

**SAN GORGONIO PASS WATER AGENCY**  
**1210 Beaumont Avenue, Beaumont, CA**  
**Board of Directors Meeting**  
**Agenda**  
**November 18, 2019 at 1:30 p.m.**

**1. Call to Order, Flag Salute, Invocation and Roll Call**

**2. Adoption and Adjustment of Agenda**

**3. Public Comment:** Members of the public may address the Board at this time concerning items relating to any matter within the Agency's jurisdiction. To comment on specific agenda items, please complete a speaker's request form and hand it to the board secretary. Speakers are requested to keep their comments to no more than five minutes. Under the Brown Act, no action or discussion shall take place on any item not appearing on the agenda, except that the Board or staff may briefly respond to statements made or questions posed for the purpose of directing statements or questions to staff for follow up.

**4. Consent Calendar:** If any board member requests that an item be removed from the Consent Calendar, it will be removed so that it may be acted upon separately.

- A. Approval of the Minutes of the Joint Board Meeting, September 25, 2019\* (p. 2)
- B. Approval of the Minutes of the Regular Board Meeting, November 4, 2019\* (p. 6)
- C. Approval of the Minutes of the Engineering Workshop, November 12, 2019\* (p. 10)

**5. Reports:**

- A. General Manager's Report
- B. Directors Reports
- C. Committee Reports

**6. New Business:**

- A. Consideration of Adoption of Resolution No. 2019-09, Establishing a Board of Directors Handbook\* (p. 11)
- B. Consideration of Adoption of Resolution No. 2019-10, Adopting Rosenberg's Rules of Order as the Official Parliamentary Procedures for Board Meetings\* (p. 15)
- C. Consideration and Possible Action to Adopt a Policy for Adding Items to Board Meeting and Committee Meeting Agendas\* (p. 29)

**7. Topics for Future Agendas**

**8. Announcements:**

- A. Finance & Budget Workshop, November 25, 2019 at 1:30 p.m.
- B. Office closed Thursday, November 28, 2019, in observance of Thanksgiving Day
- C. Office closed Wednesday, November 29, 2019, in observance of the Thanksgiving Holiday
- D. Regular Board Meeting, December 2, 2019 at 1:30 p.m.

**9. Adjournment**

**\*Information included in Agenda Packet**

(1) Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Agency's office at 1210 Beaumont Avenue, Beaumont during normal business hours. (2) Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection at the Agency's office, located at 1210 Beaumont Avenue, Beaumont, California 92223, during regular business hours. When practical, these public records will also be made available on the Agency's Internet Web site, accessible at: [www.sgwa.com](http://www.sgwa.com)

(3) Any person with a disability who requires accommodation in order to participate in this meeting should telephone the Agency (951 845-2577) at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

**MINUTES OF THE JOINT MEETING OF THE  
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT,  
SAN GORGONIO PASS WATER AGENCY,  
AND THE YUCAIPA VALLEY WATER DISTRICT**

**September 25, 2019**

**SBVMWD Directors Present:** T. Milford Harrison, Paul Kielhold, Susan Longville, Gil Navarro, and June Hayes

**Directors Absent:** None

**Staff Present:** Douglas Headrick, Cindy Saks, Wen Huang, Matt Howard, Lillian Hernandez, and Brendan Brandt

**SGPWA Directors Present:** Ron Duncan, Leonard Stephenson, Steve Lehtonen, Dr. Blair Ball, David Castaldo, David Fenn, and Mike Thompson

**Directors Absent:** None

**Staff Present:** Jeff Davis, Tom Todd, and Cheryle Stiff

**YVWD Directors Present:** Chris Mann, Bruce Granlund, Lonni Granlund, and Joyce McIntire

**Directors Absent:** Jay Bogh

**Staff Present:** Joseph Zoba

**Registered Guests:**

Benjamin G. Kelly, Western Heights Water Company

David Armstrong, South Mesa Water Company

Steve Lehtonen, San Gorgonio Pass Water Agency

David Raley, San Bernardino Valley Water Conservation District

Chris Mann, Yucaipa Valley Water District

Wayne Brown, East Valley Water District

Madeline Bleu, Yucaipa Valley Water District

Jennifer Ares, Yucaipa Valley Water District

Josh Swift, Fontana Union Water Company

Melody McDonald, San Bernardino Valley Water Conservation District

Mario Gareri, Board of Supervisors District 5

The Joint meeting of the Boards of Directors was called to order by President Harrison, President Duncan, and President Mann at 1:30 p.m. at the District office, 380 E. Vanderbilt Way, San Bernardino. A quorum was noted present.

## **Agenda Item 1. Public Comment**

President Harrison invited any members of the public to address the Board. Hearing none, the meeting proceeded with the published agenda items.

## **Agenda Item 2. Discussion and Possible Action Items.**

**2.1) Consider Agreement Review of an Agreement to Facilitate Water Deliveries to the Calimesa Area by San Bernardino Valley Municipal Water District for the San Gorgonio Pass Water Agency.** Jeff Davis, General Manager, San Gorgonio Pass Water Agency, stated that there is a very unusual situation in that there are two adjacent State Water Contractors (SWC) serving in their respective counties and one retail water agency in the middle, Yucaipa Valley Water District (YVWD), that serves portions of both counties. Wholesalers are required to sell water within their own service area and not outside their service area. The San Gorgonio Pass Water Agency (SGPWA) began selling water to YVWD in 2005 and they had to come up with a methodology to do it. All three agencies met and decided on a methodology and that has been in effect since 2005. In preparation for the development of an agreement to memorialize the methodology, SGPWA and Valley District Staff approached the Department of Water Resources (DWR) and received a companion agreement which is SWPAO 16030. The primary purpose of that agreement is for accounting purposes between the two State Water Contractors. Some of the water that is delivered to YVWD is debited from the San Bernardino Valley Municipal Water District (SBVMWD) because it is served in San Bernardino County and some of it comes out of the SGPWA account because it is served in Riverside County. Essentially, the SWPAO agreement recognizes that some portion of the water that gets delivered to the SGPWA is conveyed through a turnout in SBVMWD's service area. The SWPAO Agreement stated that DWR will bill SGPWA directly for the water that gets debited from their account that ends up in Riverside County and the DWR will continue to bill SBVMWD for their water. The way it worked up until the approval of the SWPAO Agreement was SBVMWD was billed for all the water and then they would bill SGPWA for that portion that went into Riverside County. The SGPWA will now get billed directly from the DWR. The agreement being discussed today lays out the foundation for how the agencies go about making that calculation for how much water is delivered to each State Water Contractor. There is no way of knowing the exact amount because they cannot track molecules so they came up with a calculation they have been using since 2005. This agreement will go back to each individual agencies' Board for approval. Mr. Davis stated that Joe Zoba developed with the calculation.

Joe Zoba, General Manager, Yucaipa Valley Water District, stated that in 2007, they built the Yucaipa Valley Regional Water Filtration facility. SBVMWD's Resolution No. 888 requires YVWD to account for water that was used in San Bernardino's service area and water moved into Riverside County. He reviewed the methodology which was included in the packet. The fundamental concept is that YVWD takes the water from the State Water Project (SWP), from an SBVMWD meter and then through the filter plant. They then aggregate all their water meters together, what is in San Bernardino County and what is in Riverside County, and come up with a percentage that was delivered to each County. About 90 percent goes to Yucaipa in San Bernardino County and 10 percent goes to Calimesa in Riverside County. The only other factor is how much groundwater they produce in Riverside County. Because that water produced in Riverside County will

offset any imported water that is delivered south of the county line. All three agencies have the data so it is very transparent. Then they calculate out the water purchase by each agency. Recycled water in Yucaipa valley is a great resource. YVWD's recycled water system is integrated across the County line and its flows are included in the calculation.

## **2.2) Presentation and Discussion of Facilitated Joint Management Meetings.**

Douglas Headrick, General Manager, San Bernardino Valley Municipal Water District, stated that the District was approached in February 2019 to engage in a process to try to identify some solutions to the water supply reliability issues in the Calimesa area. The three agencies requested authorization from each of their Boards to participate in a facilitated process through a series of meetings which have been conducted. They were asked to bring back the results of those meetings. Mr. Headrick stated that instead of changing agency boundaries they believe that through the coordinated use of facilities that exist today and ones that could be built along with contractual arrangements, they can solve water supply reliability and administrative functions collaboratively without moving boundaries.

Tim Moore gave a PowerPoint presentation highlighting the process that has been undertaken in the joint meetings of the general managers from the three agencies. He covered shared goals, key concerns of each agency, the opportunities for collaboration, the points to be included in a Memorandum of Agreement and the next steps involved in the process.

The Boards agreed that the agencies can move forward with the process.

## **Agenda Item 3. Board Member Comments**

Chris Mann stated that on behalf of YVWD he would like to thank everyone for being in attendance. It is a big issue for their district and they really appreciate all the effort and is very optimistic that something positive will come out of the process.

Leonard Stephenson echoed Mr. Mann's comments and stated they are happy to be at the table and discussing the opportunities that may be available to them. Their Board wants to see everybody do well in the region. It is unfortunate that YVWD is placed in a position where they have to straddle two counties and he sympathizes with their unique situation. He reminded everyone that building homes is not a guarantee and not a right. Building homes should be done when water is available and if they do not have water available and cannot make it worthwhile to put new homes in then they do not need to be building them. He said this because that is why there were at the meeting to make sure they have enough water for this development. He appreciated everybody's comments and looks forward to the next meeting.

June Hayes stated that the Inland Empire is under pressure to put in 1.5 million new homes by the State of California without worrying about water.

Bruce Granlund stated that water is a big issue and they were recently at a meeting in Yucaipa and on a rotating eight-year cycle, the state is mandating cities to build a certain number of units and for the next eight-year cycle. For Yucaipa the next cycle starts in two

years and the target is 16,000 units. But the state does not address how to develop roads, water, or anything else just that there is a housing shortage and what each city's share is.

**Agenda Item 4. Adjournment.**

There being no further business, President Harrison adjourned the meeting at 2:48 p.m.

*Draft - Subject to Board Approval*

Jeffrey W. Davis, Secretary of the Board

cmr

**SAN GORGONIO PASS WATER AGENCY**  
**1210 Beaumont Avenue, Beaumont, California 92223**  
**Minutes of the**  
**Board of Directors Meeting**  
**November 4, 2019**

**Directors Present:** Ron Duncan, President  
Lenny Stephenson, Vice President  
Stephen Lehtonen, Treasurer  
Blair Ball, Director  
David Fenn, Director  
David Castaldo, Director  
Michael Thompson, Director

**Staff Present:** Jeff Davis, General Manager  
Jeff Ferre, General Counsel  
Thomas Todd, Finance Manager  
Cheryle Stiff, Executive Assistant

1. **Call to Order, Flag Salute, Invocation, and Roll Call:** The meeting of the San Gorgonio Pass Water Agency Board of Directors was called to order by Board President Duncan at 1:30 p.m., November 4, 2019 in the Agency Boardroom at 1210 Beaumont Avenue, Beaumont, California. President Duncan led the Pledge of Allegiance to the flag. Director Thompson gave the invocation. A quorum was present.
2. **Adoption and Adjustment of Agenda:** *President Duncan asked if there were any adjustments to the agenda.* There being none the agenda was adopted as published.
3. **Public Comment:** *President Duncan asked if there were any members of the public that wished to make a public comment on items that are within the jurisdiction of the Agency that are not on today's agenda.* There were no members of the public that wished to comment at this time.
4. **Consent Calendar:**
  - A. Approval of the Minutes of the Regular Board Meeting, October 21, 2019
  - B. Approval of the Minutes of the Finance and Budget Workshop, October 28, 2019
  - C. Approval of the Finance and Budget Workshop Report, October 28, 2019

*President Duncan asked for a motion on the Consent Calendar.* General Counsel Ferre stated that item 6C pertaining to the October 22, 2019 Minutes warrants a correction. The motion is to reflect the following: "Director Fenn made a motion, seconded by Director Thompson, to appoint Director Lehtonen to the SGPRWA, replacing Director Fenn as Co-Chair of the SGPRWA. Motion passed 6-0, with Director Lehtonen absent." Director Castaldo made a motion, seconded by Director Ball, to adopt the consent calendar as amended. Motion passed 7-0.

**5. Reports:**

**A. General Manager's Report:**

**(1) Operations Report:** General Manager Davis reported that the Agency has delivered a total of 1355 AF to Noble Creek Connection, for the month of October; averaging about 22.5 cfs for the month. So far this calendar year we have delivered about 11,700 AF to the Noble connection, with two months to go.

**(2) General Agency Issues:** General Manager Davis spoke on the following:

a. Biological Opinions news articles and editorial comments were included in the Agenda packet to assist the Board members in understanding the issues.

b. The Agency experienced a 24-hour power outage that was imposed by Southern California Edison for its public safety power shutdown (PSPS). Staff is looking into potential opportunities for backup power in the future.

c. Staff is looking at a long-term usage plan for the Agency's vacant property.

d. Delta Conveyance Facility negotiations time-line and storage issues.

**C. Directors Reports:** Director Stevenson reported that he attended YVWD's workshop on October 22<sup>nd</sup>.

**D. Committee Reports:** Director Ball stated that the Capacity Fee Ad-Hoc committee will be meeting on November 12<sup>th</sup>.

**6. New Business:**

**A. Consideration of 2018-2019 Annual Audit.** A copy of Eadie & Payne's 2018-2019 Independent Auditor's Report was included in the agenda package. General Manager Davis noted that Brandon Ferrell (CPA, Eadie & Payne) reviewed in detail with the Board the 2018-2019 Independent Auditor's Report during the October 28<sup>th</sup> Finance and Budget workshop. At that time Mr. Ferrell answered questions that were presented by the Board. Should the Board accept the Audit; staff will upload the 2018-2019 Independent Auditor's Report to the Agency's website. Director Lehtonen suggested that the Agency discuss in the near future CalPers pension and the unfunded accrued liability (UAL). General Manager Davis stated that staff has had discussions on this topic and that this is a very complex issue. Finance Manager Thomas Todd asked if the Board would provide staff with a list of questions giving staff a better idea as to what the Board is most interested in. General Manager Davis suggested discussion on this topic during a Finance and Budget workshop or at an Engineering workshop. Director Ball stated that at the ACWA Fall Conference that is being held in December there will be a session at 9:30 a.m., addressing growing

retirement costs – pension financing solutions; he suggested that those Directors that are attending the conference might want to include this particular session in their schedule. Director Lehtonen made a motion, seconded by Director Fenn, accepting the 2018-2019 Independent Auditor's Report. Motion passed 7-0.

**B. Discussion of San Geronio Pass Regional Water Alliance Participation:** Fran Flanders (a resident of Cherry Valley) provided her opinion on why the Alliance is important. Director Castaldo stated that he requested this item to be placed on the agenda to discuss the Agency's participation in the Alliance. He stated that the intended purpose by Supervisor Marion Ashley of the Alliance was to come up with a plan on the City of Beaumont's sewer plant. The City of Beaumont and BCVWD have since settled their issues pertaining to the sewer plant and this is no longer an issue. He noted that the Alliance has been in existence for six years and does not seem to have accomplished anything with the exception of getting various entities together in one room for discussion purposes. He also noted that a number of entities have stepped away from the Alliance. He stated that he would like to see something noteworthy come out of it. Director's Fenn, Thompson, Ball, and President Duncan provided what their experiences were at the Alliance meetings that they have attended. It was noted that the Alliance meetings in the beginning were structured. It was a venue where different entities came together to discuss issues in an open format, but has now become more about what the Agency is doing and issues related to the Agency. Staff informed the Board that we have not had the ability to upload items to the Alliance website for some time, and that the website is in disarray. It was noted by Director Fenn that perhaps a better format would be to hold meetings with the various entities about two times a year, so that discussions would be targeted to all the entities allowing them to provide updates and discuss issues. President Duncan requested Director Lehtonen to express the Agency's opinions and recommendations to the members to the Alliance members. Director Lehtonen's main concern is to not project that the Agency is trying to control what the Alliance does, but to work in conjunction with the other representatives.

**C. Re-appointment of Ad-hoc Committee on the Facilitation of Water Deliveries to Calimesa:** President Duncan announced the re-appointment of the Ad-hoc Committee on the Facilitation of Water Deliveries to Calimesa Committee as follows: Chair - Director Stephenson, Members - Director Fenn and Director Ball.

**7. Topics for Future Agendas:** CalPers pensions.



**8. Announcements:**

- A. Office closed Monday, November 11, 2019 in observance of Veterans Day
- B. Engineering Workshop, **Tuesday**, November 12, 2019 at 1:30 p.m.
- C. Cancelled - Water Conservation and Education Committee Meeting, November 14, 2019 at 1:30 p.m.
- D. Regular Board Meeting, November 18, 2019 at 1:30 p.m.

**9. Adjournment**

**Time: 2:20 pm**

***Draft - Subject to Board Approval***

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Jeffrey W. Davis, Secretary of the Board

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**SAN GORGONIO PASS WATER AGENCY**  
**1210 Beaumont Avenue, Beaumont, CA 92223**  
**Minutes of the**  
**Board of Directors Engineering Workshop**  
**November 12, 2019**

**Directors Present:** Ron Duncan, President  
Leonard Stephenson, Vice President  
Blair Ball, Director  
David Castaldo, Director  
David Fenn, Director  
Steve Lehtonen, Director  
Mike Thompson, Director (arrived 1:34 pm)

**Staff Present:** Jeff Davis, General Manager  
Jeff Ferre, General Counsel  
Tom Todd, Finance Manager

**1. Call to Order, Flag Salute and Roll Call:** The Engineering workshop of the San Gorgonio Pass Water Agency Board of Directors was called to order by Vice President Stephenson at 1:30 p.m., November 12, 2019 in the Agency Board room at 1210 Beaumont Avenue, Beaumont, California. Vice President Stephenson led the Pledge of Allegiance to the flag. A quorum was present.

**2. Public Comment:** No members of the public wished to address the Board at this time.

**3. Status Report of Current Water Rate Structure.** General Manager Davis handed out a spread sheet summarizing the Agency's costs and revenues related to water deliveries for the first nine months of the year, indicating the Agency's water rate increase on May 1. The Board discussed the data and asked a number of questions. There was a consensus that not enough information is available at this time to justify making any change in the water rate. The Board asked General Manager Davis to review the full year numbers with the Board in early 2020.

**4. Announcements:**

- A. Regular Board Meeting, November 18, 2019 at 1:30 pm.
- B. Finance and Budget Workshop, November 25, 2019 at 1:30 pm
- C. Office closed Thursday, November 28, 2019 in observance of Thanksgiving Day
- D. Office closed Friday, November 29, 2019 in observance of Thanksgiving Holiday

**5. Adjournment:** Vice President Stephenson adjourned the meeting at 2:07 p.m.

**Draft - subject to Board approval**

Jeff Davis, Secretary to the Board

cmr

## MEMORANDUM

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**TO:** Board of Directors

**FROM:** General Counsel

**RE:** Consideration and possible action to adopt Resolution No. 2019-09, Establishing a Board of Directors Handbook

**DATE:** November 18, 2019

### **Summary:**

The Handbook Ad Hoc Committee submitted a Report to the Board, dated October 21, 2019, which included a number of recommendations for new policies to be included in the Board of Directors Handbook.

The Board of Directors has referred, from time to time, to a collection of previously adopted policies and information which pertain to how the Board conducts its operations. Such policies and information are currently housed in a collection of documents. The title of that collection, or binder, is the "Board of Directors Handbook." With the Board's consideration of new Board-related policies, it is recommended that such policies, as well as existing policies, be referred to as the Board of Directors Handbook pursuant to formal action by the Board.

### **Recommendation:**

It is recommended that the Board adopt Resolution No. 2019-09 Establishing A Board Of Directors Handbook. The Resolution and title document are enclosed.

### **Detailed Report:**

The Handbook would be in the form of a binder or other hard copy, as well as electronic copies. The Handbook would serve as a reference guide. Any amendments or revisions to existing policies, and any new policies, would be adopted by way of separate Board actions. Such policies would then be referenced in the Handbook, including an updated title/cover page.

### **Fiscal Impact:**

There would not be a fiscal impact from the adoption of a new format for the Board of Directors Handbook.

## RESOLUTION NO. 2019-09

### A RESOLUTION OF THE SAN GORGONIO PASS WATER AGENCY ESTABLISHING A BOARD OF DIRECTORS HANDBOOK

WHEREAS, the San Gorgonio Pass Water Agency (“Agency”) is a wholesale water agency formed under the San Gorgonio Pass Water Agency Law set forth in Water Code Appendix 101 (“Act”);

WHEREAS, members of the Board of Directors have referred, from time to time, to a collection of previously adopted policies and information which pertain to how the Board should conduct its operations. Such policies and information are currently housed in a collection of documents hereinafter referred to as the “Collection/Binder;”

WHEREAS, the Board is in the process of adopting new policies on certain Board functions and such policies could be included in the Collection/Binder; and

WHEREAS, the Board desires to adopt a Board of Directors Handbook (“Handbook”) which will continue to house Board policies and information and which will take the place of the Collection/Binder. Such a Handbook will assist the Board in its activities and serve as a quick reference guide for determining the manner in which Agency business is to be conducted.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AS FOLLOWS:

1. Adoption of Handbook The Board does hereby adopt the Board of Directors Handbook. The title/cover page of the Handbook is attached hereto as Exhibit “A” and incorporated herein by reference. The Handbook will take the place of the Collection/Binder and shall house Board policies and information regarding the functions of the Board. The Handbook shall be in the form of a binder or other hard copy, as well as electronic copies, as determined in the General Manager’s reasonable discretion from time to time.

2. Handbook is a Reference Guide Only The Handbook hereby serves as a reference guide to Agency policies. Any amendments or revisions to existing policies, and any new policies, shall be adopted by way of separate Board actions such as minute orders, resolutions and ordinances. Such policies shall then be referenced in the Handbook, including the title/cover page. The Handbook shall not be utilized as an instrument to adopt or change policies.

3. Revisions and Additions to the Handbook The General Manager is hereby authorized to update and revise the Handbook, including the title/cover page, from time to time to include new or revised policies which the General Manager deems, in his or her reasonable direction, to be useful for the use of this Handbook as a reference guide for the Board of Directors.

4. Effective Date The President of the Board shall sign this Resolution and the Secretary of the Board shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption.

## EXHIBIT “A”

### SAN GORGONIO PASS WATER AGENCY BOARD OF DIRECTORS HANDBOOK November 18, 2019

Section 1 – PURPOSE Members of the Board of Directors (“Board”) of the San Gorgonio Pass Water Agency (“Agency”) are elected representatives responsible for setting Agency policy. This Handbook has been created in order to assist the Board in its activities and to serve as a quick reference guide for determining the manner in which Agency business is to be conducted.

Section 2 – HANDBOOK IS A REFERENCE GUIDE ONLY - This Handbook serves as a reference guide to Agency policies. Any amendments or revisions to existing policies, and any new policies, shall be adopted by way of separate Board actions such as minute orders, resolutions and ordinances. Such policies shall then be referenced in this Handbook. This Handbook shall not be utilized as an instrument to adopt or change policies. The General Manager is authorized to update and revise this Handbook from time to time to include new or revised policies which the General Manager deems, in his or her reasonable direction, to be useful for the use of this Handbook as a reference guide for the Board of Directors.

Section 3 – EFFECTIVENESS – This Handbook shall be deemed to be in effect as of the date of adoption by the Board. However, nothing in this Handbook, or any future amendments or revisions thereto, shall have any impact whatsoever on the effectiveness or application of any separate policies adopted before and after the effective date of this Handbook.

#### Section 4 – BOARD POLICIES

1. San Gorgonio Pass Water Agency Law – Chapter 101, Water Code Appendix;
2. Amount of compensation paid to Directors for a day of service;
3. Guidelines for Compensation of Directors;
4. Directors’ Travel and Expense Reimbursement Policy;
5. Conflict of Interest Code;
6. Time, date and place of Board meetings;
7. Ethics Training Requirements;
8. Board Information and Forms;
9. Reporting Requirements;
10. Rosenberg’s Rules of Order (Revised 2011);
11. Policy for placement of items on a Board agenda by a Director.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_, 2019.

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President, Board of Directors  
San Geronio Pass Water Agency

ATTEST:

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Secretary, Board of Directors  
San Geronio Pass Water Agency

## MEMORANDUM

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**TO:** Board of Directors

**FROM:** General Counsel

**RE:** Adoption of Resolution No. 2019-10 Adopting Rosenberg's Rules Of Order As The Official Parliamentary Procedures For Board Meetings

**DATE:** November 18, 2019

### **Summary:**

The Handbook Ad Hoc Committee submitted a Report to the Board, dated October 21, 2019, which included a number of Findings and Recommendations including, but not limited to, the following:

Finding #5 – Presently the Board has no formal procedure for any rules of order.

Recommendation #3 – That the Board consider and adopt Rosenberg's Rules of Order as developed by the League of California Cities.

### **Recommendation:**

It is recommended by the Handbook Ad Hoc Committee that the Board adopt Resolution No. 2019-10 Adopting Rosenberg's Rules Of Order As The Official Parliamentary Procedures For Board Meetings. If adopted, the Rosenberg's Rules of Order would also become part of the Board of Directors Handbook which is a collection/binder of policies which relate to the functions of the Board.

### **Detailed Report:**

Rosenberg's Rules of Order ("Rules") were drafted by Judge David Rosenberg to provide a set of procedural rules that are commonly considered to be less complicated than Robert's Rules of Order. Robert's Rules of Order are comprehensive but more suited for large governing bodies. The Rules are commonly considered to be more

user-friendly and appropriate for agencies and cities with smaller governing bodies, such as five-member boards and councils. The current version of the Rules is attached to the proposed Resolution. Any subsequent revisions and/or versions of the Rules, which are published by the author and the publisher, would then be deemed to be the parliamentary procedures of the Board without the need for adoption of a subsequent Board resolution.

It is recommended that Board members review the entire publication in order to get comfortable with these new procedures. If the Rules are adopted, the Board would be required to follow all of the procedures in the publication.

**Fiscal Impact:**

There would not be a fiscal impact from the adoption of parliamentary procedures.



## RESOLUTION NO. 2019-10

### A RESOLUTION OF THE SAN GORGONIO PASS WATER AGENCY ADOPTING ROSENBERG'S RULES OF ORDER AS THE OFFICIAL PARLIAMENTARY PROCEDURES FOR BOARD MEETINGS

WHEREAS, the San Gorgonio Pass Water Agency ("Agency") is a wholesale water agency formed under the San Gorgonio Pass Water Agency Law set forth in Water Code Appendix 101 ("Act");

WHEREAS, the Board of Directors ("Board") has not previously adopted a uniform set of procedures as its parliamentary procedures for Board meetings; and

WHEREAS, the Board now desires to adopt parliamentary procedures for Board meetings and desires to adopt Rosenberg's Rules of Order as its parliamentary procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AS FOLLOWS:

1. Adoption of Parliamentary Procedures The Board does hereby adopt Rosenberg's Rules of Order as its parliamentary procedures for conducting meetings of the Board of Directors and Board committee meetings.

2. Current Version of Rosenberg's Rules of Order The current version of Rosenberg's Rules of Order is attached hereto as Exhibit "A" and incorporated herein by reference. The Board hereby adopts Rosenberg's Rules of Order as its parliamentary procedures as said document may be revised by its publisher from time to time. Any subsequent revisions and/or versions, which are published by the author and his publisher, shall be deemed to be the parliamentary procedures of the Board without the need for adoption of a subsequent Board resolution.

3. Controlling Effect All ordinances, resolutions, or minute orders, or parts thereof, that are inconsistent with any provision of this Resolution are hereby superseded only to the extent of such inconsistency.

4. Effective Date The President of the Board shall sign this Resolution and the Secretary of the Board shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption.

5. Severability If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_, 2019.

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President, Board of Directors  
San Geronio Pass Water Agency

ATTEST:

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Secretary, Board of Directors  
San Geronio Pass Water Agency

EXHIBIT "A"

ROSENBERG'S RULES OF ORDER

Revised 2011

"Simple Rules of Parliamentary Procedure for the 21st Century"

By Judge Dave Rosenberg

(attached)



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*





## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes *Western City* magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



*First*, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

*Second*, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

*Third*, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

*Fourth*, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

*Fifth*, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

*Sixth*, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

*Seventh*, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

*Eighth*, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

*Ninth*, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

*Tenth*, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body**, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."



**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

*First*, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

*Second*, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

*Third*, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

### Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote?

Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention not to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting, for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.

# MEMORANDUM

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**TO:** Board of Directors

**FROM:** General Counsel

**RE:** Consideration and possible action to adopt a Policy for Adding Items to Board Meeting and Committee Meeting Agendas

**DATE:** November 18, 2019

**Summary:**

The Handbook Ad Hoc Committee submitted a Report to the Board, dated October 21, 2019, which included a number of Findings and Recommendations including, but not limited to, the following:

Findings

1. That any Board member may request an item to be placed on the agenda.
2. Board members have several existing ways of placing an item on the agenda, either at Board meetings as future topics or by contacting the Board President.
3. The Board President is responsible for directing the General Manager to prepare the agenda.
4. That it would be in the best interest of the public and Board members that a list of future agenda items be stated on each Board agenda.

Recommendations

1. That the Board President and the Board develop a policy for accepting items for placement on the agenda.
2. That the Board develop and consider a method of retaining a list of future agenda requests on the Board agenda until heard. The Board President may prioritize individual agenda item requests at his discretion.

**Recommendation:**

It is recommended by the Handbook Ad Hoc Committee that the Board adopt a Policy for Adding Items to Board Meeting and Committee Meetings Agendas. The proposed Policy is enclosed.

**Detailed Report:**

The Ralph M. Brown Act prohibits local agency boards from taking action or deliberating on any items that are not contained on a properly noticed agenda. The Brown Act, however, does not establish procedures for preparing an agenda, and each agency follows its own policy as to how board members may place items on the agenda. The Agency currently does not have a formal policy for determining how Board members may place items on agendas.

**Fiscal Impact:**

There would not be a fiscal impact from the adoption of a policy establishing procedures for adding items to agendas.

# SAN GORGONIO PASS WATER AGENCY

## POLICY FOR ADDING ITEMS TO BOARD MEETING AND COMMITTEE MEETING AGENDAS

### A. BOARD MEETING AGENDAS

#### 1. Request Submitted To The Board President

(a) Any Director may request that an item be placed on an agenda. The request shall be made in writing and delivered to the Board President and General Manager at the Agency offices or via email.

(b) In order to place items on an agenda, requests must be submitted with sufficient time for Staff to conduct any needed research and to prepare any documentation for the agenda packet.

(c) The Board President shall then have up to 10 days from the date the request is received to determine, in his/her reasonable discretion, whether to have the item placed on an agenda. If the Board President determines that an item should be placed on an agenda, he/she shall notify the requesting Director verbally or in writing and shall direct the General Manager to place the item on an agenda for an upcoming meeting.

(d) The General Manager shall provide input as to the timing, format and any other details regarding the manner in which an item should be placed on an agenda. However, the Board President shall make the final determination on all such matters.

(e) If the Board President determines that an item should not be placed on an agenda, he/she shall provide written notice of that determination to the requesting Director within 10 days from the date the request is received. The notice may include information as to why the request was denied. For example, and not by way of limitation, a request will be denied if it involves an item that is not within the authority of the Agency or if there are legal prohibitions against placing the requested item on an agenda, as determined in consultation with legal counsel.

(f) The Director whose request has been denied may then pursue placement of the item on an agenda under the direct request procedures set forth below.

## 2. Direct Request To The Board

(a) If a Director's request for an agenda item has been denied as set forth above, or in the event the Board President fails or refuses to make a determination on a request within 10 days from the date the request is received, then the requesting Director may make a direct request to the Board. Such a request shall be made during a Board meeting at the time of the agenda item entitled "Topics for Future Agendas." The requesting Director will state the reasons for the request and the Board President will provide the reasons that the initial request was denied.

(b) A requested agenda item shall be included on a future agenda unless the item is not within the authority of the Agency or if there are legal prohibitions against placing the requested item on an agenda, as determined in consultation with legal counsel. A vote of the Board is not required in order to approve a direct request.

## B. BOARD COMMITTEE MEETING AGENDAS (STANDING OR AD HOC)

1. Any member of a Committee may request that an item be placed on a Committee agenda. The request shall be made in writing and delivered to the Committee Chair and General Manager at the Agency offices or via email.

2. Only members of a Committee may request that items be placed on an agenda for that Committee.

3. The above-mentioned procedures and requirements for a Request Submitted To The Board President shall also apply to a Request Submitted To The Committee Chair. A request will be denied if it involves an item that is not within the authority of the Agency or the Committee, or if there are legal prohibitions against placing an item on an agenda, as determined in consultation with legal counsel.



4. The Director whose request has been denied may then pursue placement of the item on an agenda under the same direct request procedures and requirements which apply to a Direct Request To The Board. Such a request shall be made during a Board meeting at the time of the agenda item entitled "Topics for Future Agendas" which shall be included on Committee agendas.

5. A requested agenda item shall be included on a future agenda unless the item is not within the authority of the Agency or the Committee, or if there are legal prohibitions against placing an item on an agenda, as determined in consultation with legal counsel. A vote of the Committee is not required in order to approve a direct request.

### C. LIST OF PENDING AGENDA ITEMS

Each agenda for a Board or Committee meeting shall include an agenda item entitled "Pending Agenda Requests." This agenda item will be used to keep a list of agenda item requests that have been approved by the Board President or Committee Chair, but have yet to be included on an agenda due to scheduling or the need for agenda packet preparation.