergency situation requiring prompt action due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for a special meeting. "Emergency situation" means any of the following:

- (a) Work stoppage or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the Board.
- (b) Crippling disaster that severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

Each local newspaper of general circulation and radio or television station which has requested notice of special meetings shall be notified one (1) hour prior to the emergency meeting utilizing all practical means. In the event that telephone services are not functioning, the notice requirements shall be deemed waived, and the District shall notify those who requested notifications of the holding of the emergency meeting, the purpose, and any action taken at the meeting as soon after the meeting as possible.

The Board shall not meet in closed session during an emergency meeting. All other special meeting requirements are applicable to emergency meetings except the 24-hour notice requirement.

The minutes of emergency meetings, a list of persons the District notified or attempted to

notify, a copy of the roll call vote, and any actions shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

B-50-40 Closed Sessions. Closed sessions of the Board of Director shall be held only in cases where the business of the Board of Directors meets the criteria set forth in the Ralph M. Brown Act (California Government Code §54950 through §54926). Customary closed session matters include litigation or potential litigation, labor negotiations, real estate negotiations, or matters relating to the employment status of public employees. No business other than that announced on the public agenda may be discussed in the closed session.

B-50-50 Public Comment. The Board shall take public comment at regular and special meetings of the Board on matters that are not on the agenda, but the Board shall not discuss or take action on such matters at that meeting except in the following circumstances:

- 1) The meeting is a Regular Meeting as defined by law and as set forth in Section B-50-10.
- 2) A determination of the need for the action is reached under the provisions of California Government Code Section 54954.2 (b).

Each member of the public may be limited to no more than three (3) minutes to address any issues. This limitation may be modified by the Board President. The District Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate. There is a three-minute time limit on public comment, subject to reasonable modification by the Board Chairperson.

B-50-60 -1 Rules of Order and Certain Motions. Board meetings shall be conducted by the Board President in a manner consistent with Board policies and the Ralph M. Brown Act (California Government Code §54950 through §54926). A Motion to Table shall take precedence and is not subject to debate. A Motion to Reconsider is limited to the same meeting or the following meeting. It may only be made by a member of the Board who originally voted with the majority on the matter that is the subject of the reconsideration motion.

B-50-60-2 Use of Electronic Communication Devices During Board Meetings for Purposes Other Than Accessing Agenda Materials. The Board's use of electronic communication devices (such as cell phones or hand held computers), during a Board Meeting may lead to the public perception that a Board Member is receiving information related to the subject matter under consideration that other Board Members or members of the public are not receiving or that the Board Member's attention is diverted from the matter at hand. Either circumstance is not consistent with the laws governing public meetings and is contrary to good government and transparency. Therefore, the Board has adopted Policy BH-200 governing the use of Electronic Communications and Data Devices by Board Members during Public Meeting.

B-50-70 Agenda. Board meetings shall begin at the time stated on the agenda and shall be guided by the agenda. The President shall have the authority to change the order of the agenda. Matters of a routine nature may be place on a "Consent Section" and may be acted upon as a group, subject to the right of any Board Member to request that the item be pulled

and discussed and acted upon separately.

B-50-80 Quorum Required. Individual Board Members or a group of Board Members representing less than a quorum of the Board shall not take any action or make any representation that results in 1) budgeting or expending of District funds, 2) establishing of any procedures or making policy, or 3) taking of any action on behalf of the Board, without first obtaining the Board's approval at a legal meeting of the Board.

B-50-90 Majority Vote. Action can only be taken by a majority vote. Three (3) Board Members constitute a quorum required to conduct business. Excepting where it may be otherwise required by law, a majority of the quorum is sufficient for Board action.

B-50-100 Abstentions. A Board member abstaining in a vote will be so noted in the minutes under "Abstaining". Thus, an abstention when only a quorum is present prevents the Board from taking action. Similarly, two abstentions with all Board Members present on matters requiring a two-thirds vote prevents the Board from taking action on the matter. Abstention(s) are specific to the matter and do not defeat the meeting quorum requirements for other matters.

B-50-110 Rules for Speakers. The public shall be allowed to address the Board regarding agenda items and any other matter within the jurisdiction of the District. Each member of the public shall be limited to no more than three (3) minutes subject to reasonable modification by the Board President. The Board President shall determine the appropriate place or places in the agenda for such public comment and shall have the authority to set equal time limits on speakers.

B-50-120 Maintaining Order. No person shall be allowed to disrupt the meeting. The Board President shall have the authority to bar disruptive persons from giving public comments or to order their removal from the Board Room. Any necessary and reasonable actions may be taken by the President to maintain order and allow the meeting to continue.

B-50-130 Preparation. Board Members shall thoroughly prepare themselves to discuss agenda items. All materials pertaining to the Board shall be provided to the District Manager for distribution to all Board members. In the event there are materials unavailable for inclusion in the Agenda Materials at the time of the Agenda posting, they shall be provided to the Board and made available to the public in accordance with applicable California laws.

B-50-140 Action Items. Board actions shall include, but are not limited to, adoption or rejection of regulations or policies, resolutions, ordinances, contracts or expenditures, any proposal that commits District funds or facilities, matters that require or may require the District or its employees to take action and /or provide services.

B-50-150 Action by Consensus. The Board by consensus and without formal action may give directions or instructions to the District Manager. The President shall determine if a Board consensus has been reached and note consensus direction to the Board Secretary. Should any two Board Members challenge the President's determination of consensus, a voice vote shall be taken. A formal motion may be made to place a disputed directive on a future Board agenda or to take some other action, such as referring the matter to the District Manager for review and

recommendation.

B-50-160 Limits on Consensus. Informal action by consensus constitutes Board action and shall only be taken on agenda items.

B-50-170 Open-Meeting Law. Under provisions of California's Ralph M. Brown Act (California Government Code §54950 through §54926) open-meeting law, all meetings of the Board are open to the public except for any closed session. A majority of the board shall not discuss nor reach consensus on any matter under the jurisdiction of the District except at a legal meeting of the Board. The Board fully supports the letter and spirit of the open-meeting law and the public's right to view the public's business in open session.

B-50-180 Recording Vote. Excepting where Board action is taken by consensus under policy **B-50-150**, the ayes and nays shall be taken and recorded by the Board Secretary on all Board actions.