

RESOLUTION NO. 08-07

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
MOSQUITO AND VECTOR MANAGEMENT DISTRICT OF SANTA
BARBARA COUNTY ESTABLISHING REVISED RULES FOR PROCEEDINGS**

WHEREAS, the Mosquito and Vector Management District of Santa Barbara County (the “District”) adopted rules for proceedings on June 8, 2006 (the “Existing Rules”) by passing Resolution No. 06-04; and

WHEREAS, the Board of Trustees of the District deems it to be in the District’s best interests to adopt revised rules for proceedings to update and supersede the District’s Existing Rules.

BE IT RESOLVED by the Board of Trustees of the Mosquito and Vector Management District of Santa Barbara County that the following revised rules for proceedings are hereby established:

RULES FOR PROCEEDINGS OF THE BOARD OF TRUSTEES

Preamble

The Trustees of the Mosquito and Vector Management District of Santa Barbara County are committed to the highest level of ethical conduct in their official capacity and will maintain the utmost level of professionalism, faithfully discharge their duties and exercise their fiduciary responsibilities to maintain the public trust at the highest level. Pursuant to Health and Safety Code Section 2022(e): “All trustees shall exercise their independent judgment on behalf of the interests of the residents, property owners, and the public as a whole in furthering the purposes and intent of this chapter. The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them.”

1. INTRODUCTION.

A. Purpose. These are the rules for proceedings of meetings of the Board of Trustees of the Mosquito and Vector Management District of Santa Barbara County. They are adopted pursuant to Health and Safety Code Section 2029(e). The purpose of these rules is to facilitate the conduct of Board meetings, the public participation in Board meetings, all in an orderly and efficient manner. The provisions of the Ralph M. Brown Act (Govt. Code, §54950 et seq.) and any other applicable law shall control over any inconsistent provision contained in these rules.

B. Attendance. In the event that any Trustee voluntarily or involuntarily fails to attend three consecutive Board meetings, the Board of Trustees may request that the

legislative body of the agency that appointed the Trustee remove the Trustee from the District Board.

2. REGULAR MEETINGS.

A. Time and Place. The regular monthly meetings of the Board of Trustees shall be held at the Hope School Board Room, 3970 La Colina Road, Santa Barbara, California, on the second Thursday of each month, commencing at 2:00 p.m. The location, day and time for holding regular meetings may be changed from time to time by resolution adopted by the Board.

B. Rescheduled regular meetings. If the Board Secretary, in consultation with the President, or the Board determines it is necessary or desirable to reschedule a regular Board meeting, then the rescheduled regular meeting shall be noticed as a special meeting in compliance with the requirements of section 9, below. In that case, the special meeting notice shall contain substantially the following statement at the end of the notice: "Notice is further given that the regular meeting ordinarily scheduled for _____, at 2:00 p.m. is canceled, and this special meeting is being held in lieu of the regular meeting." If the rescheduled meeting is to be held after the regular meeting, then the special meeting notice shall be posted and distributed before the date of the regular meeting.

3. METHOD OF TRANSACTING BUSINESS; REQUIRED VOTE. A majority of the Board shall constitute a quorum for the transaction of business. Except as otherwise specifically provided to the contrary by applicable law, a recorded vote of a majority of those Trustees present and voting is required on each action. The Board shall act only by ordinance, resolution or motion. (Health and Safety Code §2029.) Unless a Trustee is not voting because of a conflict of interest, a Trustee who is present and does not vote on an item shall be deemed to have voted in the affirmative, and an "abstain" vote shall constitute an "aye" vote. (Dry Creek Valley Assoc., Inc. v. Board of Supervisors (1977) 67 Cal.App.3d 839.).

4. MINUTES; RECORD OF VOTE. The District's General Manager or his designee shall prepare and maintain written minutes of each Board meeting. The District Board minutes shall include at least the following information: (i) the names of the Trustees and staff present at the meeting; (ii) a brief summary of the discussion of the Board on each matter considered; (iii) the names of the Trustees who make and second ordinances, resolutions and motions; and (iv) the ayes and noes taken upon all action items. Any Trustee may request that an abstract of his or her statement either in support or opposition of any matter be entered in the minutes.

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

election of the Board. There shall be no limit as to the number of terms that an individual may hold an office.

The President shall have the following duties:

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

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

The Secretary shall have the following duties:

- a. To attest to the signature of the President or Vice President on ordinances, resolutions and contracts.
- b. To certify District documents as true and correct copies.
- c. To call meetings to order in the absence of the President and Vice President and preside until an acting President is elected.
- d. To give notice of meetings and hearings as required by law.
- e. To perform such other duties as directed by the President or the Board.

The Secretary may delegate these duties to the District's General Manager where appropriate and permitted by law.

6. ORDER OF BUSINESS. The business taken up for consideration by the Board at regular Board meetings will ordinarily be in the following order:

- a. Call to order and roll call
- b. Confirmation of Agenda
- c. Staff announcements
- d. Correspondence
- e. Public Hearing(s), if any

- f. Opportunity for Public Comment on non-agenda items
- g. Approval of Items of General Consent including:
 - Approval of Minutes
 - Approval of Financial Statements
 - Approval of Schedule of Warrants
 - Other non-controversial items
- h. Old business items
- i. New business items
- j. Manager's report
- k. Board Announcements
- l. Closed session(s), if any
- m. Adjournment

Either the President or the Board may elect to take any item of business out of order.

7. AGENDA.

A. General. The General Manager or his designee shall be responsible for preparing the regular meeting agenda and special meeting notice/agenda for Board meetings, and posting it at the District office in a location freely accessible to the public at least 72 hours before each regular meeting and at least 24 hours before each special meeting. The agenda must specify the time and location of the meeting and contain a brief general description (generally no more than 20 words) of each item of business to be transacted or discussed at the meeting. Any member of the Board may request the General Manager to place an item for discussion or action on the agenda. In order to allow sufficient time to prepare an agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting shall be at 12:00 noon on the Thursday of the week preceding the Thursday meeting.

B. Authority to act on matters not on agenda. The Board shall not discuss or act on any item not appearing on the posted agenda, except under the following conditions:

(1) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. For purposes of this subsection, "emergency situation" includes work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity. The Board shall

comply with the requirements of Government Code section 54956.5 when holding an emergency meeting.

(2) When there is an immediate need to take action on an item which came to the attention of the District after posting the agenda, as determined by two-thirds vote of the entire Board, or by unanimous vote if less than two-thirds are present.

(3) For items continued from a posted agenda matter for a meeting within the last five days.

(4) As provided in subsection (C).

C. Board/staff reports. Under this agenda item, Board members and staff may make brief announcements and reports, and Board members may briefly respond, ask questions for clarification, refer a matter to staff, request staff to report back on a matter, or direct staff to place a matter on a subsequent agenda. Unless the Board makes one of the determinations required under section 7(B), there shall be no substantive discussion or action on matters covered in these reports.

D. Public comments. Every agenda for a regular meeting shall provide an opportunity for members of the public to directly address the Board on items that are within the subject matter jurisdiction of the Board and which do not appear on the agenda. In response to these public comments, the Board may briefly respond, ask questions for clarification, refer a matter to staff, request staff to report back on the matter, or direct staff to place the matter on a subsequent agenda. As a general Board policy, complaints and concerns from members of the public should first be referred to the General Manager for investigation and resolution, if appropriate. In order to facilitate the meeting and public participation during the public comments portion of the meeting, the President may limit the total amount of time allocated for public comment on a particular issue or matter (ten minutes or less shall normally be standard), and may limit the time allocated for public comments by an individual speaker (three minutes or less shall normally be standard).

8. ADJOURNMENT.

A. General. A meeting of the Board shall be adjourned by (1) loss of a quorum, (2) motion made, seconded and approved to adjourn the meeting, or (3) declaration of the President that the meeting is adjourned when the agenda has been completed and there is no further business to come before the Board. A meeting of the Board may also be adjourned to a specific day and time by motion made, seconded and approved by the Board, in which case an order of adjournment shall be prepared and conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of adjournment. If a meeting is continued to a day more than five calendar days later, then a new agenda for the adjourned meeting shall be posted pursuant to section 7(A), above.

B. Lack of a quorum. If less than a quorum attends a regular Board meeting, then those Trustees present may adjourn the meeting to a time and place specified in an order of adjournment. If all members are absent from any regular meeting, the General

Manager may declare the meeting adjourned to a time and place specified in an order of adjournment. Within 24 hours after the time of adjournment (whether by less than a quorum or the General Manager), the order of adjournment shall be (1) delivered personally or mailed to each Trustee and to each newspaper, radio or television station requesting notice in writing, and (2) posted conspicuously on or near the door of the place where the regular meeting was held. The adjourned regular meeting shall then be a regular meeting for all purposes, and the same regular meeting agenda shall apply to the adjourned meeting. If new items are to be added to the agenda, then the revised agenda shall be re-posted pursuant to section 7(A), above.

9. SPECIAL MEETINGS. A special meeting may be called at any time by the General Manager or any Board officer (President, Vice President or Secretary) by delivering personally or by mail written notice to each Trustee and to each newspaper, radio or television station requesting notice in writing. The special meeting notice must be received at least 24 hours before the time of the meeting specified in the notice. The special meeting notice must also be posted at least 24 hours before the meeting in a location freely accessible to the public. The written notice may be dispensed with as to any Trustee who at or prior to the time the meeting convenes files with the General Manager a written waiver of notice. The written notice may also be dispensed with as to any Trustee who was actually present at the meeting at the time it convenes. The special meeting notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting.

10. CLOSED SESSIONS.

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

B. Public Reports. After any closed session, the Board shall reconvene into open session and publicly report any action taken (including the roll call vote) during the closed session to finally approve a real property acquisition; to appoint, employ, dismiss, accept the resignation of or otherwise affect the employment status of a District employee; or to finally approve a labor contract. For the reporting obligations relating to pending litigation, the Board should consult the District's legal counsel.

11. RULES OF ORDER.

A. General. Action items shall be brought before and considered by the Board by motion in accordance with the following rules of order. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and therefore does not conduct its meetings under formalized rules (e.g.,

Robert's Rules of Order). If a Trustee believes order is not being maintained or procedures are not adequate, then he or she should raise a point of order to the President. A point of order does not require a second. If the ruling of the President is not satisfactory, then it may be appealed by motion to the Board. The Board will then determine the point of order.

B. Obtaining the floor. Any Trustee desiring to speak should address the President and upon recognition by the President may address the subject under discussion.

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

D. Secondary motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

(1) Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Trustees who moved and seconded, or by a motion to amend, which is then seconded and approved by the Board.

(2) Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by the Board.

(3) Motion to postpone. A main motion may be postponed to a date and time certain by a motion to postpone, which is then seconded and approved by the Board.

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

(5) Motion to close debate and vote immediately. Debate on a main motion may be closed by a motion to close debate and vote immediately, which is then seconded and approved by the Board. Before voting on the motion, the President shall ask for any comments from the public.

(6) Motion to adjourn. A meeting may be adjourned by motion made, seconded and approved by the Board before voting on a main motion.

E. Decorum. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public

hearings. The President may eject any person or persons making profane, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise willfully interrupting or disrupting the meeting or hearing. The President may also declare a short recess during any meeting.

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

- a. No sooner than the time set for the public hearing, the President shall declare the public hearing open.
- b. The General Manager or other appropriate staff person shall verify that notice of the public hearing has been given in the manner required by law.
- c. The General Manager or other appropriate staff person shall present a staff report concerning the subject of the hearing.
- d. The President shall ask whether any Trustees have any questions of the staff.
- e. The President shall ask the General Manager whether any written comments on the subject matter of the public hearing have been received.
- f. If applicable, the applicant or proponent shall be asked by the President to present any comments.
- g. The President shall then ask whether any members of the public wish to present written or oral comments on the subject of the public hearing.
- h. The President then closes the public hearing.
- i. The Board then deliberates and acts on the item.

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

13. ROLE OF BOARD AND STAFF.

A. Role of Trustees. The Board shall establish policies for the operation of the District and shall provide for the faithful implementation of those policies, which is the responsibility of the employees of the District. (Health and Safety Code, §2020.) The

Board is not responsible for the day-to-day management or operations of the District. The Trustees may take action only as a Board. Individual Trustees shall not take action or speak on behalf of the District without express Board authorization.

B. Relationship of Trustees with General Manager and Staff.

(1) The General Manager is the chief executive officer of the District and shall report directly to the Board. The General Manager shall have full charge and control of the affairs of the District consistent with the policies established by the Board. Employees shall perform work as directed by the General Manager or the General Manager's designee.

(2) The Board and individual Trustees may discuss District business with the General Manager and the development and implementation of District policies. Only the Board, and not individual Trustees, may direct the actions of the General Manager. The General Manager shall supply information reasonably requested by individual Trustees.

(3) The General Manager may discuss District business with Trustees outside a public meeting, but the General Manager shall not communicate the views of one Trustee to other Trustees except at a public meeting. The Board shall not consider or act on the General Manager's recommendations except at a public meeting.

(4) The Board and individual Trustees should generally not discuss District business directly with any District employee. Exceptions may be made where the Board (but not an individual Trustee) is investigating a matter involving the General Manager, or where the General Manager is unavailable and immediate action is needed. Any such contact shall be reported by the Trustee to the Board at the next Board meeting.

C. Relationship of Trustees with Legal Counsel. District legal counsel is retained by the Board of Trustees (Health and Safety Code Section 2041(i)). District legal counsel is accountable directly to and serves at the pleasure of the Board. Legal counsel represents the District in accordance with the policies adopted and actions taken by the Board. Only the Board, and not individual Trustees, may direct District legal counsel to provide services on behalf of the District, unless an individual Trustee has been authorized by the Board to direct the actions of legal counsel. Notwithstanding the foregoing, individual Trustees may periodically contact District legal counsel directly on a limited basis to discuss issues relating to the District. District legal counsel shall keep the General Manager and/or the Board, as appropriate, reasonably informed regarding such communications with individual Trustees. The General Manager shall also have the authority to direct District legal counsel to provide services on behalf of the District consistent with the policies established by the Board, and as required by law, for the operation of the District.

D. Communications by Trustees Outside of Board Meetings. As specified in Government Code Section 54952.2(a), the term "meeting" includes any congregation of a majority of the members of a Board of Trustees at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the District. Except as specifically authorized by the Brown Act, any use of direct communication, personal intermediaries, or technological devices (e.g., telephone, e-

mail, etc.) that is employed by a majority of the members of the Board of Trustees to develop a collective concurrence as to action to be taken on an item by the Trustees is prohibited.

14. MEETING ATTENDANCE BY LEGAL COUNSEL. The District's legal counsel shall attend regular, special, and emergencies meetings of the Board of Trustees when such attendance is reasonably required, as determined by the District's General Manager or by any Board officer (President, Vice President or Secretary). An individual Trustee shall not have the authority to direct District legal counsel to attend a Board meeting unless such authority has been delegated to the Trustee by the Board.

15. AMENDMENT OF RULES. By motion approved by the Trustees, the Board in its discretion may at any meeting temporarily suspend these rules in whole or in part, or amend these rules in whole or in part.

16. EARLIER RULES SUPERSEDED. These rules for proceedings supersede and replace the Existing Rules adopted by the Board pursuant to Resolution No. 06-04, and any other any prior inconsistent resolutions, bylaws, regulations, procedures and policies of the District.

PASSED AND ADOPTED by the Board of Trustees of the Mosquito and Vector Management District of Santa Barbara County on the 13th day of November, 2008 by the following vote:

AYES: 6

NOES: 0

ABSENT: 1

ABSTAIN:


Larry Fausett, Board President

ATTEST:


Ron Hurd, Board Secretary

CERTIFICATION MADE UNDER PENALTY OF PERJURY (C.C.P. 2015.5)
COUNTY OF SANTA BARBARA

I certify (or declare) under penalty of perjury that the foregoing is a full, true and correct copy of the Resolution duly adopted by the Board of Trustees of the Mosquito and Vector Management of Santa Barbara County District on November 13, 2008.

Dated: 12-17-2008



Ron Hurd, Board Secretary