



# MORAGA-ORINDA FIRE DISTRICT BOARD OF DIRECTORS WORK SESSION

## AGENDA

August 4, 2010

6:00 P.M. - Closed Session

7:00 P.M. - Work Session

Board Room – Administration Building  
1280 Moraga Way, Moraga, California

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1. OPENING CEREMONIES

- 1.1. Call the meeting to Order
- 1.2. Roll Call
- 1.3. Pledge of Allegiance

2. PUBLIC COMMENT

The public is invited to speak on any matter not appearing on the agenda including Closed Session, and within the subject matter jurisdiction of the District. Comments should be limited to three minutes. Please state your name and address for the record.

3. CLOSED SESSION

- 3.1. **Public Employee Performance Evaluation**  
(Government Code Section 54957)  
Title: Fire Chief

4. RECONVENE THE MEETING

- 4.1. Call the Business Meeting to Order

5. REPORT OF CLOSED SESSION ACTION

6. PUBLIC COMMENT

The public is invited to speak on any matter not appearing on the agenda and within the subject matter jurisdiction of the District. Comments should be limited to three minutes. Please state your name and address for the record.

7. WORK SESSION

The Board will meet in an informal work session to discuss the following topics. No formal action will be taken of any of these matters.

- 7.1. **Review Strategic Plan**

- 7.2. **Review and discussion regarding potential changes to Resolution 07-02 - Resolution Adopting Rules of Procedure for Board Meetings and Related Functions and Activities**

8. ADJOURNMENT

*The Moraga-Orinda Fire Protection District ("District"), in complying with the Americans with Disabilities Act ("ADA"), requests individuals who require special accommodations to access, attend and/or participate in District Board meetings due to a disability, to please contact the District Chief's office, (925) 258-4599, at least one business day prior to the scheduled District Board meeting to ensure that we may assist you.*

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Moraga-Orinda Fire District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspections at 33 Orinda Way during normal business hours. I hereby certify that this agenda in its entirety was posted on July 30, 2010 at the Moraga and Orinda Fire Administration offices, Stations 41, 42, 43, 44, and 45. Agenda faxed to the Moraga Town Office (Hacienda) and Orinda City Hall.



## Moraga-Orinda Fire District

# *MEMORANDUM*

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**TO:** The Board of Directors

**FROM:** Randall Bradley, Fire Chief

**DATE:** July 30, 2010

**SUBJECT:** Strategic Plan Update

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### **Background**

In 2009, the District developed a Strategic Plan that was designed to focus on the following five mission critical focus areas:

- Focus Area 1: Operational Readiness (24-7)
- Focus Area 2: Human Resources Development
- Focus Area 3: Community Partnerships and Outreach
- Focus Area 4: Fire Prevention and Education
- Focus Area 5: Fiscal Responsibility

At the March 17, 2010 Board Meeting, Staff provided the Board with a color-coded spreadsheet of the status of the District's Strategic Plan.

The District has continued addressing specific elements of each focus area. Staff has again reviewed, evaluated and update their particular components of the Strategic Plan. A copy of the update will be available at the meeting.

### **Recommendation**

Discuss, and provide additional direction to staff.



## MORAGA-ORINDA FIRE DISTRICT

# MEMORANDUM

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**TO:** The Board of Directors

**FROM:** Randall Bradley

**DATE:** 07/30/10

**SUBJECT:** Review and Discussion regarding potential changes to Resolution 07-02 – Adopting Rules of Procedure for Board Meetings and Related Functions and Activities

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### **Background**

Resolution 07-02 – Adopting Rules of Procedure for Board Meetings and Related Functions and Activities was last reviewed in 2007. President Sperling and Chief Bradley recommended that the following sections of Resolution 07-02 be reviewed and discussed:

- 1.1 REGULAR MEETING:  
*(Need to determine if two regular meetings are needed on a monthly basis or we continue to schedule work sessions and special meetings on an as-needed basis)*
  
- 2.6 PUBLIC COMMENT:  
Items brought under this category may be limited to ten (10) minutes per subject and three (3) minutes per speaker. The name and address of the speaker will be asked to be stated for the record.
  
- 2.8 PRESENTATION BY MEMBERS OF THE DISTRICT BOARD:  
The President or any District Board Member may bring before the District Board any new business under the Announcements portion of the agenda for the purpose of agendizing and not discussing, but formal action such matters shall be deferred until a subsequent District Board meeting unless deemed to be of an urgent nature. *(Should a section titled "Presentation by Members of the District Board" be placed on the regular agenda?)*
  
- 3.6 MAINTENANCE OF ORDER:  
The Board President or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.
  
- 4.8 LIMITATION OF DEBATE:  
No Board Members normally should speak more than once upon any one subject until every other Board Member choosing to speak thereon has spoken.
  
5. PROCEDURES FOR BOARD ACTION ON AGENDIZED ITEMS
  
6. ADDRESSING THE DISTRICT BOARD  
All remarks and questions shall be addressed to the Chair and not to any individual District Board Member, staff member or other person. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.
  
- 6.4 WRITTEN CORRESPONDENCE

Board members may wish to review and discuss other Sections of the Resolution.

### **Recommendation**

Discuss objectives of resolution, review and discuss format, and provide direction to staff on any changes.

**RESOLUTION NO. 07-02**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE MORAGA-ORINDA FIRE DISTRICT  
ADOPTING RULES OF PROCEDURE FOR BOARD MEETINGS  
AND RELATED FUNCTIONS AND ACTIVITIES**

WHEREAS, the Board of Directors (“District Board”) of the Moraga-Orinda Fire District ("District") has previously adopted Rules of Procedure to govern the conduct of its meetings and related functions and activities through Resolution Numbers 04-04 and 97-2, as well as amending the schedule of regular meetings as set forth in the Rules of Procedure through Resolution Number 00-01; and

**WHEREAS**, the District Board desires to amend its Rules of Procedure for purposes of clarification, and replace the District’s existing Rules of Procedure.

**NOW, THEREFORE, BE IT RESOLVED** that the District Board does hereby repeal Resolution Numbers 04-04, 97-2, and 00-01 relating to the adoption of Rules of Procedure and related functions and activities within the District.

**BE IT FURTHER RESOLVED** that the District Board does hereby adopt the following Rules of Procedure for District Board meetings and related functions and activities:

**PURPOSE:** The purpose and intent of the District Board in adopting these rules is to provide directory, as opposed to mandatory, guidelines relating to the conduct of the public business by or on behalf of the District Board, and in the event of any noncompliance with or violation of any provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law. These procedures are intended to supplement and implement provisions of the Ralph M. Brown Act, Government Code section 54950 et seq., (the "Brown Act").

**1. MEETINGS**

**1.1 REGULAR MEETING:**

The District Board shall hold regular meetings located at the Moraga Fire Station at 1280 Moraga Way, Moraga, California 94556, on the third Wednesday of each month beginning at 7:00 p.m. When the day for a regular meeting of the District Board falls on a legal holiday, the District Board, at the preceding meeting, shall determine the time and date of any rescheduled meeting.

**1.2 ADJOURNED MEETINGS:**

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting, in compliance with the Brown Act Section 54955. Once adjourned, the meeting may not be reconvened. Whenever a regular or adjourned meeting is adjourned as provided in this section, the resulting adjourned meeting is a regular meeting for all purposes.

**1.3 SPECIAL AND EMERGENCY MEETINGS:**

Special and emergency meetings shall be held and noticed in compliance with the Brown Act Sections 54956 and 54956.5

Special Meetings may be called by the Board President or majority of Board Members on 24-hours notice, as set forth in the Government Code section 54956. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. Only matters contained in the notice may be considered.

#### 1.4 QUORUM:

Unless otherwise provided for in District Ordinance, a majority of the District Board shall be sufficient to do business and motions may be passed by a vote of 2-1 if only 3 Board Members attend. The following matters, however, require three affirmative votes: a) adoption of ordinances, b) resolutions granting franchises, and c) orders for payment of money.

##### 1.4.1 Legally Required Participation:

If a majority of the District Board shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the District Board shall select by lot or other means of random selection, or by such other impartial and equitable means as the District Board shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. The selected disqualified members may vote, but may not participate in discussion or deliberation on the item.

#### 1.5 MEETINGS TO BE PUBLIC:

All regular, adjourned, special, and emergency meetings of the District Board shall be open to the public, provided, however, the District Board may hold closed sessions from which the public may be excluded for the consideration of matters authorized by the Brown Act, which include, but are not presently limited to, personnel matters, negotiations for the sale or purchase of real property, attorney-client consultation concerning existing and potential litigation.

## 2. ORDER OF BUSINESS

### 2.1 AGENDA:

In order to facilitate the orderly conduct of the business of the District Board, the Board Clerk shall prepare an agenda for each Board Meeting in accordance with the Order of Business set forth in Section 2.1.1. The Agenda prepared by the Board Clerk shall, at a minimum, include:

1. The date of the meeting.
2. The time of the meeting.
3. The location of the meeting.
4. A specified period of time for members of the public to address the District Board on items of interest to the public that are within the jurisdiction of the District Board.
5. A specified section under which Board Members and District Staff may present information-only reports.

2.1.1 The Order of Business of each meeting shall be as contained in the Agenda prepared by the Board Clerk. The Agenda shall be a listing by topic of the subjects which shall be taken up for consideration in the following order:

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CLOSED SESSION
5. RECONVENE THE MEETING
6. REPORT OF CLOSED SESSION ACTION
7. PUBLIC COMMENT
8. CONSENT AGENDA
9. REGULAR CALENDAR
10. FINANCE COMMITTEE REPORT
11. CORRESPONDENCE
12. ANNOUNCEMENTS
13. ADJOURNMENT

2.1.2 On a majority vote of the District Board, items may be taken out of the order prescribed above, so long as there is no discernible prejudice to the right of the public to be heard on the matter.

2.1.3 No matters other than those on the agenda shall be finally acted upon by the District Board; provided, however, that the District Board may take action on items of business which do not appear on the posted agenda under any of the following conditions or circumstances.

(1) Upon a determination by a majority vote of the District Board that an emergency situation exists, as defined in the Brown Act Section 54956.5;

(2) Upon a determination by a two-thirds vote of the District Board, or, if less than two-thirds of the members are present, by a unanimous vote of those members present, that the need to take immediate action arose subsequent to the Agenda having been posted;

(3) The item was posted for a prior meeting of the District Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is proposed to be taken.

## 2.2 DELIVERY OF AGENDA:

The Agenda for each regular meeting of the District Board, and reports and other documentation related thereto, shall be delivered to the Board Members and made available to the public on the Friday preceding the Wednesday meeting to which it pertains. In respect to every regular meeting, the Agenda shall conform to the Brown Act Section 54954.2 and shall be posted at least 72 hours prior to the time scheduled for the meeting. Agendas shall be posted on the windows outside the administrative offices of the District located at 33 Orinda Way, and at such other places within the District as the District Board has designated for posting notices of District Board meetings.

## 2.3 ROLL CALL:

Before proceeding with the business of the District Board, the names of those present shall be entered in the minutes. No formal roll call need be taken.

#### 2.4 APPROVAL OF MINUTES:

Unless requested by a majority of the District Board, minutes of the previous meeting may be approved without public reading if the Board Clerk has previously furnished each Board Member with a copy thereof.

#### 2.5 PUBLIC HEARINGS:

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Staff Review
- Questions of Staff by District Board
- Hearing opened by Board President
- Preliminary Board Comments
- Testimony by proponents
- Testimony by opponents
- Public Comments
- Rebuttal by proponents
- Questions by District Board
- Discussion by District Board
- Proposed Action by District Board
- Public Comment on Proposed Action by District Board
- Closing of Hearing
- Final Action by District Board

Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Board President may at the beginning of the hearing limit testimony, but in no event to less than three minutes per individual. Any person may speak for a longer period of time, upon approval of the District Board, when this is deemed necessary in such cases as when a person is speaking as representative of a group or has graphic or slide presentations requiring more time.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the District Counsel shall advise the District Board in this regard.

At any public hearing before the District Board, testimony of witnesses under oath may be requested by the District Board.

#### 2.6 PUBLIC COMMENT:

Public comment on any item not otherwise appearing on the agenda is invited during the Public Comment.

If the matter brought before the Board requires a collective decision by a majority of the members of the Board, the matter may be received and then forwarded to staff, a Director or Board Committee for recommendation and report at a subsequent meeting. This procedure is necessary in order to comply with the Brown Act. Items brought under this category may be limited to ten (10) minutes per subject and three (3) minutes per speaker. The name and address of the speaker will be asked to be stated for the record.

### 2.7 CONSENT AGENDA:

Items of routine nature, and non-controversial, shall be placed on the Consent Agenda. All items may be approved by one blanket motion upon unanimous consent. Prior to, or following review of, the Consent Agenda by the District Chief, any Board Member may request that any item be withdrawn from the Consent Agenda for separate consideration. Any member of the public may request any Board Member to withdraw a Consent Agenda item from Board consideration. However, any Board Member may abstain from voting on any Consent Agenda item without requesting its removal from the Consent Agenda, and the Board Clerk shall be instructed to record such abstentions in the minutes.

### 2.8 PRESENTATION BY MEMBERS OF THE DISTRICT BOARD:

The President or any District Board Member may bring before the District Board any new business under the Announcements portion of the agenda for the purpose of agendaizing and not discussing, but formal action such matters shall be deferred until a subsequent District Board meeting unless deemed to be of an urgent nature.

## 3. PRESIDING OFFICER

### 3.1 PRESIDING OFFICER

The Board President shall be the Presiding Officer, also referred to herein as “Chair”, at all meetings of the District Board. In the absence of the Board President, the Board Vice-President shall preside. In the absence of both the Board President and the Board Vice President, the District Board Secretary shall act as the presiding officer to serve until the arrival of the Board President or Board Vice President or until adjournment.

### 3.2 CALL TO ORDER:

The meeting of the District Board shall be called to order by the Board President or, if absent, by the Board Vice President. In the absence of both the Board President and the Board Vice President, the meeting shall be called to order by the Board Secretary.

### 3.3 PARTICIPATION OF PRESIDING OFFICER:

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Board Members, and the Presiding Officer shall not be deprived of any of the rights and privileges of a Board Member by reason of acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the District Board, the Presiding Officer should consider turning the Chair over to another member.

### 3.4 QUESTION TO BE STATED:

The Presiding Officer shall verbally restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

### 3.5 SIGNING OF DOCUMENTS:

The Board President, or Board Vice President, in the absence of the Board President, shall sign ordinances and resolutions adopted by the District Board. The Board Clerk or Deputy Board Clerk shall attest to the signature of the Board President or Board Vice President.

### 3.6 MAINTENANCE OF ORDER:

The Board President or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

## 4. RULES, DECORUM AND ORDER

### 4.1 POINTS OF ORDER:

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the District Board. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?", in which event a majority vote shall govern and conclusively determine such question of order.

### 4.2 DECORUM AND ORDER - BOARD MEMBERS:

(a) Any Board Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine remarks to the question under debate.

(b) A Board Member desiring to question the staff shall address questions to the District Chief or District Counsel, in appropriate cases, who shall be entitled either to answer the inquiry himself or to designate some member of staff for that purpose.

(c) A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Board Member; or unless the speaker chooses to yield to questions from another Board Member.

(d) Any Board Member called to order while speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Board member shall be permitted to proceed. If ruled to be not in order, the Board member shall remain silent or shall alter remarks so as to comply with rules of the District Board.

(e) Board Members shall accord the utmost courtesy to each other, to District employees, and to the public appearing before the District Board and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

(f) Any Board Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the District Board shall require the Presiding Officer to so act.

#### 4.3 DECORUM AND ORDER - EMPLOYEES:

Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to members of the District Board. The District Chief shall insure that all District employees observe such decorum. Any staff members including the District Chief, desiring to address the District Board or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Board Member or member of the public.

#### 4.4 DECORUM AND ORDER - PUBLIC:

Members of the public attending District Board meetings shall observe the same rules or order and decorum applicable to the District Board. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the District Board or while attending the District Board meeting shall be removed from the room if the sergeant-of-arms is so directed by the Presiding Officer, and such person may be barred from further audience before the District Board. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer.

#### 4.5 ENFORCEMENT OF DECORUM:

District Chief or designee shall be ex-officio sergeant-of-arms of the District Board. The ex-officio sergeant-of-arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the Board Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-of-arms or another representative to eject any person from the District Board Chambers or place the individual under arrest or both.

As set forth in the Brown Act Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the District Board may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the District Board from establishing procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

#### 4.6 PERSONAL PRIVILEGE:

A District Board Member may request a point of personal privilege, requesting the immediate consideration of a matter affecting the comfort, safety or orderliness of a member.

#### 4.7 CONFLICT OF INTEREST:

All Board Members are subject to the provisions of California Law, including, but not limited to, California Government Code, section 1090 *et seq.* relative to conflicts of interest, and to conflicts of interest codes as may be adopted by the District Board and to the provisions of Government Code section 87100 *et seq.* relative to certain defined financial interests prohibiting participation in District decisions. Any Board Member prevented from voting because of a conflict of interest or a declared financial interest shall refrain from debate and voting on the included matter. Such Board Member must leave the District Chambers during debate and voting on the issue, except as may be allowed as a private citizen.

#### 4.8 LIMITATION OF DEBATE:

No Board Members normally should speak more than once upon any one subject until every other Board Member choosing to speak thereon has spoken.

#### 4.9 DISSENTS, PROTESTS, AND COMMENTS:

Any Board Member shall have the right to express dissent from or protest to or comment upon any action of the District Board and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

#### 4.10 PROCEDURES IN ABSENCE OF RULES:

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

#### 4.11 RULINGS OF PRESIDENT ARE FINAL UNLESS OVERRULED:

In presiding over District Board meetings, the Board President, Board Vice President, or temporary Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Board Members present and voting, and shall be binding and legally effective (even though clearly erroneous) for purposes of the matter under consideration.

#### 4.12 ACTIONS NOT INVALIDATED:

Failure to strictly comply with these Rules of Procedure shall not necessarily invalidate any action taken by the District Board.

### **5. PROCEDURES FOR BOARD ACTION ON AGENDIZED ITEMS**

5.1 The Board shall take input from staff and other invited experts and ask questions for clarification.

5.2 The Board shall discuss the item on the agenda and may ask further questions of staff or other invited experts.

5.3 The Board shall invite comments or questions from the public relative to that agenda item. A limitation of three (3) minutes may be imposed upon each person so desiring to address the Board.

5.4 A motion is made and seconded if an action is intended to occur.

5.5 The Board shall invite comments or questions from the public relative to that motion. A limitation of three (3) minutes may be imposed upon each person so desiring to address the Board.

5.6 The Board deliberates on the motion.

5.7 The Board votes.

## **6. ADDRESSING THE DISTRICT BOARD**

### **6.1 MANNER OF ADDRESSING THE DISTRICT BOARD:**

Any member of the public desiring to address the District Board shall wait to be recognized by the Presiding Officer. After being recognized, he or she shall state his or her name and address for the record.

All remarks and questions shall be addressed to the Chair and not to any individual District Board Member, staff member or other person. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

### **6.2 TIME LIMITATION:**

Any member of the public desiring to address the District Board may be required to limit his or her address to three (3) minutes unless further time has been granted by the Presiding Officer in the individual case, or in accordance with Section 2.5.

### **6.3 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS:**

The making of oral communications to the District Board by any member of the public during the Public Comment portion of the Agenda shall be subject to the following limitations:

6.3.1 At any time, before or after the oral communication is commenced, the Presiding Officer may if he deems it preferable, direct that the communication be made instead either to the District Chief or other appropriate staff member during regular business hours or in writing for subsequent submittal to Board Members, pursuant to Section 6.5.

6.3.2 The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. Those whose presentations are postponed shall be given priority at the next meeting, during the Public Comment portion of the Agenda.

6.3.3 If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue. In this regard, preference may be given to speakers who represent groups or persons who have designated a spokesperson.

#### 6.4 WRITTEN CORRESPONDENCE

The District Chief is authorized to receive and open all mail addressed to the District Board as a whole and give it immediate attention to the end that all administrative business referred to in said communications, and not necessarily requiring District Board action, may be disposed of between District Board meetings. A copy of such communication shall be sent to each Board Member by the appropriate means. Any communication relating to a matter pending or to be brought before the District Board shall be included in the agenda packet for the meeting at which such item is to be considered.

Letters of appeal from administrative decisions shall be processed under applicable provisions of the District ordinances.

Copies of all other communications sent to the District Board will be transmitted to all District Board Members.

#### 6.5 PERSONS AUTHORIZED TO BE WITHIN PLATFORM:

No person except District officials shall be permitted within the platform area in front of the District Board table without the invitation or consent of the Presiding Officer.

### 7. MOTIONS

#### 7.1 PROCESSING OF MOTIONS:

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

#### 7.2 MOTIONS OUT OF ORDER:

The Presiding Officer may at any time, by majority consent of the District Board, permit a Board member to introduce an ordinance, resolution or motion out of the regular agenda order.

#### 7.3 DIVISION OF QUESTION:

If the question contains two or more divisionable propositions, the Presiding Officer may, and upon request of a Board Member shall, divide the same.

#### 7.4 PRECEDENCE OF MOTIONS:

When a motion is before the District Board, no motion shall be entertained except the following, which shall have precedence in the following order:

- a. Adjourn
- b. Fix Hour of adjournment
- c. Table
- d. Limit or terminate discussion
- e. Substitute
- f. Reconsider
- g. Amend
- h. Postpone

7.5 MOTION TO ADJOURN: (not debatable)

A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion.
- b. When made as an interruption of a Board Member while speaking.
- c. When discussion has been ended, and vote on motion is pending, and,
- d. While a vote is being taken.

A motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

7.6 MOTION TO FIX HOUR OF ADJOURNMENT:

Such a motion shall be to set a definite time at which to adjourn and shall be undebatable and shall be unamendable except by unanimous vote.

7.7 MOTION TO TABLE:

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

7.8 MOTION TO LIMIT OR TERMINATE DISCUSSION:

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

7.9 MOTION TO AMEND:

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first then the main motion as amended.

7.10 MOTION TO CONTINUE

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

## **8. VOTING PROCEDURE**

### **8.1 VOTING PROCEDURE:**

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Board Member present can be clearly ascertained. The Board Clerk shall call the names of all members seated when a roll call vote is ordered or required. Board Members shall respond "aye," "no" or "abstain," provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Board Member not audibly and clearly responding "no" or "abstain" or otherwise registering an objection shall have his voice recorded as "aye".

### **8.2 ROLL CALL VOTING:**

Every ordinance and any resolution or orders for franchises or payments of money require three affirmative votes. A roll call vote shall be used for these changes. Any other question before the District Board shall not require a roll call vote unless demanded by any Board Member. It shall not be in order for Board Members to explain their vote during roll call. Any Board Member may change his vote before the next order of business.

### **8.3 RECONSIDERATION:**

Any Board Member who voted with the majority may move a reconsideration of any action at the same or next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the District Board.

### **8.4 TIE VOTES:**

Tie votes shall be lost motions. When all District Board Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the District Board takes other action to further consider the matter. If a tie vote results at a time when less than all Board Members are present the matter shall automatically be continued to the agenda of the next regular meeting of the District Board, unless otherwise ordered by the District Board.

## **9. RESOLUTIONS**

### **9.1 DEFINITIONS:**

Legislative acts of the District Board (usually a role of public policy for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." The term "resolution," generally denotes any action taken affirmatively via a vote of the District Board, other than one taken by ordinance. Three terms are in general use to denote such (non-ordinance) actions: "resolution," "minute order," and "motion" (thereafter recorded by minute entry). All three actions are equally as legally effective and binding; they just vary in the formality of respective memorialization.

The most formal is referred to locally as a "resolution" which in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such "resolutions" are used in this District for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

A "minute order" denotes a separate document which is also maintained in a separate set of books, under a system of sequential numbering, and is referenced in the minutes; however, the "minute order" is drafted far more briefly than a "resolution" and is distinguished from a mere minute entry only by the need in general, to have a separate document to facilitate certain administrative processes to which it pertains.

A "motion" (assuming it was one which passed) is a District Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

#### 9.2 RESOLUTIONS PREPARED IN ADVANCE:

Where a resolution has been prepared in advance, the procedure shall be: Motion, second, discussion, vote pursuant to methods prescribed in Section 8.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any Board Member may require that the resolution be read in full.

#### 9.3 RESOLUTIONS NOT PREPARED IN ADVANCE:

Where a resolution has not been prepared in advance, the procedure shall be to instruct the District Chief or District Counsel to prepare a resolution for presentation at the next District Board meeting.

#### 9.4 URGENCY RESOLUTIONS:

In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in 8.1 above shall be followed.

Urgency resolutions shall be avoided except when absolutely necessary; and shall be avoided entirely when resolutions are required by law. Where the resolution has been drafted in written form either before or during the meeting, this paragraph shall not be deemed applicable.

### 10. ORDINANCES

#### 10.1 INTRODUCTION AND ADOPTION OF ORDINANCES:

Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board Members present, all ordinances shall be read in full either at the time of introduction or passage.

When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at regular or at an adjourned regular meeting held at least five days after alteration.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

#### 10.2 EFFECTIVE DATE:

All ordinances, except as otherwise provided by law, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the ordinance.

#### 10.3 PUBLISHING:

It shall be the duty of the Board Clerk to post or publish all ordinances within 15 days after adoption.

#### 10.4 URGENCY ORDINANCES:

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

### **11. ELECTION OF OFFICERS**

The District Board shall elect the following Officers: President, Vice President, Treasurer and Secretary on an annual basis or as may be required after a general district election. The District Board may also elect such additional officers as may be created.

### **12. STANDING OR AD HOC COMMITTEES**

The District Board may appoint such standing or ad hoc committees as are necessary to conduct District business.

PASSED, APPROVED AND ADOPTED this 17 day of January, 2007, by the following vote:

**AYES:** Directors Gottfried, Sperling, Weil, Wilson and President Wyro

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

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John Wyro, President  
Board of Directors

ATTEST:

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Christine Pokorny  
Secretary to the Board

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Steven R. Meyers  
District Counsel

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Pete Nowicki,  
District Chief