

2.200 - Board of Directors Regular Meetings

Regular meetings of the Board of Directors will be held at the District Office at 4870 Heritage Road, Village of Heritage Ranch, San Luis Obispo County, on the third Thursday of each month at 4:00 p.m., unless canceled by the President of the Board. All regular and special meetings and cancellations of regular meetings shall be properly noticed to the public per existing state law or District policy as may be amended from time to time. (California Government Code Section 54954 et. seq.)

2.205 – Agenda

The District Manager shall be responsible for preparing the agenda for Board meetings and seeing that it is posted at the District office in a location freely accessible to the public no later than 72 hours before each regular meeting. The agenda shall specify the time and location of the meeting and contain a brief general description of each item of business to be transacted or discussed at the meeting (Government Code section 54954.2.). Any member of the Board may request the District Manager to place an item for discussion or action on the agenda. In order to allow sufficient time to prepare the agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting shall be at 4:00 p.m., on the first Thursday of the month.

2.210 - Authority to Act on Matters not on the Agenda

The Board shall take no action on any item not appearing on the posted agenda, except under the following conditions: (a) upon a determination by a majority of the Board that an emergency situation exists, which involves matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, including work stoppages or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board, or crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board. (b) Upon a determination by a two-thirds vote of the Board, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the District subsequent to the agenda being posted. (c) The item was posted pursuant to 2.205 for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken. (Government Code section 54954.2.)

2.215 - Availability of Meeting Agendas and Staff Reports

Agendas and staff reports for Board of Directors' meetings are available to the public for review at the District Office. Agendas may be mailed, emailed or faxed to the public as they are published. Copies of staff reports and agendas are available for a fee pursuant to Section 4.500. To obtain an agenda subscription or a copy of a staff report contact the District Office at (805) 227-6230.

2.220 - Quorum Requirements

A majority of all of the member of the Board shall constitute a quorum for the transaction of business. (Government Code Section 61224.)

2.225 - Majority Vote

A majority of all the members of the Board shall be required to approve any ordinance, resolution or motion, unless a different voting requirement to approve a particular action is specified under State Law. (Government Code Section 61225.)

2.230 - What Constitutes an Affirmative Vote

Unless a Board member is not voting because of a conflict of interest, a Board member who is present shall be deemed to have voted in the affirmative on a matter unless the Board member votes against the measure by casting a "no" vote. When calling for the vote on a motion, the President of the Board shall normally ask if there is any opposition, since the remaining members present will be deemed to have voted in the affirmative unless they are not voting due to a conflict of interest.

2.235 - Record of Vote

Except where action is taken by the unanimous vote of all directors present and voting, the ayes and noes taken upon the passage of all ordinances, resolutions or motions shall be entered upon the minutes. (Government Code section 61226).

2.240 - Ordinances

The enacting clause of all ordinances passed by the Board shall be: Be it ordained by the Board of Directors of Heritage Ranch Community Services District as follows; (Government Code section 61227). All ordinances shall be signed by the President and attested by the Board Secretary. (Government Code Section 61228).

2.245 - Motions

The three steps for bringing a motion before the Board are: (a) a member makes a motion; (b) another member seconds the motion; and (c) the President restates the motion and asks for any further discussion. While normally only one motion can be considered at a time and a motion must be disposed of before any other question is considered, (a) a motion may be amended before it is voted on, either by the consent of the members who moved and seconded, or, (b) a motion may be tabled before it is voted on by motion made to table, which is then seconded and approved by the Board. Any member of the Board, including the President, may make or second a motion.

2.250 - Conflict of Interest

If a member of the Board believes he or she may be disqualified from participation in the discussion, deliberations, or vote on a particular matter due to a conflict of interest, the following procedure shall be applicable: (a) if the Board member becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Board member shall notify the District Manager of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest; (b) if it is not possible for the Board member to discuss the potential conflict with the District Manager before the meeting, or if the Board member does not become aware of the potential conflict until during the meeting, the Board member shall immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and, (c) upon a determination that there is a disqualifying conflict of interest, the Board member shall not participate in the discussion, deliberations or vote on the matter for which a conflict of interest exists. In such a case, the Board minutes shall state: "Due to a potential conflict of interest, Director _____ did not participate in the discussion, deliberation, or vote on this matter."

2.255 - Consent Agenda

The District Manager may list on the agenda a "consent agenda", which shall consist of routine matters on which there is generally no opposition or need for discussion. Examples of consent agenda items might include approval of minutes, financial reports, and Manager's report. Any matter may be removed from the consent agenda and placed on the regular agenda at the

request of any member of the Board. The entire consent agenda may be approved by a single motion made, seconded and approved by the Board.

2.260 - Oral Information Reports

Any member of the Board may make an oral report for the purpose of informing the Board of any matter of interest to the District. The Board may also call on the District Manager, District staff, District engineer, or District legal counsel for oral informational reports on matters not on the agenda. Unless the Board makes one of the determinations required under Section 2.210, there shall be no discussion or action on matters covered in such oral reports.

2.265 - Public Comment

Every agenda for a regular meeting shall provide an opportunity for members of the public to directly address the Board on items of interest that are within the subject matter jurisdiction of the Board and which do not appear on the agenda. The Board may discuss, but not take action on, any matter raised during the public forum, unless the Board first makes one of the determinations set forth in Section 2.210. It is the general policy of the Board to refer complaints and concerns from members of the public to the District Manager for investigation and resolution, if appropriate. In order to facilitate the meeting and public participation during the public forum session of the meeting, the Board may limit the total amount of time allocated for public comment on a particular issue (ten minutes shall be standard), and may limit the time allocated for public comment by an individual speaker (three minutes or less shall normally be standard).

2.270 - Public Hearings

The procedure for conducting public hearings during a meeting of the Board shall be as follows: (a) no sooner than the time set for the public hearing, the President of the Board shall declare the public hearing open; (b) the President shall ask the District Manager whether notice of the public hearing has been given in the manner required by law; (c) the District Manager shall present a staff report concerning the subject of the hearing; (d) the President shall ask whether any members of the Board have any questions of the District Manager; (e) the President shall ask the District Manager whether any written comments on the subject matter of the public hearing have been received; (f) the President shall ask whether any members of the public wish to present written or oral comments on the subject of the public hearing; (g) in its discretion, the Board may set time limits on the amount of time an individual speaker is allowed to comment orally during the public hearing; and, (h) following the close of presentation of comments, the President shall declare the public hearing closed. The Board may continue a public hearing from time to time.

2.275 - Special Meetings

A special meeting may be called at any time by the President or by a majority of the members of the Board, by delivering written notice to each member and to each newspaper, and radio or television station requesting notice in writing. Such notice shall be received at least 24 hours before the time of such 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. No other business shall be considered at such meeting. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the District Secretary a written waiver of notice. Waiver may be given by telegram. Such written notice may also be dispensed with as to any member who was actually present at the meeting at the time it convenes. The call and notice must also be posed at least 24 hours before the meeting in a location freely accessible to the public. (Government Code section 54956).

2.280 - Closed Sessions

A closed session may be held on any subject authorized under the Ralph M. Brown Act. The authority for a closed session must be included in the agenda. (Government Code Sections 54956.9, 54957, 54957.6 and 54956.8.) The Board shall not keep minutes of its closed sessions. (Government Code section 54957.2.)

Prior to holding a closed session to discuss pending litigation, the Board shall state publicly whether the closed session is being held under subdivision (a) or (b) of Government Code section 54956.9, and the title of the proceeding, if applicable, unless to do so would jeopardize the District's ability to effectuate service of process or its ability to conclude settlement negotiations to its advantage. (Government Code section 54956.9.)

Prior to holding a closed session to meet with its real estate negotiator, the Board shall identify in open session the real property which the negotiations may concern and the persons with whom its negotiator may negotiate. (Government Code section 54957.1.)

Prior to holding a closed session to meet with its labor negotiator, the Board shall identify in open session the negotiators for the District. (Government Code section 54957.6.)

2.285 – Adjournment

A meeting of the Board shall be adjourned by (a) loss of a quorum, (b) motion made, seconded and approved to adjourn the meeting, or (c) by declaration of the President that the meeting is adjourned when the agenda has been completed and there is not further business to come before the Board. A regular or special meeting of the Board may be adjourned to a specific day and time (a) by motion made, seconded and approved, (b) by approval of less than a quorum if a quorum is not present, or (c) by the District Secretary if all members are absent from any regular or adjourned regular meeting. (Government Code section 54955.)

2.300 - Conflict of Interest Policy

The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that every official and employee will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents. Such confidence and respect can best be promoted if every official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly treat all citizens with courtesy, impartiality, fairness and equality under the laws and avoid both actual and potential conflicts between their private self interests and the public interests.

No employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to residents and landowners within the District at large. No employee shall request, use or permit the use of any District owned or District supported property, vehicle, equipment, labor or service which is not the general practice to make available to residents and landowners within the District at large, or which is provided as a matter of stated policy for the use of employees in the conduct of official business.

2.310 - Contractual Conflicts of Interest

Neither any member of the Board, nor any officer or employee of the District, shall be financially interested in any contract made by them in their official capacity, nor shall they be purchasers at any sale nor vendors at any purchase by them in their official capacity. Members of the Board and officers and employees of the District shall observe and comply with all of the provisions of Article 4 of Chapter 1 of Division 4 (commencing with Section 1090) of the Government Code.