

**MVCSD By-Laws  
ROUGH DRAFT**

**Mission Statement**

The Morongo Valley Community Services District shall provide the best possible services to the community of Morongo Valley, which will include but not limited to, parks, streetlights, and fire protection services in the most efficient and economical way possible. This will be done by remaining a small, innovative governmental entity operating on sound principles in a safe, professional, and courteous manner and encouraging community participation in its decision making.

**1. OFFICERS OF THE BOARD OF DIRECTORS**

1.1 The officers of the Board of Directors are the President and Vice President.

1.2 The President of the Board of Directors shall serve as Chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion or questions that precede said actions.

1.3 In the absence of the President, the Vice President shall act as President of the Board of Directors and shall serve as Chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as Chairperson of the meeting.

1.4 The President and Vice President of the Board shall be elected annually at the first regular meeting of each calendar year.

1.5 The President, or in his/her absence the Vice President, shall be recognized as the official head of the District for all ceremonial purposes.

1.6 Generally the President, or in his/her absence the Vice President, is the designated representative of the Board of Directors to speak on official District position or policy.

**2. MEETINGS**

2.1 Subject to holiday and scheduling conflicts, the regular meeting of the Board of Directors shall be held on the third Wednesday of each calendar month at the time and place designated by the Board of Directors at the beginning of each calendar year, or if a conflict exists, such other date and/or facilities within the District acceptable to the General Manager.

2.2 The regular public meeting of the Board of Directors shall be at 6:00 p.m.

2.3 Special meetings may be called at any time by the President of the Board of Directors, or by request of a majority of the members of the Board to the General Manager, by delivering written notice to each member of the Board. The notice shall be

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delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and 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 by the Board of Directors. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or Secretary of the Board a written waiver of notice. The waiver may be given by facsimile or electronic mail. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

2.4 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

2.5 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act.

Pursuant to the Brown Act:

(a) Board Members may briefly respond to statements or questions from the public.

(b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting.

(c) A Board Member or the Board itself may act to direct staff to place a matter on a future agenda.

2.6 The Chairperson shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/she shall vote on all questions and on roll call his/her name shall be called last.

2.7 A majority of the Board shall constitute a quorum. However, all actions must be approved by a minimum of three (3) Board members. Where there is a lack of a quorum, the Chairperson, or any Board member shall adjourn such meeting, or, if no Board member is present, the District Secretary shall adjourn the meeting.

2.8 State laws are in place which attempt to eliminate any action by a Public Official, including members of the Board of Directors, which may create a conflict of interest. Laws which regulate conflicts of interest are extremely complicated. The following provides a brief summary of economic conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772) if they have questions about a particular agenda item.

(a). The general rule is that a member may not participate in the making of a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family.

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(b) Where there is a conflict of interest, the conflicted member, prior to consideration of the agenda item, shall disclose the nature of the conflict of interest and recuse himself or herself from hearing or deciding on the matter and thereon shall step down from the dais and leave the room.

(c) Should the recusal of one or more conflicted members result in the lack of a quorum and the participation of a conflicted member is necessary for resolution of an item, the Board will follow the requirements of the California Political Reform Act to determine which conflicted members shall be allowed to participate.

2.9 The Board of Directors takes actions by motion, resolution, or ordinance.

(a) For each proposed action to be taken by the Board, the Chairperson shall identify the motion-maker and the second and either state the motion or direct Staff to state the motion prior to taking the vote. The Chairperson shall announce the Board's decision on all subjects.

(b) A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board showing those Board members voting aye, those voting no, those not voting due to a conflict, and those abstaining.

(c) Unless a Board member states that he or she is not voting because of a conflict of interest, his or her silence shall be recorded as an affirmative vote.

(d) When hearing matters in their quasi-judicial capacity, Board Members shall disclose any relevant ex-parte communications regarding that item prior to public comment.

2.10 The following applies to reconsideration of prior Board actions.

(a) After the passage of 3 months from the effective date of the motion, resolution or ordinance, the matter may be placed on the agenda pursuant to Section 3, below, or other provisions of the Brown Act.

(b) Prior to the passage of 3 months, any member of the Board of Directors or the General Manager may request the Board of Directors, by motion, to agree to reconsider a prior Board action at a subsequent meeting of the Board.

(c) The President of the Board of Directors, upon a determination that there is a need to take immediate action, may place an item on the agenda for reconsideration.

2.11 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings.

2.12 All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speaker's podium once the

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meeting begins. The Chairperson retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

### **3. AGENDAS**

3.1 The General Manager, in cooperation with the Board President, shall prepare the agenda for each regular and special meeting of the Board of Directors. A Director may contact either the General Manager or the Board President and request an item to be placed on the regular meeting agenda no later than 3:00 p.m. seven calendar days prior to the meeting date. Such a request must be also submitted in writing either at the time of communication with the General Manager or the Board President or delivered to the office within the next working day.

3.2 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors: for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.

(a) Directors may request that an item be removed from the "Consent Agenda", and the Board will then act separately on that item. Members of the public will be given an opportunity to provide public comment on the "Consent Agenda;" however, only a member of the Board of Directors can remove an item from the "Consent Agenda." Items which are removed ("pulled") from the "Consent Agenda" will typically be considered at the conclusion of the regular Agenda unless a majority of the Board chooses an earlier time.

(b) When a Director has a minor question or requests clarification concerning a consent item which will not involve extended discussion, Staff may respond without "pulling" the item from the "Consent Agenda." Directors are encouraged to seek clarifications prior to the meeting if possible.

(c) When a Director wishes to consider/"pull" an item simply to register a dissenting vote, an abstention or conflict of interest, the Director shall inform the Chairperson that he/she wishes to register a dissenting vote, an abstention or conflict of interest, on a particular item without discussion. The item will be considered along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote, an abstention or conflict of interest, in the minutes on the item identified by the Director.

#### **4. PUBLIC COMMENT AND RULES OF DECORUM**

4.1. Policy. The purpose of oral presentation at District meetings, as well as written presentations, is to formally communicate to the Board of Directors on matters (1) listed on the Agenda, or (2) matters that are within the jurisdiction of the Board of Directors during general public comment. Such presentations are helpful to the Board in its decision-making process. The Board of Directors welcomes information and expressions of opinion from members of the public on any item which it may be considering. However, the Board of Directors is not required to provide a public forum for remarks or conduct in violation of the Rules of Decorum.

4.2. Public Comment. Subject to the following rules, the Board of Directors shall set aside 30 minutes on each Agenda item for Public Comment:

- (a) The Chairperson, after consideration of the length of the Agenda, the nature of the Agenda item, and the meeting limitations of Section 2.2, may expand or further limit the 30 minutes time allocation for public comment.
- (b) Each public commentator shall be limited to 3 minutes unless shortened or extended by the Chairperson with consideration of the length of the Agenda, the nature of the agenda item, and the meeting limitations of Section 2.2, above.

4.3. Rules of Decorum. The rules of decorum, below, shall apply to public comment and attendance at District meetings.

- (a) Members of the audience shall not engage in disorderly or boisterous conduct, including the utterances of loud, threatening or abusive language, whistling, stamping of feet, clapping and talking (other than giving public comment) or other acts that disrupt the orderly conduct of the District meeting.
- (b) Members of the audience who wish to address the Board on a particular item on the Agenda shall line up behind the podium or sit in the two (2) rows next to the podium.
- (c) No person shall address the Board of Directors without first being recognized by the Chairperson.
- (d) Persons addressing the Board shall state their name and general place of residence.
- (e) Public comment and public testimony shall be directed to the Chairperson and shall be addressed to the Board of Directors as a whole. Persons addressing the Board of Directors shall not be engaged in dialogue with individual Directors, District staff or members of the audience. The Chairperson shall determine whether, or in what manner, the District will respond to questions.
- (f) Persons addressing the Board are limited to one opportunity per Agenda item unless otherwise directed by the Chairperson in his/her direction.

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- (g) A person cannot defer his/her time allocation to another person.
- (h) When a group or organization wishes to address the Board on the same subject, the Chairperson may request that a spokesperson be chosen to speak for that group. The spokesperson's three (3) minute time allocation may be extended by the Chairperson in his/her discretion.
- (i) Persons addressing the Board shall confine the subject matter of their comments to the Agenda item being considered by the Board of Directors.
- (j) Each person addressing the Board of Directors shall do so in a civil manner and shall not engage in conduct which disrupts the orderly conduct of the District.
- (k) The Chairperson may rule a speaker out of order who is unduly repetitious or extending discussion of irrelevance.
- (l) Except as provided below, persons who reference or read from documents such as reports, exhibits, or letters ("Documents") as part of his/her comments to the Board shall lodge the Document (or a copy) with the District Secretary at the end of the comment, to allow the Document to be appropriately referenced in the meeting Minutes and to allow District staff the opportunity to review and respond for failure to lodge the referenced Documents. Upon request, the lodged Documents shall be returned to the speaker after 1:00 p.m. on the day following the meeting.

Exceptions:

- \* Speaker's presentation outline, however, Documents referenced in the outline shall be lodged.
- \* Documents that are in the Agenda packet.
- \* Documents that have been previously published by the District, so long as the speaker identifies the Document by date, author and the pages referenced or read from.
- \* For voluminous Documents, the speaker need only lodge the cover sheet that identifies the author and date and the pages read from or referenced.

4.4 Enforcement of Rules of Decorum. Any person who violates the Rules of Decorum may, at the discretion of the Chairperson, be removed from the meeting. The Rules of Decorum shall be enforced in the following manner:

- (a) Warning. The Chairperson shall warn the person who is violating the rules of decorum.
- (b) Expulsion. If after receiving a warning from the Chairperson, the person persists in violating the rules of decorum the Chairperson shall order the person to leave the Board meeting room for the remainder of the meeting.

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(c) Assisted Removal. If such person does not voluntarily remove himself/herself, the Chairperson may order any law enforcement officer who is on duty at the meeting, or who may be summoned to the meeting, to remove the person from the Board room.

(d) Restoration of Order. If order cannot be restored by the removal of individuals who are disrupting the meeting, the Board meeting will be continued under the provisions of Government Code §54957.9.

“In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.”

4.5 Limitations (Government Code §59454.3(c)) The Rules of Decorum shall not be interpreted to prohibit public criticism of the policies, procedures, programs or services of the District, or the acts or omissions of the District Board of Directors.

## **5. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES**

5.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheadings.

5.2 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 5.3 and 5.5 below, shall not be required to record any remarks of Board Members or any other person.

5.3 Directors may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting that item is discussed.

5.4 The District Secretary shall attempt to record the names and “community of residence” of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter.

5.5 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

5.6 Any tape or film record of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public

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Records Act. Consistent with Government Code Section 54953.5(b), the District will maintain the tapes and recordings for a 30-day period after the taping and/or recording. During the 30-day period, the District will provide, without charge, a video or tape player for inspection of said tapes and/or recordings. In addition to the 30-day requirement, the District will attempt to maintain tapes/and or recordings, without legal obligation to do so, for a minimum of 10 years after the date of the taping or recording. However, during this extended period, the District may not be able to provide a video or tape player to facilitate inspections.

## **6. AUTHORITY OF DIRECTORS**

6.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

6.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole.

6.3 Directors do not represent any fractional segment of the community, but are, rather, a part of the body which represents and acts for the community as a whole.

6.4 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional (staff) members of the District.

## **7. AUTHORITY OF GENERAL MANAGER**

7.1 The General Manager shall be responsible for those activities, functions, and duties pursuant to contract.

## **8. DIRECTOR GUIDELINES**

8.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

8.2 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

8.3 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, without being disagreeable. Once the Board of



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Directors acts, Directors shall commit to supporting said action and not to create barriers to the implementation of said action.

8.4 Board Members, by making a request to the General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, workloads, and priorities, then the General Manager shall inform the individual Board Member why the information is not or cannot be made available. Board Members shall not request information directly from District employees, and employees shall communicate to Board Members only through the General Manager.

8.5 In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.

8.6 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager.

8.7 When approached by District personnel concerning specific District policy, Directors should direct inquires to the General Manager. The chain of command shall be followed.

8.8 In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns shall be referred directly to the General Manager.

8.9 The Directors and General Manager shall develop and follow written policy to facilitate open discussions between District Management and Directors regarding current issues, Director concerns, and District projects.

8.10 Except during an open and public meeting, a majority of the Board of Directors shall not use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the District.

8.11 Section 8.10 shall not be construed as preventing District management staff from engaging in separate conversations or communications with members of the District Board of Directors in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the District, so long as that management staff person does not communicate to members of the Board of Directors the comments or positions of any other member or members of the Board of Directors.

## **9. DIRECTOR COMPENSATION**

9.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular meeting, and one hundred dollars (\$100.00) for each

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adjourned, special or emergency meeting, and twenty five dollars (\$25.00) for each standing committee meeting of the Board attended by him/her.

9.2 Each Director is authorized to receive fifty dollars (\$50.00) as compensation for attending each required training session, or other function/meeting attended by him/her as a Director at the request of the Board after delivering a written report to the Board of Directors regarding the Member's participation at the next Board of Directors meeting following the training program, function/meeting.

9.3 The District President, or in his/her absence the Vice President, or appointed Board Member, is authorized to receive fifty dollars(\$50.00 ) as compensation for each County or State agency meeting attended by him/her as necessary to protect and/or advance the interest of the District or its residents/customers, provided that the Board of Directors has previously approved the Member's participation at the Board of Directors' meeting, and that the Member delivers a written report to the Board of Directors regarding the Member's participation at the next Board of Directors meeting following such meeting.

9.5 Pursuant to Sections 61047 e. seq. of the Government Code, Director compensation shall not exceed six hundred(\$600) in any one calendar month.

## **10. DIRECTOR REIMBURSEMENT**

10.1 The Travel and Reimbursement Policy of the District governs all reimbursements of expenses to Directors.

## **11. COMMITTEES**

11.1 The Board may create standing committees at its discretion. Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act, or expenditure. Each standing committee shall consider District related issues assigned to it by the Board of Directors.

(a) Each standing committee shall meet (monthly) as determined by the Committee Chairperson. There are no quorum requirements for standing committee meetings. All recommendations to the Board of Directors shall be supported by a minimum of two voting members.

(b) Subject to the availability of public membership, standing committees shall be comprised of public voting members and one/two Director(s) appointed by the President as Chairperson and one person appointed by the President as the Vice Chairperson. Depending on the number of applications, the Board retains the discretion to alter Standing Committee membership on a case-by-case basis.

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- (c) The General Manager shall be an ex-officio member of all standing committees.
- (d) Public committee members shall serve without compensation.
- (e) On or before January 31st or as otherwise established by the Board of Directors of each year, members of the public who reside within the boundaries of the District are invited to apply for specific committee assignments by completing an application. The General Manager shall prepare an appointments list of all standing committees. This list shall be known as the local appointment list and will be provided to the Board of Directors at the first meeting in February or other date established by the Board of Directors.
- (f) The local appointment list shall be made available to the members of the public and shall be posted at the District office and the District's web site.
- (g) A committee member will automatically be removed if he/she has three unexcused absences or misses four meetings in one calendar year.
- (h) Summary notes for each committee meeting shall be forwarded to the Board of Directors as a public record.
- (i) At the request of the Chairman, the Board President may appoint persons to a subcommittee to assist a standing committee in making recommendations to the Board of Directors.

**12. ETHICS & SEXUAL HARASSMENT TRAINING**

12.1. Ethics Training (AB1234), Sexual Harassment (AB1661)

- (a) Pursuant to sections 53234 et seq. & Section 1. Article 2.4.5 (commencing with Section 53237) Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, all Directors and designated District personnel shall receive at least 2 hours of ethics and harassment training every two years.
- (b) Each newly elected Board member and designated District personnel shall receive ethics and harassment training no later than six months from the first day of service with the District and thereafter shall receive ethics and harassment training at least once every two years

**13. CORRESPONDENCE DISTRIBUTION POLICY**

- 13.1 All letters approved by the Board of Directors and/or signed by the Chairperson on behalf of the District shall be distributed to the District Board of Directors as herein provided.

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13.2 All letters and other documents received by the District that are of District-wide concern as determined by District staff shall be delivered to the District Board of Directors as herein provided.

13.3 All letters and other documents to be delivered to the Board of Directors shall be accumulated and placed in each Director's Information Packet and delivered with the Agenda when a Board meeting is scheduled. Items of a more urgent matter will be e-mailed to all Directors and placed in Director's mailboxes.

**14. BOARD BYLAW REVIEW POLICY**

14.1 The Board Bylaw Policy shall be reviewed annually at the first regular meeting in January and considered for adoption at the first regular meeting in February.

**15. RESTRICTIONS ON RULES**

15.1 The rules contained herein shall govern the Board of Directors in all cases to which they are applicable and to the extent that they are not inconsistent with State or Federal laws.

15.2 The Board of Directors, by resolution, may amend these bylaws from time to time.