Governing Board Procedural Rules

Amended June 24, 2019

(For related statutory provisions see
Health & Safety Code §§41200 et seq,
40170, 40712 and Government Code §§54950 et seq.)

Mojave Desert Air Quality Management District

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Chair of the Governing Board

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MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD PROCEDURAL RULES

1. Board Chambers.

The meeting place of the Mojave Desert Air Quality Management District Governing Board shall be the board chambers located at 14306 Park Ave., Victorville, California, and all meetings of the Governing Board shall be held therein, unless duly adjourned to another location.

2. District Offices - Address.

The offices of all departments, officers and employees of the District shall be located at the Mojave Desert Air Quality Management District offices, 14306 Park Ave., Victorville, California.

3. District Offices - Holidays - Hours.

The District offices shall be closed on all official holidays or other closure days as established in the District's Personnel Policies and Procedures (PPP); Memorandum of Understanding (MOU) and/or Exempt Compensation Plan (ECP). Every Saturday and Sunday are holidays in respect to the transaction of business in such District offices. Said District offices shall be open to the public for business as specified by the Executive Dirctor/Air Pollution Control Officer (APCO) and as dictated by business needs on all other days of the year.

4. Meetings.

A. Compliance With the Ralph M. Brown Act.

To ensure that the deliberations and actions of the Governing Board are conducted openly and to ensure meaningful public participation, all meetings of the Governing Board shall be held in compliance with the provisions of the Ralph M. Brown Act (Government Code §§ 54950 et. seq.) and the guidelines promulgated thereunder (14 Cal. Code Regs §§15000 et. seq).

Any subsidiary body of the Governing Board or of the District which is subject to the provisions of the Ralph M. Brown Act shall also hold its meetings in compliance with its provisions.

B. Attendance at Meetings via Video or Teleconference.

Governing Board members may request attendance via video or teleconference. The Chair may approve such request so long as the following are provided:

i. The proposed meeting location is freely accessible to the public including but not limited to ADA accessibility;

ii. Notice is properly given and will be properly posted at the proposed meeting location;

iii. All items acted upon at a meeting where video or teleconferencing takes place will be conducted by roll call vote;

iv. Adequate technological capacity is available at the proposed meeting site as shown by pre-meeting testing and on-site technical support is available before and during the meeting.

Members may attend but not vote from a location which has not been properly noticed but meets the other requirements above. In no case may a member attend from a non-public location.

Members may attend from a location outside the boundaries of the District so long as the above requirements are met and a quorum of Governing Board members are not physically located outside the District.

C. Regular Meetings or Workshop Meetings.

Regular meetings of the Governing Board shall be held on the fourth Monday of each month at 10:00 a.m. The Executive Director/APCO, with the advice and consent of the Chair, may schedule a workshop meeting in lieu of a regular meeting. For the purpose of this paragraph a workshop meeting is defined as a study session where no business is transacted. In the event that a regular meeting or workshop meeting falls on a holiday, the meeting may be held another day which is not a holiday, unless canceled or adjourned to a different time.

An agenda shall be prepared and posted at least seventy-two (72) hours prior to the meeting in a location that is freely accessible to members of the public and on the District's website.

D. Special Meetings.

A special meeting of the Governing Board may be called at any time by the Chair of the Governing Board or by a majority of the members of the Governing Board, by delivering personally or by United States mail written notice of the meeting to each member of the Governing Board and to each newspaper, radio or television station which has requested notice of meetings in writing. The notice shall be delivered personally or by United States mail and shall be received by the member of the Governing Board at least twenty-four (24) hours before the time of the meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings.

The written notice may be dispensed with as to any member of the Governing Board who at or prior to the time a special meeting convenes files a written waiver of the notice with the District Executive Office. The waiver may be given by e-mail, telegram, facsimile or any other method of written communication. A written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The notice and a written agenda shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to members of the public and on the District's website.

E. Study Sessions.

The Governing Board may meet in a study session on the day of the regular Governing Board meeting at the hour of 10:00 a.m. in the board chambers or at such other time or place as may be designated by the Governing Board for the purpose of hearing reports from the staff, reviewing, discussing and debating matters of interest to the District. Such sessions shall be open to the public. No official action shall be taken at a study session; provided, however, that nothing herein shall be deemed to prevent the taking of an informal vote on any matter under discussion.

An agenda shall be prepared and posted at least seventy-two (72) hours prior to the study session in a location that is freely accessible to members of the public and on the District's website.

F. Meeting to be Public - Except for Closed Sessions.

All regular and special meetings of the Governing Board shall be public. Public comment will be received on agenda items at the time of hearing that item. Public comment on items not on the agenda will be heard during the designated public comment period.

The Governing Board may hold closed sessions during a regular or special meeting from which the public may be excluded for the purpose of considering the matters which are properly the subject of such sessions pursuant to law, including but not limited to those matters referred to in Government Code §§54954.5, 54956.8, 54956.9, 54956.95, 54957 and/or 54957.6.

No member of the Governing Board, employee of the District, or any other person present during an closed session of the Governing Board shall disclose to any person the content or substance of any discussion which took place during an executive session unless the Governing Board authorizes the disclosure of such information by majority vote.

5. Agenda.

A. Agenda Preparation.

The times for receiving information for the Governing Board agenda and delivery of the agenda shall be established at the direction of the Executive Director/APCO.

The agenda shall be prepared at the direction of the Executive Director/APCO and the Chair of the Governing Board. A brief description shall be provided for each item. Each description shall contain sufficient information regarding the proposed action to allow the general public to determine whether or not to participate. Each agenda produced shall contain a public comment period.

B. Agenda Posting.

Once completed the agenda shall be posted on or before the posting time listed above for the particular type of meeting to be held in a location freely accessible to the general public and on the District's website. The agenda and any backup material shall also be available in the District Offices during District business hours.

C. Agenda Distribution.

The agenda and any backup material shall be distributed to Members of the Governing Board, appropriate District staff and to anyone who has requested to be included on the agenda distribution list within the last calendar year. Such distribution may occur by U.S. mail in hard copy, U.S. mail via electronic media, and/or E-mail as specified by the requesting party. If a party fails to specify a delivery modality distribution shall occur via E-mail.

Persons requesting to be added to the agenda distribution list may specify that they wish to receive only the agenda without the backup documentation. If a person fails to specify then they shall receive the entire agenda including backup documentation.

6. Governing Board Correspondence.

Correspondence addressed to the Governing Board which is received by any officer or employee of the District shall become a public record unless such item is marked "personnel" or "confidential". Correspondence received by the District after twelve noon the Monday preceding a regular Governing Board meeting need not be placed on the agenda or in the backup documentation unless it concerns a matter to be considered by the Governing Board at the next regular meeting or is determined by the Chair of the Governing Board or the Executive Director/APCO to be an urgent matter which should be brought to the immediate attention of the Governing Board. Correspondence shall not be read aloud at the Governing Board meetings unless requested by a majority vote of the Governing Board.

7. Order of Business.

The order of business of Governing Board meetings shall be established by the Governing Board.

8. Unfinished Business.

Any matter the consideration of which has not been completed and which has not been continued to another date or which has not been removed from the agenda shall be listed for consideration at the next regular meeting of the Governing Board. If a meeting has been canceled or otherwise discontinued due to a lack of a Quorum then all unfinished items on the agenda shall be listed for consideration at the next regular meeting of the Governing Board.

9. Preparation of Minutes.

The minutes shall be prepared at the direction of the Executive Director after the occurrence of the meeting and before the next regularly scheduled meeting. Any changes in the minutes shall be made only by a majority vote of the Governing Board at a meeting in open session.

10. Reading of the Minutes.

Unless the reading of the minutes of the Governing Board meeting is ordered by the majority vote of the Governing Board, such minutes may be approved without reading into the record if a copy has been included in the Agenda as published.

11. Presiding Officer.

A. Chair as Presiding Officer. The Chair of the Governing Board shall be the presiding officer at all meetings of the Governing Board.

B. Presiding Officer in Absence of Chair. In the absence of the Chair, the Vice-Chair shall preside. In the absence of the Chair and the Vice-Chair, the person performing the functions of the Clerk of the Governing Board shall call the Governing Board to order, whereupon a temporary presiding officer shall be elected by the Governing Board members present to serve until the arrival of the Chair or Vice-Chair or until adjournment. Wherever in this chapter the term "Chair" is used, the term shall apply equally to the presiding officer as defined in this section.

C. Term of Chair. Pursuant to the provisions of Health & Safety Code §41221, the Chair shall be elected each year from the membership of the Governing Board and shall serve a term of one (1) year. No member shall serve more than two (2) consecutive terms as Chair. The term of the Chair shall commence on the first regular meeting of the Governing Board in January and shall expire at the first regular meeting of the Governing Board in the subsequent January.

12. Powers and Duties of the Presiding Officer.

A. Participation. The presiding officer may move, second, debate and vote from the Chair.

B. Seating Arrangements for the Governing Board. The Executive Director in consultation with the presiding officer shall, following each Governing Board member appointment and at such other times as necessary, establish the seating arrangement of the members of the Governing Board

C. Signing of Documents. The presiding officer or his or her duly appointed designee shall sign all documents necessitating his or her signature which were adopted in his or her presence unless the action as approved delegates such signature authority to another.

D. Sworn Testimony. The presiding officer may, pursuant to statute or other provision of law, require any person addressing the Governing Board to be sworn as a witness and to testify under oath. The presiding officer shall so require if directed to do so by a majority of the Governing Board.

E. Appointment of Committees.

The presiding officer may appoint Ad-Hoc committees so long as such committees are only for a short duration and a specific limited task. Such Ad-Hoc committees are not subject to the provisions of the Ralph M. Brown Act unless and until they are used to the extent and degree that they become Standing Committees.

The presiding officer may recommend members for appointment to Standing Committees. Membership of Standing Committees are approved by action of the Board. Such Standing Committees are subject to the provisions of the Ralph M. Brown Act.

Stipends shall be paid to members serving on committees pursuant to the provisions of Governing Board Policy 06-01. Stipends may only be paid for attendance at committee meetings which occur on a day when the entire Board does not meet. If two or more committees meet on the same day only a single stipend may be paid.

F. Extraordinary Requests for Assistance by Members. Members shall address requests for assistance above and beyond the normal measure of assistance provided to permit holders and/or the general public through the presiding officer or the Executive Director/APCO. If such request for assistance is unduly burdensome in terms of staff time or monetary expenditure the Executive Director/APCO shall cause the request to be placed on the next agenda for discussion and action by the Governing Board.

13. Rules of Debate.

A. Discussion Procedure. While discussing any question under consideration by the Governing Board, it shall be the duty of the members thereof to remain seated and address their remarks to the presiding officer and their fellow members. Any remarks or orders to the audience shall be addressed by the presiding officer, or with his or her permission, by members of the Governing Board.

B. Governing Board Members to Address Chair. Every Governing Board member desiring to speak shall first address the Chair, gain recognition by the presiding officer and shall confine himself to the question under debate, avoiding personalities and indecorous language.

C. Questions to Staff. Every Governing Board member desiring to question the District staff shall, after recognition by the presiding officer, address his or her question to the Executive Director/APCO or counsel, who shall be entitled either to answer the inquiry or to designate a member of the staff for that purpose.

D. Interruptions. A Governing Board member, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, unless a point of order or personal privilege is raised by another Governing Board member, or unless the speaker chooses to yield to a question by another Governing Board member. If a Governing Board member while speaking is called to order, he or she shall cease speaking until the question of order is determined; and if interpreted to be in order, may proceed. Members of the District staff, after recognition by the presiding officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

E. Points of Order. The presiding officer shall determine all points of order subject to the right of any Governing Board member to appeal to the Governing Board. If an appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" A majority vote shall conclusively determine such question of order.

F. Point of Personal Privilege. The right of a Governing Board member to address the Governing Board on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are questioned or where the welfare of the Governing Board is concerned. A District Board member raising a point of personal privilege may interrupt another District Board member who has the floor only if the presiding officer recognizes the privilege.

G. Limitation of Debate. No Governing Board member shall be allowed to speak more than once upon any particular subject until every other Governing Board member desiring to do so shall have spoken.

H. Motion to Reconsider. A motion to reconsider action taken by the Governing Board may be made only on the day the action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session. This motion must be made by a member of the prevailing side, but may be seconded by any member, and may be made at any time. Such a motion will have precedence over all other motions and is debatable. Nothing in these rules prevents a member of the Governing Board from making or remaking the same or any other motion at a subsequent meeting of the Governing Board.

14. Robert's Rules of Order.

In all matters and things not otherwise provided for in these procedural rules, the proceedings of the Governing Board shall be governed by "Robert's Rules of Order," revised edition. However, no rule, resolution, proceedings or other action of the Governing Board shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow said rules.

15. Remarks of Governing Board Members and Synopsis of Debate.

A Governing Board member may request through the presiding officer the privilege of having an abstract of his or her statements on any subject under consideration by the Governing Board entered into the minutes. If the Governing Board consents thereto, such statements shall be entered into the minutes.

16. Protest Against Governing Board Action.

Any Governing Board member dissenting from or stating his or her protest against any action of the Governing Board may have his or her reasons for such dissent or protest entered into the minutes. Such reasons shall be entered into the minutes upon the request of any Governing Board member.

17. Addressing the Governing Board.

A. Manner of Addressing Governing Board. Each person desiring to address the Governing Board shall step up to the microphone, state his or her name and address for the record, state the agenda item he or she wishes to discuss and state whom he or she is representing, if he or she is representing an organization or other persons. Unless further time is granted by the presiding officer or a majority vote of the Governing Board, the speaker shall limit his or her remarks to three (3) minutes. A person speaking may provide written testimony to be submitted as part of the official record. All remarks shall be addressed to the Governing Board as a whole and not to any member thereof and no questions shall be asked of a Governing Board member or a member of the District staff or member of the audience without permission of the presiding officer. Any person desiring to address the Governing Board may present his or her request in the form of a "comment card," during the time set aside in the agenda for public comments, or at the time set forth for the hearing of the item to which the comment relates.

B. Speaker for Group of Persons. Whenever any group of persons wishes to address the Governing Board on the same subject matter and expressing the same point of view, the presiding officer may request that a speaker be chosen by the group to address the Governing Board. Absent a special determination by the presiding officer or upon vote of the Governing Board as a whole to grant extra time to speak, such speaker shall limit his or her remarks to three (3) minutes. If additional matters are to be presented by any other member of the group other than the designated speaker, the presiding officer may ask the group to limit the number of such persons addressing the Governing Board.

C. After a Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Governing on the matter under consideration without first getting permission to do so by the presiding officer or a majority vote of the Governing Board.

18. Rules of Decorum.

A. Governing Board Members. While the Governing Board is in session, the members must preserve order and decorum; and the members shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Governing Board nor disturb any member while speaking or refuse to obey the orders of the presiding officer.

B. Employees. Members of the District staff and independent contractors shall observe the same rules of order and decorum as are applicable to the Governing Board.

C. Persons Addressing the Governing Board. Any person making impertinent, slanderous or profane remarks or who has become boisterous while addressing the Governing Board, shall be called to order by the presiding officer; and if such conduct continues, may at the discretion of the presiding officer, be barred from further audience before the Governing Board during that meeting and may be ordered removed from the premises.

D. Persons Authorized to be on the Dias. No person except members of the Governing Board and members of the District staff shall be permitted to be on the Dias without the consent of the presiding officer.

19. Motions - Second Required.

A motion by any member of the Governing Board including the presiding officer may not be considered by the Governing Board without receiving a second.

20. Disqualification for Conflict of Interest.

Any Governing Board member who is disqualified from voting on a particular matter by a reason of a conflict of interest shall publicly state or have the presiding officer state the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Governing Board member affected, be decided by the other Governing Board members upon advice of counsel. Upon disqualification, the disqualified Governing Board member shall remove him or herself from the room until after the item has been acted upon. In the event that a disqualified Governing Board member is authorized pursuant to state law and wishes to testify to the subject, he or she shall follow the same rules as a member of the general public present at the meeting.

21. Majority and Quorum.

A. Quorum. Except as provided in subdivision (B) herein, a majority of the Governing Board as duly sworn into membership shall constitute a quorum, and no official action shall be taken by the Governing Board except in the presence of a quorum.

B. Quorum When Positions are Vacant. Whenever there are one or more vacancies on the Governing Board, the vacant positions shall not be counted toward the number of members required for a quorum or for official action by the Governing Board.

C. Full Board Majority Vote Required. The affirmative votes of a majority of the Governing Board as duly sworn into membership, as opposed to a majority of members present at a particular meeting, shall be required to take official action on items relating to the following whether in closed session or not:

i. Pending litigation,
ii. Actions regarding the employment or dismissal of the Executive Director/APCO including but not limited to disciplinary actions if any, or
iii. Annual District budget.

D. Majority Vote Required. Except as provided in subdivision (C) herein, the affirmative votes of a majority of those present shall be required to take official action on all items provided a quorum is present.

22. Effect of Abstention or Silence.

Every Governing Board member, unless disqualified by reason of conflict of interest, who abstains from voting in effect consents that a majority of the Governing Board may decide the question voted upon, and his or her abstention shall be counted as concurrent with the majority vote. Unless a member of the Governing Board states that he or she is abstaining, his or her silence shall be recorded as an affirmative vote.

23. Tie Votes.

Tie votes shall be lost motions.

24. Changing Vote.

A Governing Board member may change his or her vote only if he or she makes a timely request to do so immediately following the announcement of the vote by the Clerk of the Governing Board prior to the time of the next item. Prior to the time that the next item in the order of business is taken up, a Governing Board member who publicly announces that he or she is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his or her abstention.

25. Rules, Regulations, Resolutions, and Contracts.

A. Prior Approval by Administrative Staff. All rules, regulations, resolutions and contract documents shall, before presentation to the Governing Board, have been approved as to legal form by the counsel and shall have been examined by the Executive Director/APCO and/or authorized representative.

B. Reading of Rule, Regulations and Resolutions. At the time of the adoption or amendment of a rule or regulation, the resolution accompanying the rule or regulation shall be read in full unless reading thereof is waived by the Governing Board members present. In such case only the title of the Resolution will be read. Consent to waive further reading may be expressed by statement by the presiding officer or inclusion of such a statement in the documentation provided with the agenda. If any Governing Board member so requests, the resolution may be read in full upon concurrence of a majority of the members.

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