

ORDINANCE NO. 2

AN ORDINANCE OF THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT RESTATING THE PROCEDURES GOVERNING MEETINGS AND THE ADOPTION AND REPEAL OF ORDINANCES

WHEREAS, the Board of Directors of the Bethel Island Municipal Improvement District has previously enacted Ordinance No. 1 dealing with its meeting procedures and adoption and repeal of ordinances;

WHEREAS, Ordinance No. 1 was superseded by Ordinance No. 2, which was subsequently amended by Resolution No. 09-02-17A; and

WHEREAS, the Board of Directors wishes to update, streamline and restate its rules governing meetings and the adoption and repeal of ordinances;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Bethel Island Municipal Improvement District, as follows:

Section 1. This Ordinance of the Bethel Island Municipal Improvement District Restating the Procedures Governing Meetings and the Adoption and Repeal of Ordinances, the text of which is attached as Exhibit "A" is adopted in its entirety.

Section 2. This Ordinance is intended and does supersede Ordinance No. 2, as amended by Resolution No. 09-02-17A, and any other ordinances or resolutions of the Bethel Island Municipal Improvement District which are inconsistent therewith.

Section 3. This Ordinance shall take effect thirty (30) days after the date of its adoption and shall be posted for one week in three public places within the Bethel Island Municipal Improvement District thereafter. A subsequent finding of the Board, entered in its minutes, that posting has been made is conclusive evidence that the posting has been properly made.


The forgoing Ordinance of the Board of Directors of the Bethel Island Municipal Improvement District was duly introduced on January 17, 2019 and adopted by the Board at its regular meeting on February 21, 2019 by the following vote:

AYES: Directors: Smith, Berzinas, Kirk, Lucas

NOES:

ABSTAIN:

ABSENT: Director Amrine


Bruce Smith, President of the Board

ATTEST:


Robert Amrine, Jr., Board Secretary

ORDINANCE NO. 2

AN ORDINANCE OF THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT RESTATING THE PROCEDURES GOVERNING MEETINGS AND THE ADOPTION AND REPEAL OF ORDINANCES

CHAPTER 2.01 REGULAR MEETINGS

Section 2.01.010 Time of Regular Meetings.

- A. Regular meetings of the Board of Directors shall be held on the second Thursday of each month.
- B. Regular meetings shall begin at 6:30 p.m.
- C. In the event a regular meeting falls on a holiday, it will be held on the third day thereafter, not counting holidays or weekends.

Section 2.01.020 Regular Meeting Notice.

- A. Not less than seventy two hours before a regular meeting of the Board of Directors, a written agenda shall be posted in a freely accessible public place on Bethel Island and shall:
 - (1) comply with the requirements of Government Code §54954.2;
 - (2) begin with Call to Order and Roll Call;
 - (3) conclude with Adjournment; and
 - (4) include the following provisions: (i) Disclosure of Boards Members' Potential Conflicts of Interest; (ii) Public Comment on Non-agenda Items; and (iii) Correspondence.

Section 2.01.030 Conducting Business Not Appearing on the Agenda.

Except as otherwise allowed by law, the Board of Directors shall not take-up, discuss, deliberate on, or make a decision concerning, any matter which does not appear on the agenda for a regular meeting.

Section 2.01.040. Order of Business.

- A. Agenda items shall be taken up in the order appearing on the duly posted agenda pursuant to Section 2.01.030, above, except that, the presiding officer may re-order the agenda, for good cause.
- B. Notwithstanding any other provision in this Ordinance, a closed session item may be included at any point on the agenda.

As Adopted 2/21/2019

CHAPTER 2.02 SPECIAL MEETINGS

Section 2.02.010. Calling for Special Meetings.

A special meeting of the Board of Directors shall be held upon call of the President or a majority of the Board Members.

Section 2.02.020. Special Meeting Notice.

A. Not less than twenty-four (24) hours before the time fixed for the special meeting, a written notice shall be delivered to each member of the Board of Directors. Such notice shall be delivered to each Board Member by one or more of the following methods:

- (1) by personal delivery to the member at his or her residential address on Bethel Island;
- (2) by delivery to a person over sixteen years of age at the member's residential address on Bethel Island;
- (3) by mail to the member's last known address, provided such notice is sent in time to be received by the member at least twenty-four hours before the meeting; and / or
- (4) by facsimile transmission, to the member's (i) facsimile machine ("fax"); or by (ii) electronic mail ("email") to the member's last known fax or email address.

B. Not less than twenty-four hours before the special meeting, a written notice which complies with sub-section D., below, shall be sent to each local newspaper of general circulation, radio station and television station, which has requested such notice in writing.

C. Not less than twenty-four (24) hours before the special meeting, a written notice of which complies with sub-section D., below, shall be posted in a freely accessible public place on Bethel Island.

D. The special meeting notices required under this section shall contain the date, time and place of the special meeting and the business to be transacted.

E. The notice required under this section may be waived as to any Board Member who at, or prior to the meeting, files a written notice of waiver with the board secretary, general manager or administrative assistant; and in any event, the attendance of a Board Member at the special meeting, shall constitute a waiver of his or her right to object based on lack of notice.

Section 2.02.030. Conducting Business Not Appearing in the Notice.

Except as otherwise allowed by law, the Board of Directors shall not take-up, discuss, deliberate on, or make a decision concerning, any matter which does not appear in the notice of Special Meeting.

CHAPTER 2.03 EMERGENCY MEETINGS

Section 2.03.010. Classification of Emergency.

A. Before holding an emergency meeting, the Board of Directors by majority vote must determine whether the emergency should be classified as a dire or non-dire emergency. This determination may be made by informal vote or consensus, where it is impractical or dangerous for the Board members to convene in one place in order to vote.

(1) A dire emergency is defined by law a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity, which poses such immediate peril that requiring provision of even one-hour notice before holding an emergency meeting may endanger the public health, safety or welfare.

(2) A non-dire emergency is defined by law as a work stoppage, crippling event, or other activity that severely impairs the public health, safety or welfare.

Section 2.03.020. Calling for Emergency Meetings.

An emergency meeting of the Board of Directors shall be held upon call of the President or a majority of the Board Members.

Section 2.03.030. Emergency Meeting Notice.

A. If the emergency is non-dire, a verbal notice, by telephone or otherwise, shall be given at least one hour before meeting, to each local newspaper of general circulation, radio and television station, which has requested notice of special meetings.

B. If the emergency is dire, a verbal notice, by telephone or otherwise, shall be given to each local newspaper of general circulation, radio and television station, which has requested notice of special meetings, at or near the time when the Board Members are notified of the meeting.

C. The verbal notice required by this section shall be given by the Board President, and if he or she is unavailable, then by any other Board Member, or the general manager, administrative assistant, or other district employee, on behalf of the Board of Directors.

Section 2.03.040. Posting After Emergency Meeting.

As soon as possible after the emergency meeting is held, the following shall be posted for a minimum of ten days in a public place: (i) the minutes of the meeting; (ii) a list of the persons

who were notified (or attempted to be notified) of the meeting; and (iii) a description of any actions taken and a copy of any roll call vote.

CHAPTER 2.04 MEETING PROCEDURES

Section 2.04.010. Meeting Place.

A. Except as otherwise provided in this section, all meetings of the Board of Directors shall be held at the Bethel Island Municipal Improvement District Office at 3085 Stone Road, Bethel Island, California.

B. A meeting may be adjourned to another location within the District's boundaries, if a majority of the Board Members vote to so adjourn.

C. A meeting may be held anywhere within the District's boundaries, so long as the location is specified in the notice / agenda for the meeting.

D. A meeting may be held at any location outside of the District's boundaries in accordance with Government Code § 54954.

E. A meeting may be held outside of the District's boundaries if there is no meeting place within its boundaries at the time, due to flood, fire or other disaster. In such event, the meeting shall be held as close to Bethel Island as realistically possible.

Section 2.04.020. Meetings Open to the Public.

All meetings of the Board of Directors shall be open to the public.

Section 2.04.030. Presiding Officer of Board Meetings.

A. Each meeting of the Board of Directors shall be conducted and presided over, by a chairperson, also referred to as the "presiding officer." president

B. The president of the Board of Directors shall be the chairperson of the meeting. In the absence of the president, the vice-president shall be the chairperson of the meeting. In the absence of the president and vice-president, the Board secretary shall be the chairperson of the meeting. In the absence of the president, vice-president, and the Board secretary, the most senior Board Member present shall be the chairperson of the meeting, for the purpose of announcing an adjournment only. In the absence of all of the Directors, the general manager or administrative assistant shall be the chairperson of the meeting, for the sole purpose of announcing an adjournment.

Section 2.04.040. Presiding Officer of Committee Meetings.

A. Each meeting of a committee of the Board of Directors shall be conducted and presided over, by a chairperson, also referred to as the "presiding officer."

B. The chairperson of the committee shall be the chairperson of the meeting. In the absence of the chairperson of the committee, the most senior Board Member in attendance, shall be the chairperson of the meeting.

Section 2.04.050. Quorum.

A. A majority of the Board Members shall constitute a quorum.

B. When a meeting may not be conducted or further action taken, for lack of a quorum, the presiding officer of the meeting may set a place, day and hour for an adjourned meeting to convene. The place, day and hour for the adjourned meeting shall be announced at the meeting being adjourned, and notice of such adjournment shall be given in the same manner as provided for calling special meetings, unless such notice has been waived. The purpose of the adjourned meeting need not be stated in any such notice, so long as a new item of business is not introduced at the adjourned meeting. The day and hour set for the adjourned meeting shall be set far enough out to provide adequate time for giving the same type of notice as for a special meeting, unless such notice has been waived. A copy of the notice of such adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment.

Section 2.04.060. Manner of Taking Action.

A. The Board of Directors shall only act by motion, resolution or ordinance adopted by an affirmative vote of a majority of its members, at a public meeting.

Section 2.04.070. Entry in Minutes.

A. Except where action is taken by unanimous vote, the ayes and noes shall be tallied and entered into the minutes.

Section 2.04.080. Debate Procedure.

A. The President of the Board of Directors, or in his absence the Board Member chairing the meeting, may debate and vote. The president or chairperson may move, second and debate from the chair in the same manner as any other Board Member.

B. An action of the Board shall not be deemed invalid simply because the Board failed to comply with the requirements of this ordinance, where no objection was made on that basis, at the time the action was taken.

C. Members of the public may be required to complete a speaker's card in order to speak at a meeting of the Board of Directors.

D. The public will be allowed to speak on each agenda item before the Board of Directors begins its deliberations on that item.

E. The presiding officer may set a time limit on public comment, not less than three minutes per person.

Section 2.04.090. Rules of Order.

A. The Board of Directors may adopt, amend and repeal rules of order for its meetings and committee meetings.

B. Except as otherwise provided by law, the rules of order specified in the Board Policy Handbook shall govern the conduct of the meetings of the Board of Directors and its committees.

C. In the event the Board of Directors has not adopted a rule or procedure which addresses a particular aspect of how meetings are conducted, Robert's Rules of Order shall apply.

Section 2.04.100. Conduct of Persons Attending Meetings.

A. No person shall willfully disturb or break up any meeting of the Board of Directors, without authority under law.

B. A person who ignores warnings by the presiding officer to discontinue such conduct, may be removed from the meeting, and if order cannot be restored by removing him or her from the meeting, the presiding officer may order the meeting room cleared and continue the meeting in conformity with the requirements of Government Code § 54957.9.

Section 2.04.110. Adjournment of Meetings.

If the Board of Directors is unable to take up all of the items on a meeting agenda, it may by majority vote, adjourn the meeting from time-to-time, as needed to get through the agenda.

Section 2.04.120. Written Communications.

A. Persons wishing to communicate with the Board of Directors may do so by mailing a written communication to the Board at the District's Office.

B. The District Office address is:

Bethel Island Municipal Improvement District
3085 Stone Road
P.O. Box 244
Bethel Island, CA 94511-0244.

CHAPTER 2.05 ORDINANCES

Section 2.05.010. Enacting Clause.

The enacting clause of all ordinances passed by the Board of Directors shall be: "Be it ordained by the Board of Directors of the Bethel Island Municipal Improvement District as follows:"

Section 2.05.020. Signatures on Ordinances.

All ordinances shall be signed by the President of the Board and attested to by the Board Secretary.

Section 2.05.030. Procedure to Enact or Amend Ordinances.

A. A proposed ordinance shall be introduced at a regular or special meeting, and the title or other description read at that time. The Board of Directors will then set a time at which to conduct a public hearing at a regular meeting, and a notice shall be published as required by law. Copies of the proposed ordinance shall be made available at the District Office.

B. The notice of public hearing shall be published once a week for two successive weeks in a newspaper of general circulation in or near Bethel island. Two publications a week or more apart will suffice. The first publication shall be at least fourteen days prior to the hearing.

C. The notice shall: (i) state the date, time and place of the hearing; (ii) say that copies of the ordinance are available at the District Office; and (iii) contain a brief description of the purpose of the ordinance.

D. At the conclusion of the public hearing, the Board of Directors may adopt, adopt as amended, or reject the proposed ordinance. If adopted, it shall be posted in three places within the District's boundaries, as required by law, and become effective thereafter.

Section 2.05.040. Urgency Ordinance.

If, by 4/5ths vote, the Board of Directors determines that a proposal to enact or amend an ordinance is declared to be an urgency ordinance, the procedures requiring a first reading and publication may be shortened, relaxed or dispensed with altogether, as the circumstances dictate.

Section 2.05.050. Procedure for Repealing an Ordinance.

The Board of Directors may repeal all or any part of an ordinance, by adopting an ordinance repealing all or part of a previous ordinance, which shall be adopted in the same manner as any other ordinance.