

**PROTOCOL  
FOR THE TRANQUILLITY  
PUBLIC UTILITY DISTRICT**

**JUNE 2017**

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**PROTOCOL FOR  
THE TRANQUILITY PUBLIC UTILITY DISTRICT**

Protocol No. 1

Effect of Protocol

- A. This Protocol shall govern the conduct of all TRANQUILITY PUBLIC UTILITY DISTRICT ("District") Board meetings. Unless superseded or prohibited by state or local law, these Protocol may be suspended by the affirmative vote of a majority of the entire Board membership. The suspension shall be in effect for the duration of only one meeting.
- B. To the extent a matter is not covered by this Protocol, the rules of parliamentary procedure of the Board shall be governed by *Roberts Rules of Order, Newly Revised*. It is understood that neither may violate mandatory rules of procedure or regulations contained within either state law or enabling documents for the District.
- C. If any Protocol contained herein is in conflict with the provisions of state law or enabling documents for the District, such Protocol shall be deemed invalid or modified by state law or pertinent enabling documents. Such invalidity shall not affect other Protocol contained herein which can be given effect without the invalid Protocol, and to this end these Protocol are severable.
  - 1.

Protocol No. 2

MEETINGS

- A. Regular meetings of the Board will be held each 3<sup>rd</sup> Monday of the month at 6:00 p.m. at Tranquility Irrigation District. The time, date or place of a regular meeting may be altered as published in the Board Agenda. The Agenda must be posted at least seventy-two (72) hours in advance and in a publicly accessible location.
- B. Special meetings of the Board may be called at any time by the Board Chair or, in his/her absence, by the Vice-Chair. A special meeting may also be called by two members of the Board. A minimum of twenty-four hours' notice of any special meeting shall be given in accordance with the Ralph M. Brown Act ("Brown Act").<sup>1</sup>

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<sup>1</sup> Government Code section 54956

- C. All meetings of the Board shall be held in open session unless expressly authorized as closed sessions under the Brown Act.<sup>2</sup>
- D. Emergency meetings may be held upon a finding by a majority vote of the Board that an emergency situation exists due to some activity that severely impairs public health and safety. The Board may convene emergency meetings without complying with the twenty-four hour notice and posting requirement for special meetings provided that the District complies with all provisions of the Brown Act<sup>3</sup>

### Protocol No. 3

#### BOARD AGENDA

- A. Any Board member, Chair, Vice-Chair, General Counsel, or Secretary of the Board may place items on a Board Agenda, as provided herein.
- B. All proposed resolutions and contracts shall be approved as to form by the General Counsel prior to placement on the Board Agenda.
- C. The Secretary of the Board shall arrange a list of Agenda matters according to the order of business as determined by this Protocol.
- D. The Secretary of the Board shall furnish each member of the Board and the General Counsel a copy of the Agenda prior to the Board meeting as far in advance of the meeting as time permits.
- E. No item shall be placed on the Board Agenda except in accordance with the Brown Act<sup>4</sup> and this Protocol.
- F. The Secretary of the Board shall post and prepare the Agenda in accordance with the Brown Act.

### Protocol No. 4

#### ORDER OF BUSINESS

- A. The general order of business will be as follows, unless the Board Chair determines that the order for a particular meeting or item needs to be modified:

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<sup>2</sup>Government Code section 54954.5

<sup>3</sup> Government Code section 54956.5

<sup>4</sup> Government Code sections 54950 et seq.



1. Call To Order
2. Flag Salute
3. Roll Call
4. Agenda Review
5. Approval of Minutes
6. Public Comments
7. Consent Agenda
8. Public Hearings
9. Continued Business
10. New Business
11. Board Member Items
12. General Counsel Items
13. Board Communications
14. Closed Session
15. Closed Session Announcements
16. Adjournment

- B. A workshop may be placed on the Agenda from time to time, for informational purposes only. During a workshop, public comment is generally not permitted, subject to the discretion of the Board Chair or Board majority to open the matter to public comment. Board may also invite one or more speakers to address the item, with or without time limits.
- C. Timed items may be heard at or later than the time stated on the Agenda. Untimed items may be called by the Board Chair at any time during the meeting.

## Protocol No. 5

### VOTING PROCESS

- A. Every vote taken by the Board in open session shall be by open ballot.
- B. There shall be three methods of counting votes of the Board; by a call of the roll of the Board members; by a voice vote; or by unanimous consent. The vote of each member in any of the prior options shall be recorded by the Secretary of the Board. In the event any given form of counting votes is unclear as to the vote of each member, the Secretary of the Board shall take a call of the roll of the Board members.
- C. The Board Chair shall determine the method for voting unless overruled by a majority of the Board.
- D. Unless a present Board member states that he or she is not voting, silence shall be recorded as an affirmative vote.

- E. The Secretary of the Board shall record each vote and each abstention in the minute Book and announce the results to the Board.
- F. After the announcement of results, a Board member shall not be permitted to vote or to change a vote or an abstention, except in the case of a motion to reconsider as set forth in Protocol 11.

## Protocol No. 6

### QUORUM AND MAJORITY VOTES

- A. The entire membership of the Board shall constitute a quorum.
- B. A vote of the majority of the quorum shall be sufficient to take action except where applicable law or the enabling documents of the District requires a greater vote.

## Protocol No. 7

### PUBLIC COMMENT

- A. Citizens have the right to present grievances or offer suggestions for the betterment of the District's business at any regular meeting of the Board.
- B. At any meeting of the Board, the public has a right to speak on any action item on the Board Agenda within the time limits described below. The public shall also have the right to speak to matters not on the Agenda during the Community Comments and Suggestions portion of the meeting, but must limit their comments to matters within the jurisdiction of the Board.
- C. The public has a right at every regular meeting to provide oral testimony in accordance with the Brown Act, subject only to the following:
  - 1. Each speaker shall limit his/her remarks on any action item listed on a Board Agenda to three minutes (hereinafter "public comment period"). Workshops are placed on the Agenda as "non-action items" and do not require a special public comment period prior to or during the Board's consideration of the Workshop.
  - 2. The public comment period may be extended by the Board Chair subject to a vote of the majority of the Board members consistent with Protocol no. 8.
  - 3. In situations where more than 20 people wish to speak on an item, the Board Chair, subject to a vote of the majority of the Board members consistent with Protocol no. 8, may place reasonable limits on the public comment period,

including a specific time limit for the total presentation. Such time limits shall allow for full discussion of the item by interested parties or their representative(s). The purpose of this limitation is to ensure the Board can address its Agenda and avoid repetitious presentations.

4. Items on the Consent Calendar are considered routine, not controversial, and are treated as one agenda item. Public comment on the Consent Calendar shall be limited to three minutes per speaker, and comments shall be limited to discussion of those items on the Consent Calendar.
  5. A Board member may remove ("pull") a specific item from the Consent Calendar for separate discussion. Board members may also record a "no" vote or abstention as to one or more items on the Consent Calendar in advance of the vote. Board may then enact the Consent Calendar by one vote.
  6. Items removed for separate discussion by a Board member will be heard after the vote is taken on the Consent Calendar.
- D. Speakers shall confine their remarks to those which are relevant to the subject under consideration and are encouraged to present new evidence and points of view not previously considered, to avoid repetition of statements made by previous speakers.
- E. Each person addressing the Board shall step up to the microphone; give his/her name and city of residence to the Board in an audible tone of voice for the record.
- F. Consistent with the Americans with Disabilities Act, alternative methods of addressing the Board shall be allowed for persons with disabilities.

## Protocol No. 8

### WRITTEN CORRESPONDENCE

- A. Any written communication relating to a matter pending, or to be brought before the Board shall, whenever possible, be included in the Agenda packet for the meeting at which such item is to be considered. If received after the delivery of the Agenda packet, it shall be distributed to the Board as soon as practicable after receipt. The Secretary of the Board shall also have copies available for requests by members of the public.
- B. Unless otherwise required by law to be accepted by the District at or prior to a Board meeting or hearing, no documents shall be accepted for Board review unless they are submitted to the Secretary of the Board at least 24 hours prior to the Board Agenda being heard. Nonetheless, the Board Chair shall retain discretion to accept additional documents at or prior to the time the Board Agenda item is to be heard,



subject to Protocol 4.A.6. The Secretary of the Board shall note on the Board Agenda, the 24 hour requirement for submitting documents to the Board.

## Protocol No. 9

### ORDER AND DECORUM

- A. While the Board is in session, the Board members must preserve order and decorum. A Board member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board nor disturb any Board member while speaking or refuse to obey the orders of the Board or its Chair, except as otherwise herein provided.
- B. A Board member or other person properly before the Board shall address the Board Chair, be recognized before proceeding, and confine remarks to the question under discussion.
- C. If a Board member or other person, in speaking or otherwise, transgresses this Protocol, the Board Chair or any Board member may raise a question of order. The Board Chair shall then decide the question of order without debate, subject to an appeal to the Board. In addition, the Board Chair may call for the sense of the Board on any question of order.
- D. Whenever any person is called to order while speaking, such person shall be in possession of the floor after the question of order is decided, and may proceed with the matter under the discussion within the ruling made on the question of order.
- E. Any person who willfully engage in conduct which is designed to or is likely to provoke others to violent or riotous behavior, disturbs the peace or the meeting by loud and unreasonable noise, engages in other disruptive conduct which substantially interferes with the orderly conduct of business before the Board, and who fails, upon request of the Board Chair to cease such activity, shall be forthwith barred from further attendance at such meeting unless permission to remain and/or address the Board is granted by a majority vote of the Board.

## Protocol No. 10

### MOTIONS

- A. Only Board members may make motions. Motions and amendments may be verbal, but shall be reduced to writing, if requested by the Board Chair. The Secretary of the Board shall record all motions and read them back when requested. Upon request, the General Counsel shall assist in the formation of motions.



- B. There are three motions which are the most common and recurring, and are usually subject to debate.
  - 1. The basic motion. This motion puts forward a decision for Board consideration.
  - 2. The motion to amend. This motion seeks to modify the basic motion that is before the Board.
  - 3. The procedural motion. This motion is to address a rule of procedure, postpone, or take some other action.
- C. Any motion that does not receive a second shall die, and then another motion may be made.
- D. Where there is more than one motion on the floor at the same time, the vote shall proceed first on the last motion that is made.

### Protocol No. 11

#### RECONSIDERATION

- A. A motion to reconsider any action taken by the Board may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other motion at a subsequent meeting of the Board so long as the ability to make such motion meets the requirements of applicable laws.

### Protocol No. 12

#### PUBLIC HEARINGS

- A. Public hearings are matters which require a notice by publication or mail and are to be heard on a set date and time.
- B. Order of Proceedings. Generally, public hearings shall be conducted in the following order:
  - 1. Hearing opened

2. Staff report
3. Presentation by Proponent, Applicant or Staff
4. Questions of Proponent, Applicant or Staff by the Board and/or staff
5. Public Testimony
6. Hearing Closed
7. Discussion by Board
8. Action by Board

- C. No basic motions may be made until a hearing is closed for public comment.
- D. Testimony after Closure of Hearing. Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the Board to reopen the hearing, even in cases where the item is continued to a future date for Board Consideration. However, after the hearing has been closed, the Board may direct questions to the applicant, or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the Board shall permit a reasonable time for rebuttal.

### Protocol No. 13

#### CONTINUANCES

- A. Prior to the approval of the Agenda, any Board member may ask that an item on the Agenda be continued indefinitely or to a future date and/or time certain. The matter shall then be continued unless the Board, by majority vote, does not approve the request to continue. This section does not preclude a Board member from making a motion to continue at the time a given item on the Agenda is heard by the Board.

### Protocol No. 14

#### PRIORITY OF BUSINESS

- A. The majority of the entire membership of the Board may, by motion, designate any matter on the agenda to be a special order of business, which shall take precedence over all other business. A special order of business action is limited to matters properly noticed and placed on the agenda under the Brown Act. This Protocol does not permit the hearing of a timed item prior to the time set on the Agenda. If the

Board wants to change the date of a scheduled hearing to a later date, the Board may do so without having to wait until the time set for hearing.

- B. All questions relating to the priority of business to be acted upon by the Board shall be decided without debate.

## Protocol No. 15

### CLOSED SESSION

- A. Closed sessions may be held at any regular or special meeting for any purpose authorized under the Brown Act in accordance with the procedures in Protocol 6. Board actions shall be governed by the Brown Act. Public comments on any item to be heard in closed session shall be received prior to, but not necessarily immediately prior to, a closed session. No discussions in closed session shall take place without a quorum present.
- B. Pursuant to the Brown Act, the District's Secretary of the Board may be required to attend a closed session of the Board and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to the Brown Act.
- C. Announcements of Action Taken. When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. A place may be listed on the agenda for such announcements. After closed sessions, the Board Chair, Secretary of the Board and General Counsel shall reconvene in open session and make any such required announcements prior to final adjournment of the meeting.
- D. Persons permitted in closed session meetings are limited to: Board members, the General Counsel and the Secretary of the Board, and necessary District staff or consultants for the matter being considered. No other persons may be present without the prior approval of the Board Chair and the General Counsel.
- E. Any documents submitted to Board members as part of the closed session shall be treated as strictly confidential.



## Protocol No. 16

### QUESTIONS OF ORDER AND APPEALS TO RULINGS OF CHAIR

- A. A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for. Such question shall be decided by the Board Chair, without debate, subject to an appeal to the Board.
- B. A ruling by the Chair shall not be subject to debate. However, the ruling may be appealed by any two Board members. One Board member making the appeal and another seconding it. The question is then taken from the Chair and vested in the Board for final decision by majority vote of the entire membership of the Board.