

ORDINANCE NO. 7/2017

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE ORANGE COUNTY MOSQUITO AND
VECTOR CONTROL DISTRICT ADOPTING
ROSENBERG'S RULES OF ORDER AND
AMENDING THE RULES OF DECORUM**

WHEREAS, the Board of Trustees conducts its meetings in accordance with the Ralph M. Brown Act (Government Code Section 54950 et seq.); and

WHEREAS, the Board has previously adopted Roberts Rules of Order as a nonbinding guide to the conduct of meetings; and

WHEREAS, Roberts Rules of Order were originally published in 1876 and are designed for larger governing bodies such as parliaments, assemblies and houses, and are over 700 pages in length; and

WHEREAS, Rosenberg's Rules of Order was more recently created for simpler, smaller governing bodies, and the rules in Robert's Rules of Order have been distilled for these settings, resulting in a very user-friendly set of rules that are only 10 pages in length; and

WHEREAS, Rosenberg's Rules of Order are better suited to a local agency and has been recommended by the League of California cities and other local agency organizations, and

WHEREAS, the Board does hereby desire to adopt Rosenberg's Rules of Order as its nonbinding guide to the conduct of business in lieu of Robert's Rules of Order; and

WHEREAS, the Board does also desire to make certain other amendments to give greater flexibility in conducting the meetings and to provide for more orderly meetings in accordance with the latest appellate decisions.

NOW, THEREFORE, the Board of Trustees does hereby ORDAIN as follows:

Section 1. That Section 3.02.090 of the District's Operations Code is amended to read:

"3.02.090. Order of business. In accordance with Health and Safety Code Sections 2028 and 2029(e), the order of business to be considered at the meeting shall be at the discretion of the presiding officer. The District Manager shall provide an agenda to each Board member and to the news media. The agenda shall be developed in consultation with the presiding officer. In accordance with the Brown Act, Board action and review shall be limited to items on the distributed agenda.

New business not so indicated on the agenda shall be referred to a future agenda for Board review and action. The Board may discuss and take action on non-agenda items when one of the following situations exists:

- a) In an "emergency situation", upon a determination by a majority vote that such an emergency exists. "Emergency situation" means a work stoppage, crippling disaster, or other activity which severely impairs the public health or safety; or
- b) If there is a need to take immediate action and the need to take action arose subsequent to the agenda being posted. Such a determination must be made by two-thirds vote of the Board members present, or if less than two-thirds of the member are present, by unanimous vote of the members present.

The most recent version of Rosenberg's Rules of Order shall be used as a nonbinding guide to the conduct of meetings. The president shall make procedural rulings, which shall stand unless overruled by a majority vote of the Trustees voting on the matter."

Section 2. That Section 3.02.120 of the District's Operations Code is amended to read:

"3.02.120. Procedure not provided for. Procedures for conducting meetings of the District Board shall be in accord with the most recently available edition of Rosenberg's Rules of Order, except as otherwise noted in these articles, bylaws, and subsequent amendments."

Section 3. That Section 3.02.150 of the District's Operations Code is amended to read:

"3.02.150. Rules of decorum.

- a) Any person desiring to address the Board shall only speak when recognized by the presiding officer. Persons should address their comments to the presiding officer and not to other Board members or staff. The Board and staff should likewise not engage in a dialogue with a member of the public without first securing the permission of the presiding officer. Cross-examination of the Board or staff is not allowed. If a speaker has questions, he should state those questions as part of his presentation. After he has completed his presentation, the presiding officer shall determine if a response is required and who should respond. Alternatively, the presiding officer may direct that a staff person meet with the speaker at a later time to address the areas of inquiry, or direct staff to agendize the subject for a future board meeting.
- b) A public meeting is a limited public forum and remarks must be related to the subject matter over which the District has jurisdiction. Irrelevant speech may be ruled out of order.
- c) Time limits for speakers shall generally be three (3) minutes. In situations where the Board agenda is full or there are other factors that limit the ability of the Board to complete its public business that day, the Board President may determine that speaker time limits may be reduced and/or other procedures may be employed to ensure the public's business is completed. Reduced time limits and other procedures shall be imposed in a fair manner and without regard for the speaker's viewpoint.
- d) All speakers and the Board must preserve order and decorum and no profanity or other words or acts shall be allowed that would disrupt the meeting.
- e) No person shall be allowed to approach the Board dais but shall submit materials to the Board by handing those items to the District Secretary or Clerk of the Board.
- f) The Board may appoint a sergeant at arms. The presiding officer may clear the meeting for disruptions to the meeting, in accordance with the Brown Act. Additionally, Penal Code section 403 makes it a misdemeanor to willfully disrupt a public meeting."

Section 4. Should any part, clause or section of this Ordinance be declared by any Court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance shall nevertheless be and remain in full force and effect and the Board of Trustees of the Orange County Mosquito and Vector Control District, hereby declares that each and every section, clause, provision or part of this Ordinance would have been adopted and made a part of this Ordinance without the adoption of any portion thereof and that the invalidity of any part or provision hereof shall not in any way affect the validity or enforcement of the remaining provisions of this Ordinance that may stand on their own.

Section 5. The District Clerk shall cause this ordinance or a summary thereof to be published in a newspaper of general circulation printed and published in the District according to law and it shall go into effect 30 days thereafter.

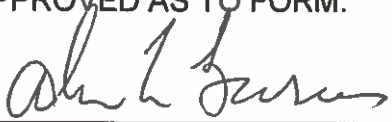
PASSED, APPROVED, and ADOPTED by the Board of Trustees of the Orange County Mosquito and Vector Control District at its regular meeting thereof held on the 19th day of January 2017, at 13001 Garden Grove Blvd., Garden Grove, California, 92843.


BARBARA LOGERMAN, President

I hereby certify that the foregoing Ordinance was duly adopted by the Board of Trustees of the Orange County Mosquito and Vector Control District at a regularly scheduled meeting, held on January 19, 2017:


C HERYL BROTHERS, Secretary

APPROVED AS TO FORM:



Alan R. Burns, District Counsel