# Midpeninsula Regional Open Space District

**Board Policy Manual**

**REVISED**

| **Board Agenda** | **Policy 1.03**<br>**Chapter 1 – Administration & Government** |
|---|---|
| Effective Date: | Revised Date: 11/13/13 |
| Prior Versions: | |

**Agenda**
All reports, ordinances, resolutions and other matters intended to be considered by the Board at its regular meeting shall be delivered to the District Clerk no later than 5:00 p.m. on the preceding Wednesday for material requiring typing or other preparation, and not later than 5:00 p.m. on the preceding Thursday for material requiring reproduction only.

Any Board member or Board appointed staff member may place a matter on the agenda for Board consideration. The District Clerk shall prepare the agenda according to the order of business as determined by the General Manager who will confirm the agenda with the Board President.

Items proposed to be added to the special orders of the day, consent calendar or regular business of the Board agenda require the Board President's agreement. If the Board President does not agree, the item would be agendized at a subsequent meeting for the full Board to specifically discuss whether to entertain the item at a future meeting. The full Board may then discuss whether to place the item on a future agenda. Four (4) or more members of the Board must vote in favor of placing an item on a future agenda. The Board President in good faith will make every effort to place the item on the first available Board agenda in consultation with the General Manager. A copy of the agenda and all available supporting materials shall be electronically available by 5:00 p.m. on the Friday preceding each regular Board meeting or delivered by 7:00 p.m. on the Saturday preceding each regular Board meeting. Supplementary materials may be received by the District Clerk after that time, provided the matter refers to an already agendized item.

Agendas will be available with no charge upon request to public officials, newspapers in the District, and members of the public at the District office by 9:00 a.m. on the Monday preceding the regular meeting. Agendas will be posted in a location that is freely accessible to members of the public and posted on the District's website at least 72 hours before a regular meeting or at least 24 hours before a special meeting.

Supporting materials (reports, memoranda, resolutions, nonconfidential written communications to the Board, and other informational materials not previously published or distributed) may be obtained upon request by public agencies, newspapers in the District and members of the public at the District office by 9:00 a.m. on the Monday preceding the regular meeting, and 24 hours before a special meeting.

Written materials distributed during a public meeting by any person in connection with a matter subject to discussion or consideration shall be made available for inspection at the meeting if prepared by District staff or by a member of the Board, or immediately after the meeting if prepared by some other person.

Absent extraordinary circumstances, communications to the Board from members of the public shall be deemed nonconfidential. A memorandum from the General Manager explaining the justification for this decision "not to distribute materials to members of the public" shall accompany the written communications when sent to the Board. There will be no charge for the materials if available; otherwise the cost of reproduction will be charged.

No action or discussion shall be undertaken on any item not appearing on the posted agenda by the Board, provided that matters deemed to be of an urgent nature by a two-thirds vote of the Board, (or, if less than two-thirds of the Board members are present a unanimous vote of those members present) with an explanation stated as to the urgency, may be acted upon. (See also Government Code § 54954.2.)

**Board Member Requests to Place Matters on the Agenda for Reconsideration**
Recognizing that reconsideration of prior Board actions may consume additional Board and staff time, reconsideration may only occur in special circumstances subject to the rules in this Section. If the Board has previously voted on a matter, a Board member may place a request for reconsideration of the prior Board action on the agenda if that member voted on the prevailing side. A motion to reconsider may be made at the same meeting such action was taken, the next Regular Board meeting, or any intervening Board meeting. If the motion to reconsider is made and approved at the same meeting the action was taken, the matter may be reconsidered at that meeting, at the next Regular Meeting, or any intervening Board meeting, at the discretion of the Board of Directors. The maker of the motion shall specifically articulate the new information, analysis and/or circumstances that warrant(s) reconsideration of the prior action. After a motion to reconsider has been made and approved by a majority of the Board, unless the matter is reconsidered at the same meeting Board action was taken, the District Clerk shall place the prior Board action on the Board agenda for reconsideration at the next Regular Meeting, an intervening Board meeting, or at the earliest feasible Board meeting if it is infeasible to agendize the matter at the next Regular Meeting, unless otherwise directed by the Board. The agenda, public notification and staff report for the reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Board and is being reconsidered by the Board. Action on the reconsideration of the prior action shall adhere to regular Board policies and practices as if the item was being heard for the first time. The reconsideration rules contained in this Section shall not limit the Board's inherent legislative authority to rescind, amend, repeal, or otherwise nullify a prior Board action at a subsequent Board meeting. The reconsideration rules in this Section are not applicable to Board-appointed employees or their designees who may agendize matters for reconsideration, amendment, rescission, or repeal if deemed necessary to efficiently conduct District business or accomplish the District's mission.

**Order of Business**
The order of business shall be determined by the General Manager for the purpose of preparing meeting agendas, using the following format, unless in the General Manager's opinion, a different order would be more appropriate:

1. Roll Call
2. Pledge of Allegiance ~~(see Section 1.42)~~
3. Oral Communications
4. Special Orders of the Day
5. Adoption of Agenda
6. Adoption of Consent Calendar
7. Approval of Minutes (Consent Item)
8. Written Communications (Consent Item)
9. Unfinished Business
10. Public Hearings
11. Board Business
12. Informational Reports—Directors and Staff
13. ~~Revised Claims (Consent Item)~~
14. Closed Session
15. Adjournment

The order of business as set forth in the meeting agenda shall not be departed from except by consent of the majority of the Board.

**Roll Call**
Before proceeding with the business of the Board, the District Clerk or minute taker shall call the roll of the Board of Directors, and the names of those present shall be entered into the minutes.

**Pledge of Allegiance**
The Pledge of Allegiance shall be recited at the first meeting of July, and a special presentation shall be made at that time.

**Oral Communications—Public**
Members of the public may address the Board under the category Oral Communications during meetings on any matter not on the agenda concerning the affairs of the District. The presiding member of the Board may limit ~~presentations~~ the duration of time the ~~of~~ speaker~~s~~ may have to speak under this section as necessary and appropriate for the orderly management of the meeting, which under normal circumstances will be~~to~~ three minutes. If the Oral Communications category exceeds fifteen minutes, the President, with the approval of the Board, may delay additional oral communications to a designated time later in the meeting. Members of the public may address the Board on any agenda item when that item is considered by the Board.

Absent extraordinary circumstances, the Board will not discuss oral communication items unless the communication relates to an item appearing on the agenda for that meeting. The

Board may briefly respond, ask questions for clarification, provide information resource references, request staff to report back at a future meeting, or place the item on the agenda of a future meeting.

A member of the public may request under oral communications that an item be removed from the consent calendar.

At beginning of each meeting, the President shall make a statement outlining the procedures for public comment.

~~A member of the public may address the Board on an item not on the agenda under Oral Communications. Each speaker will ordinarily be limited to 3 minutes. There shall be no action or discussion on items not appearing on the agenda. However, Board members may briefly respond to public questions, ask a question for clarification, refer the matter to staff, request staff to report back at a future meeting as an informational report or place the matter on a future agenda.~~

**Special Orders of the Day**
Any Board member or Board appointed staff member may schedule special presentations, introductions or other activities deemed appropriate to this category, which shall be placed on the agenda by the District Clerk.

**Adoption of Agenda**
The Board shall determine the order of business to be considered at regular meetings, including placement of items removed from the consent calendar, and shall adopt the agenda, with additions or deletions. Only items of an urgent nature may be added to the agenda at this time, provided that any action be taken pursuant ~~t~~o the Agenda Section of this Policy ~~Section 1.30~~.

**Adoption of Consent Calendar**
The following items shall normally be included on the consent calendar: 1) approval of minutes; ~~-~~2) written communications; and~~-~~ 3) agenda items that the General Manager deems do not require Board discussion~~; and 4) revised claims~~. All items on the consent calendar shall be approved by one motion unless a request is made by a Board member to remove an item from the consent calendar for separate discussion. A member of the public may request under oral communications that the Board remove an item from the consent calendar for separate discussion.

Board members, the General Manager, and members of the public may request that an item be removed from the Consent Calendar during consideration of the Consent Calendar.

Board members may ask brief questions for clarification or make brief statements on an item without removing it from the Consent Calendar.

Board members may vote "no" on Consent Calendar items without pulling them from the Consent Calendar by asking that the minutes reflect a "no" vote on a specified agenda item.

**Approval of Minutes (Consent Item)**
Unless removed from the consent calendar by a member of the Board or the public, the minutes of the previous Board meeting(s) shall be approved without reading during the adoption of the consent calendar, provided that the District Clerk has previously furnished each member of the Board with a copy.

**Written Communications (Consent Item)**
The District Clerk is authorized to receive and open all mail addressed to the Board of Directors from members of the public. Any such written communication addressed to the Board shall be reproduced and distributed in the next regular mailing to the Board members and to members of the press who have requested supporting materials (see the Agenda Section of this Policy ~~Section 1.30~~).

All written communications, unless they relate to an item on the agenda, must be received no later than 5:00 p.m. on the Tuesday the week preceding a Board meeting in order to be distributed with the agenda and supporting materials and considered by the Board at the forthcoming meeting. If, in the opinion of the General Manager, a written communication should not be distributed with the agenda and supporting materials without a draft response, which has yet to be prepared, the written communication may be distributed later, but no later than at the forthcoming Board meeting. Written communications not directly related to an item on the agenda received after the 5:00 p.m. Tuesday deadline may be distributed with the agenda and supporting materials and considered by the Board at the forthcoming meeting if, in the opinion of the General Manager, time is of the essence for consideration of the written communication by the Board. Written communications directly related to an item on the agenda will be accepted for distribution up to 3:00 p.m. on the day of the meeting. Written communications directly related to an item on the agenda but received after 3:00 p.m. on the day of a meeting must be accompanied by thirty copies for distribution in order to be considered by the Board as written communication at the meeting.

Draft replies to written communications which have not been considered by the Board may be submitted with the written communication, provided such draft replies are labeled as follows: “Draft Response prepared by Staff.” Any member of the Board may request that such written communication be placed on the agenda as an emergency item in accordance with the Agenda Section of this Policy~~Section 1.30~~ for consideration by the Board.

The Board shall consider the recommendation of the General Manager and determine whether a written communication shall be placed on the agenda in accordance with the procedures of the Agenda Section of this Policy ~~1.30~~, considered in connection with an item already on the agenda, and/or referred to a committee, a Director or staff for simple acknowledgement, response or draft response or shall determine that an adequate response has been made.

A written communication addressed to an individual Director may, at the discretion of the individual Director, be considered a personal letter, a written communication or may be relayed to the members of the Board as an informational item.

Members of the public may read written communications into the District's record during oral communications at a regular meeting and offer explanations of any such document. The presiding member of the Board may limit presentations of the speakers, including the reading of a written communication, to three minutes. Written communications received at a regular Board meeting shall be reproduced and distributed to absent Board members and to members of the press who have requested supporting materials no later than the next regular mailing to the Board. Written communications which are distributed to the Board at a time other than a regular mailing shall be distributed to members of the press who have requested supporting materials within two working days of when they are sent to the Board. Written communications accompanied by an extraordinary quantity of attachments may, at the discretion of the General Manager, be duplicated and distributed with some or all the attachments excluded. The General Manager shall note on the written communication or in an accompanying memorandum that the entire written communication, including attachments is available at the District office for public review. The General Manager shall determine the most appropriate method for presenting the attachments to the Board of Directors. Copies of the excluded attachments will be made available on the same basis as any other public record.

If a Board member represents the District before another agency or organization, the Board member shall represent the majority position of the Board.

When contacting another agency or organization in a personal capacity, Board members should indicate that his/her comments are given as an individual and not as an official representative of the District Board of Directors.

**Unfinished Business**
When a regular meeting is adjourned before the completion of the agenda, all unfinished items shall be listed under Unfinished Business on the next regular Board meeting agenda, at the discretion of the General Manager or unless otherwise designated by a majority of the Board.

**Public Hearings**
Any matter which, in the opinion of the Board of Directors, President, or General Manager requires notice to and response by members of the public may be placed on the agenda under this category.

During consideration of agenda items the following sequence is to be adhered to, unless specific exceptions are agreed to by the Board:

1. Presentation on agenda item;
2. Board and staff members may ask questions for clarification, followed by preliminary Board comments and discussion if any;
3. Public Comment period;
4. Board discussion and deliberations; additional comment from public only when requested by Board members and directed through the presiding officer;
5. Board action on agenda item.

Persons addressing the Board should be requested to state their name and city~~address~~ for the record.

Persons who are recognized should address the Board from the podium microphone (when attending the meeting in person) prior to speaking, not speak from their seats.

The person recognized by the President should address the Board, not staff members or other audience members. There should not be a dialogue between audience members and staff, or between audience members. Public comments and questions should be directed through the President.

Only one person at a time should address the Board; other audience members should wait to be recognized before speaking. The President should discourage out-of-turn speaking by the public.

At the close of public comment, the President should indicate that the matter is now returned to the Board for deliberation and decision.

**Board Business**

These are business items being presented to the Board for consideration that do not fall under the category of Unfinished Business (see the Unfinished Business Section of this Policy~~1.49~~). Action in the form of an ordinance, resolution, motion or direction to staff may be required for items in this category.

**Informational Reports—Directors and Staff**

Informational, short reports by Directors and staff members on items of interest to the District may be given under this category. No action is expected but could occur at a regular meeting with a vote as required by the Agenda Section of this Policy ~~1.30~~.

Informational reports should be restricted to brief announcements or reports related to District business and shall generally be no more than three minutes per person. There shall be no action or discussion concerning Informational Reports.

Board members may refer a matter to staff, request staff to report back to the Board at a future meeting as an informational report or place the matter on a future agenda.

Informational reports of a personal nature that are unrelated to District business should not be shared during a public meeting.

~~**Revised Claims (Consent Calendar)**~~

~~Public Resources Code § 5547, 5544.22 and 5540 as amended.~~

~~No claims against the District shall be paid unless the same shall be first approved by a majority of the Board at a meeting thereof. Payment of employees' salaries and fringe benefits and other recurring claims may be authorized by the Board on an annual basis.~~

**Fees Charged for Special Mailings**

Reasonable fees may be charged by the General Manager for reproducing and mailing materials on special projects.