

RESOLUTION NO. _____

**RESOLUTION SETTING FORTH THE LASSEN-MODOC FLOOD CONTROL AND
WATER CONSERVATION DISTRICT RULES OF PROCEDURE**

WHEREAS, at its June 24, 2016, meeting, the District Board of Directors adopted Resolution No. 16-02 setting forth its Rules and Procedures; and

WHEREAS, at its September 27, 2016, meeting, the District Board of Directors adopted Resolution No. 16-05 amending its Rules and Procedures to change the rules related to filling a vacancy in the chairmanship; and

WHEREAS, there now exists the need to adopt an amendment to the rules to provide for alternative regular and special meeting locations (teleconference).

NOW THEREFORE, BE IT RESOLVED by the Lassen-Modoc County Flood Control and Water Conservation District Board of Directors who hereby adopts as its Rules of Procedure (Rules) the Rules attached and identified as Exhibit A and incorporated herein by reference.

The foregoing Resolution was passed and adopted this _____ day of _____, 2017, by the Lassen-Modoc County Flood Control and Water Conservation District Board of Directors, State of California, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

CHAIRMAN

Lassen-Modoc County Flood Control and Water
Conservation District Board, State of California

ATTEST:

Clerk of the District

BY: _____

Deputy Clerk of the District

I, , Deputy Clerk of the District, Lassen-Modoc County Flood Control and Water Conservation District, do hereby certify that the foregoing resolution was adopted by the said District Board at a special meeting thereof held on the _____ day of _____, 201____.

Deputy Clerk of the District

EXHIBIT A

RULES OF PROCEDURE

The purpose and intent of these Rules of Procedure are to be complementary and subordinate to those rules, authorities, and procedures set forth by Chapter 2127, Statutes of 1959 (the Lassen-Modoc County Flood Control and Water Conservation District Act (The "Act")), and the Act is incorporated herein, by reference, only.

RULE 1. MEETINGS

- A. Regular Meeting: A Regular Meeting of the District shall be held on the fourth Tuesday of June and the fourth Tuesday of September in the Adin Community Building located at 609 Main Street, Adin, California. In lieu of assembling in Adin, California, regular meetings may be held, in the discretion of the Chair, by teleconference, within the meaning of California Government Code section 54953(b)(1)-(b)(4).
- B. Special Meeting: A Special Meeting of the District may be held at any time or place, if notice of such meeting is given consistent with the Ralph M. Brown Act. The Chairman or District Legal Counsel shall have the authority for identifying the agenda items of District business, and the Clerk shall be responsible for noticing the Special Meeting to be held. In lieu of assembling in Adin, California, special meetings may be held, in the discretion of the Chair, by teleconference, within the meaning of California Government Code section 54953(b)(1)-(b)(4).
- C. Time Business: Time of business for a regular meeting shall normally be conducted from 1:30 P.M. unless another start time is timely published on any agenda in accord with the Ralph M. Brown Act.
- D. Quorum: A quorum for the transaction of business shall be six Directors. If less than a quorum is present, the only action which may be taken is to note for the record that a quorum is lacking.
- E. Adjournment: Whoever is present, even if they are less than a quorum, may so adjourn a regular or special meeting if no Director of the District is present.
- F. Order of Business: The Order of Business at regular and special meetings shall be as arranged by the Chairman.

RULE 2. CHAIRMAN

- A. Chairman: Pursuant to Section 9 of the Act:

"[t]he Directors shall elect a Chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in the minutes, select one or their number to act as chairman temporarily."

Duties of the Chairman shall include:

1. Setting the order of business on the Agenda
2. Ruling on points of procedure
3. Establishing standing and temporary (ad hoc) committees, and appointing Directors thereto
4. Executing documents on behalf of the District where the underlying action has been approved by the District

- B. Election: At the first regular meeting of the calendar year, the Chairman shall be elected by majority vote of the District.
- C. Term: The Chairman shall preside for one year, or until his/her successor is installed or when removed from office by a majority vote of the District Directors.
 - 1. If a vacancy occurs in the office of Chairman, as a result of resignation, retirement or removal from office, the Directors present shall install a Chairman by a majority vote of the District Directors. The successor Chairman shall preside for the remainder of the predecessor's term.

RULE 3. PROCEDURE

- A. Motion: When a Director makes a motion, the motion shall be stated to the Chairman by the moving Director.
- B. Second: No question on a motion shall be debated or put to vote unless the motion has been seconded.
- C. Possession and Withdrawal: A motion having been stated by the Chair, it shall be deemed to be in possession by the District, but it may be withdrawn at any time by the maker of the motion before decision or amendment with the assent of the second.
- D. Incidental Motions: When a question is under debate, no motion shall be received unless:
 - To adjourn
 - A motion to adjourn shall be decided without debate.*
 - To take a recess
 - To adjourn at a fixed time
 - A motion to fix time of adjournment shall be decided without debate.*
 - To lay on the table
 - To take from the table
 - To consider the previous question
 - To postpone to a certain time and date
 - To commit to committee
 - A motion to commit to committee shall specify the purpose of the committee, the length of time the committee shall serve, and the times and methods by which the committee shall report to the District*
 - To amend
 - To postpone indefinitely
- E. Roll Call Vote: Upon demand of any District Director, or at the discretion of the Chairman, the vote shall be by roll call.
- F. Voting: Each District Director shall have one vote. The minimum vote required to pass an item shall be six (6) affirmative votes unless a greater number is otherwise required by law or by prior action of the District. If only six (6) Directors of the District are present, any action shall require a unanimous vote of such six Directors.
- G. Abstentions: Any District Director may abstain from voting. An abstention shall not be counted as a vote for or against an item. An abstention from voting on the merits of any matter shall be announced audibly. The District Director should state the reason for the abstention.

RULE 4. CONFLICTS OF INTEREST

- A. In addition to Section 10 of the Act, any District Director who has a financial interest in a decision (see Government Code § 87100, et. seq.) shall do the following:
1. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, and
 2. Recuse himself or herself from discussing and voting on the matter, and
 3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the consent agenda.

While there is some legal authority which allows an individual District Director to address the District on an issue with which they have a conflict, it is incumbent on that individual District Director to correctly apprise themselves to what degree they are legally permitted to do so. Such activity should be exercised with caution not only to reduce the likelihood of a violation by the individual District Director of the Political Reform Act, Government Code section 1090, or any other applicable law, but also to mitigate any perception of impropriety by the District as a whole.

RULE 5. PROCEDURE FOR HEARINGS

The order of procedure for hearings before the District shall follow the County of Lassen's procedures for hearings, as contained in the Lassen County Board of Supervisors Rules of Conduct for Public Hearings, attached hereto as Exhibit A

RULE 6. ADOPTION OF RESOLUTIONS

Resolutions shall be adopted by a majority vote of the Directors upon motion duly made and seconded. A resolution shall take effect immediately. A resolution may be adopted by a voice vote except where the law requires a specific number of votes.

RULE 7. DIRECTION OF DISTRICT OFFICERS, EMPLOYEES, AND INDEPENDENT CONTRACTORS

All direction to District officers and employees, and independent contractors should be given through the District Legal Counsel or his/her designee. Individual District Directors shall not give direction to District officers, employees or independent contractors.

RULE 8. AMENDMENTS

Amendments to these rules of procedure shall be by majority vote of the District, and the amendment shall become active at the District's next regular meeting.

RULE 9. INTERPRETATION

In the absence of rules, herein, or if interpretation is necessary of these Rules, the Chairman, District Legal Counsel, and the District shall refer and adhere to Rosenberg's Rules of Order¹ in effect at any given time.

¹ https://www.cacities.org/Resources/Open-Government/RosenbergText_2011.aspx

EXHIBIT A

LASSEN COUNTY BOARD OF SUPERVISORS LASSEN COUNTY PLANNING COMMISSION

RULES FOR THE CONDUCT OF PUBLIC HEARINGS

The order of conduct of said hearing and meetings shall be as follows:

1. The Chairman declares the hearing open.
2. The Chairman shall state or have appropriate staff state the nature of the public hearing.
3. The County Staff Report and recommendations shall be presented and explained by appropriate staff, followed by:
 - (a) Questions asked by the Board/Commission Members
 - (b) Questions asked by the applicant
 - (c) Questions asked by the audience

All speakers must be recognized by the Chairman before making statements or asking questions. The Chairman may at any time limit the length of time or number of questions asked by a given party.

4. Correspondence addressed to the Board/Commission concerning the subject shall be read into the record by the Clerk or the appropriate staff.
5. The Chairman shall then call upon those in the audience who wish to speak in opposition of the proposal. Upon recognition a member of the audience may make presentations not to exceed five (5) minutes, followed by staff or applicant rebuttals not to exceed three (3) minutes. If time permits, the Chairman may waive time restrictions.
6. The Chairman shall then call upon those in the audience who wish to speak in support of the proposal, following the format established in #5 above.
7. At any time during the hearing the matter can be continued to a specific future date and time, upon the motion duly made and passed by the Board/Commission.
8. When it is determined that all pertinent evidence has been gathered, the hearing shall be closed by the Chairman. The Board/Commission may make its finding and issue its decision or set the time when it will consider the matter.