

ORDINANCE 86

PROVIDING FOR REGULAR MEETINGS OF THE BOARD, FIXING THE LOCATION OF THE DISTRICT'S PRINCIPAL PLACE OF BUSINESS, ESTABLISHING PROCEDURES FOR CONDUCTING THE BUSINESS OF THE BOARD AND REPEALING ORDINANCE 61

Whereas, the Board of Directors of the Twentynine Palms Water District adopted Ordinance 61 regarding procedures for conducting the business of the Board; and

Whereas, the Board of Directors desires to repeal Ordinance 61 and replace it with Ordinance 86 that conforms to current law and procedures;

Be it ordained by the Board of Directors of the Twentynine Palms Water District as follows:

Section 1. Regular Meetings: The regular meetings of the Board of Directors, hereinafter referred to as "Board", of the Twentynine Palms Water District shall be held on the second Wednesday (Fire Department Business) and fourth Wednesday of each month at 6:00 p.m. at the District office, 72401 Hatch Road, Twentynine Palms, California. If, however, the day of a regular meeting falls on a holiday, the meeting shall be held on the next business day at 6:00 p.m.

Section 2. Special and Adjourned Meetings: A special meeting of the Board may be ordered and called at any time by the President of the Board or by a majority of the members of the Board by delivering personally or by mail written notice to each Director and to each local newspaper of general circulation, radio station or television station requesting notice in writing. Said notice must be delivered 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 meeting and the business to be transacted. No other business shall be considered at said meeting by the Board. Such written notice may be dispensed with as to any Director who, at or prior to the time the meeting convenes, files with the Secretary of the Board a written waiver of notice, which waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call and notice (agenda) shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

Section 3. Adjourned Meeting: The Board may adjourn any regular, special or adjourned meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn the meeting, and if all members are absent from any regular or adjourned meeting, the Secretary of the Board may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the manner provided in Section 2 hereof. When any regular or adjourned meeting is so adjourned, the adjourned meeting shall be deemed a regular meeting for all purposes. If the order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified in Section 1 hereof. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment.

Section 4. Unsafe Meeting Place: If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet at the place designated for regular meetings, at the place specified in the notice of any special meeting, or at the place to which any meeting was adjourned, then such meeting may be held for the duration of the emergency at such place as its designated by the President of the Board or his or her designee in a notice to the local media that have requested notice, by the most rapid means of communication available at the time.

Section 5. Selection of President and Vice President: At the first meeting of the Board after any reorganization constructed by a newly elected or appointed position or at the first meeting of the Board in the month of December in non-election years, the Board shall choose a President and a Vice President from those members present.

Section 6. Open Meetings: All meetings of the Board shall be open and public and all persons shall be permitted to attend any meeting of the Board. All acts and deliberations of the Board shall be taken and conducted openly.

Nothing contained herein shall be deemed to prevent the Board from holding closed sessions as provided and allowed by the Government Code of the State of California, as the same may be amended from time to time. Further, the Board may conduct its meetings and exclude witnesses as provided by said Government Code.

Section 7. Quorum: A majority of the members of the Board shall constitute a quorum for the transaction of business.

Section 8. Ordinances, Resolutions and Motions: The Board shall act only by ordinance, resolution or motion. No ordinance, resolution or motion shall be passed or become effective without the affirmative vote of a majority of the members of the Board. Except as otherwise provided by law, ordinances and resolutions of the District shall be adopted, amended (in whole or in part) and repealed (in whole or in part) by the Board only in the following manner:

A. Ordinances: Ordinances may be adopted by a voice vote, but on demand of any member of the Board, the roll shall be called and the vote recorded. Except where action is taken by the unanimous vote of all Directors present and voting, the ayes and noes shall be taken upon the passage of ordinances and entered upon the minutes of the Board.

1. Ordinances shall be adopted by the Board and may be amended or repealed (in whole or in part) only by an ordinance adopted by the Board. The enacting clause of the ordinance shall be "Be it ordained by the Board of Directors of the Twentynine Palms Water District as follows:".

2. Ordinances adopted by the Board shall contain the signed approval and attestation of the President and Secretary, respectively, of the Board.

3. Unless otherwise expressly directed by the Board at the time of the adoption of the minutes, all ordinances adopted by the Board may be referred to in the minutes of the meetings of the Board by numbers and titles.

4. The Board Secretary shall cause notice of adoption to be published one time within ten days after the date of adoption. Publication shall be in a newspaper of general circulation printed and published within the District and which is printed and published in San Bernardino County, California. The notice shall state the purpose of the ordinance, shall contain a brief statement as to the contents of the ordinance and shall state that a copy of the ordinance is available for public inspection at the District Office (72401 Hatch Road, Twentynine Palms, California). The Board Secretary shall cause copies of the ordinance to be made available to the public as provided in the notice.

B. Resolutions:

1. Resolutions shall be adopted by the Board. Said resolutions may be amended or repealed (in whole or in part) only by a resolution or an ordinance adopted by the Board. The number and title of formal resolutions shall be set forth in the agenda for the Board meeting.

2. Resolutions may be adopted by a voice vote, but on demand of any member of the Board the roll shall be called and the vote recorded. Except where action is taken by the unanimous vote of all Directors present and voting, the ayes and noes shall be taken upon the passage of resolutions and entered upon the minutes of the Board.

3. Unless otherwise expressly directed by the Board at the time of adoption of the minutes, all resolutions adopted by the Board may be referred to in the minutes of the meetings of the Board by number and title.

C. Minute Motions and Orders:

Minute motions and orders may be adopted by a voice vote, but on demand of any member of the Board the roll shall be called and the vote recorded. Except where action is taken by the unanimous vote of all Directors present and voting, the ayes and noes shall be taken upon the passage of minute motions and orders and entered upon the minutes of the Board.

Section 9. Conduct of Meetings: Except as otherwise provided by law or ordinance adopted by this Board, meetings may be conducted according to "Roberts Rules of Order, Revised". The President shall preside at all meetings and shall have a vote on all matters before the Board. In the absence of the President the Vice President shall preside; in the absence of both, the presiding officer shall be elected by a majority of the members of the Board.

Section 10. Minutes: The minutes of the meetings of the Board shall be recorded and kept by the Board Secretary in a book maintained for that purpose.

The President or other person who may preside at the meeting and the Secretary shall authenticate the minutes and resolutions after these have been transcribed into the appropriate form. When so authenticated, these shall constitute the official minutes and resolutions of the Board of the Twentynine Palms Water District.

The Minute Book and the originals of all ordinances and resolutions shall be stored in the vault of the principal place of business of the District. Copies of minutes, ordinances and resolutions shall be kept in chronological binders in the offices of the Board Secretary at that same location.

Section 11. Seal: The seal, an impression of which is herewith affixed on this page, bearing the words "Twentynine Palms Water District, San Bernardino County, California, Incorporated June 24, 1954" is adopted as the official seal of this District.

Section 12. Order of Business:

- A. Call to order
- B. Roll call
- C. Flag salute
- D. Additions/deletions to the agenda
- E. Public hearing (if applicable)
- F. Awards (if applicable)
- G. Board discussion items
- H. Consent calendar
 - 1. Approval of minutes of the preceding regular meeting and any subsequent adjourned and/or special meetings
 - 2. Approval of audit list
- I. Management reports
- J. Financial reports
- K. Future agenda items and staff tasks
- L. Directors' Comments
- M. Adjournment

Section 13. Ad Hoc Advisory Committees: Ad hoc advisory committees may be formed for special purposes from time to time by the President and appointments made thereto from the members of the Board, not to exceed two such members on any one ad hoc committee. Ad hoc advisory committee members shall serve at the pleasure of the President of the Board.

The General Manager shall be an ex-officio non-voting member of each committee. Each committee shall meet at such time, place and frequency as may be directed by its chairman, the President of the Board, any member of the Board or the General Manager. Each committee shall cause to be prepared and presented promptly with the Board a report of its meetings. A recommendation made to the Board by a committee at a duly held meeting of the Board shall be deemed to be a seconded motion at the time made.

Section 14. District Contracts: No Director shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the Board of Directors. No officer or employee of the District shall in any manner be interested, directly or indirectly, in any contract made by such officer or employee, pursuant to discretionary authority vested in him, or be interested in the benefits pursuant to discretionary authority vested in him, or be interested in the benefits to be derived therefrom. However, no Director, officer or employee shall be deemed to be interested, directly or indirectly, in any such contract if such Director, employee or officer owns or controls, directly or indirectly, 5% or less of the outstanding stock or securities of any corporation contracting with the District; or if such contract or instrument shall be entered into by said officer, Director or employee pursuant to the provisions of any ordinance or regulation of the District of uniform application and which ordinance or regulation shall become effective prior to the making or execution of such contract or instrument.

Section 15. Repeal of Conflicting Ordinance: Ordinance No. 61 and all other former ordinances and resolutions and parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 16. Effective Date: This ordinance shall become effective on March 28, 2002.

Passed, approved and adopted this 27th day of March 2002 by the following vote:

Ayes: Directors Anthony, Carter, Cisneros, Moore and Yockey
Noes:
Abstain:
Absent:

Philip C. Cisneros, President
Board of Directors

Attest:

Tina Johnson, Secretary to the Board
Twenty-nine Palms Water District