



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108

A Public Service Agency

Phone: (805) 969-4200
www.montsan.org

BOARD PACKET

For the Special Board Meeting of

Wednesday, December 6, 2023

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AGENDA

For the Special Meeting of the Board on:

December 6, 2023

The regular meeting of the Governing Board will begin at **12:30 p.m. on December 6, 2023** in the District's Board Room at 1042 Monte Cristo Lane, Santa Barbara, CA 93108.

The public may attend the meeting in person or participate remotely via Zoom using the following virtual meeting details:

By visiting: <https://us02web.zoom.us/j/88635178575>

Or by calling: 1-669-900-6833

Meeting ID: 886 3517 8575

1. CALL TO ORDER

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PRESIDENT'S REPORT

D. AGENDA CHANGES/DELETIONS

2. PUBLIC COMMENT

Public comment **on agenda items only is limited to 3 minutes** and is at the discretion of the Board President. For further instructions, please see [Instructions for Public Comment](#) on the District's website.

3. CONSENT CALENDAR

A. Payables from September 1, 2023 through September 30, 2023

B. Payables from October 1, 2023 through October 31, 2023

C. Board Meeting Minutes of the September 14, 2023 Regular Meeting

D. Board Meeting Minutes of the September 28, 2023 Regular Meeting

E. Board Meeting Minutes of the October 12, 2023 Regular Meeting

F. Board Meeting Minutes of the November 9, 2023 Regular Meeting

G. Retroactively authorize Director Johnson to attend the Association of California Water Agencies from November 28 – December 1, 2023 on behalf of the Board.

4. ROSENBERG'S RULES OF ORDER

It is recommended the Board receive a presentation from Legal Counsel regarding Rosenberg's Rules of Order.

5. CLOSED SESSION

A. PUBLIC EMPLOYEE EVALUATION (GOVERNMENT CODE §54957)

Title: General Manager

B. CONFERENCE WITH LABOR NEGOTIATOR (GOVERNMENT CODE §54957.6)

Unrepresented Employee: General Manager

6. REPORT FROM CLOSED SESSION


7. ITEMS FOR FUTURE AGENDAS

The next regularly scheduled Board meeting will be held on December 14, 2023 at 12:00 pm.

8. ADJOURNMENT

The Montecito Sanitary District has resumed in-person meetings in accordance with the Brown Act. In accordance with the State of Emergency declaration issued on March 4, 2020 by the Governor of the State of California in response to COVID-19 and Government Code 54953(e), the District also provides alternative methods of remote participation which permit members of the public to observe and address public meetings remotely via telephone or Zoom. These methods of participation can be accessed through the internet link provided at the top of this agenda.

This agenda was posted on the District website, and at the Montecito Sanitary District Bulletin Board in accordance with the requirements of the Brown Act. Attested by:



Stephen Williams

District Administrator/Clerk of the Board

ADA – The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's programs, services or activities because of any disability. If you need special assistance to participate in this meeting, please contact the District Office at 969-4200. Notification at least twenty-four (24) hours prior to the meeting will enable the District to make appropriate arrangements.



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BOARD LIST OF PAYABLES – SEPTEMBER 2023

<u>CHECK DATE</u>	<u>SUMMARY & TYPE</u>	<u>BATCH TOTAL</u>
09/25/2023	ACCOUNTS PAYABLE	120,402.63
	Subtotal	\$ 120,402.63
09/03/2023	PAYROLL	96,838.12
09/17/2023	PAYROLL	91,941.45
	Subtotal	\$ 188,779.57
	<u>TOTAL</u>	<u>\$ 309,182.20</u>

*All Invoices were reviewed and approved by Department Managers

**All Invoices and Payments were reviewed and approved and checks signed by the General Manager

***Board Treasurer, Edwin Martin, approved all payables by email prior to check mailing

Check History Report
Sorted By Check Number
Activity From: 9/1/2023 to 9/30/2023
MONTECITO SANITARY DISTRICT (MSD)

Bank Code: B OPERATING CASH (MBT)				
Check Number	Check Date	Name	Check Amount	Description
0000028708	9/25/2023	ACWA/JPIA	25,321.93	Medical/Dental/Life Insurance Premium-September
0000028709	9/25/2023	AMAZON CAPITAL SERVICES	2,289.31	Rapid COVID Tests, Office Supplies, Rodent Repellent, AC Air Deflectors, Maintenance Tools, Relay Standby Cellphone, Lift Station 4 & Office Data Ports-August
0000028710	9/25/2023	AT&T MOBILITY	176.34	
0000028711	9/25/2023	BIG GREEN CLEANING COMPANY	2,460.00	Janitorial Services-September
0000028712	9/25/2023	BOYD & ASSOCIATES	2,010.00	Burglar/Fire Alarm Installation
0000028713	9/25/2023	CANON FINANCIAL SERVICES INC	272.61	Canon Copier Lease Payment-August
0000028714	9/25/2023	CINTAS CORPORATION #684	1,418.40	Uniforms, Towels, Floor Mats-Cleaning/Rental-August
0000028715	9/25/2023	CINTAS	218.83	Replenish First Aid Supplies
0000028716	9/25/2023	COLANTUONO, HIGHSMTIH & WHATLEY, PC	6,350.00	Legal Counsel Services-August
0000028717	9/25/2023	COMPUVISION COMMUNICATIONS	1,462.50	IT Services-August
0000028718	9/25/2023	CORT	44.00	Deed Report-August
0000028719	9/25/2023	COX BUSINESS	160.39	Wireless Internet Services-September
0000028720	9/25/2023	CALIFORNIA WATER ENVIRONMENT	510.00	Staff Certification Renewals
0000028721	9/25/2023	DFK SOLUTIONS GROUP, LLC	664.40	MSD SERP Workbook
0000028722	9/25/2023	DOCU PRODUCTS	122.84	Copier Maintenance Agreement-September
0000028723	9/25/2023	ENGEL & GRAY, INC	2,805.77	Biosolids Hauling, Bin Rental-August
0000028724	9/25/2023	ENV. SYSTEMS RESEARCH INSTITUE	5,000.00	ESRI Software Maintenance Annual Fee
0000028725	9/25/2023	FISHER SCIENTIFIC	920.78	Lab Testing Supplies
0000028726	9/25/2023	FRONTIER	638.52	Phone Service for WWTP & Lift Stations 1, 2 & 4-September
0000028727	9/25/2023	GRAINGER	1,353.90	Radio Antenna, Radio Battery Pack, Umbrella, Duster, Sump Pump Tether Float, Telescoping Pole, Accessory Chord Sensor Cap Replacement Kit
0000028728	9/25/2023	HACH COMPANY	394.37	
0000028729	9/25/2023	HARRINGTON INDUSTRIAL PLASTICS	327.50	Plant Maintenance Materials
0000028730	9/25/2023	HASA	16,320.74	Sodium Hypochlorite
0000028731	9/25/2023	IBS OF SIERRA MADRE	157.46	Battery for CCTV Van
0000028732	9/25/2023	MALONE JOINT TRUST	2,300.00	Deposit Refund for 1097 Golf Road
0000028733	9/25/2023	MARBORG INDUSTRIES	968.94	Refuse Disposal, Recycling, Portable Restroom-August
0000028734	9/25/2023	MONTECITO BANK & TRUST (Credit Cards)	7,177.25	Smog Testing, Paint, APCD Fees, PM of Autoclave, Lab Water, Employee Appreciation Luncheon, Board Lunches, GM Travel Expenses, Vehicle Fuel, gift for 25 yr. employee
0000028735	9/25/2023	MCCORMIX CORP	1,862.72	Vehicle Fuel 08/15-09/15/2023
0000028736	9/25/2023	MUNICIPAL MAINT EQUIPMENT	352.17	Vac-Con Parts
0000028737	9/25/2023	MOUNTAIN SPRING WATER	194.30	Bottled Drinking Water, Cooler Rental-August
0000028738	9/25/2023	MONTECITO WATER DISTRICT	726.75	Water Service-August
0000028739	9/25/2023	PAYCHEX OF NEW YORK, LLC	332.70	Payroll Services-August
0000028740	9/25/2023	PLANETBIDS, INC.	7,375.00	Planet Bids Setup & Management Services
0000028741	9/25/2023	PLUMBERS DEPOT, INC	1,458.26	Small Jetter Truck Equipment, Collections Tools
0000028742	9/25/2023	PURETEC INDUSTRIAL WATER	75.84	Water Softener Sodium Tank Exchange
0000028743	9/25/2023	ROBERT D. NIEHAUS, INC	980.00	Rate Study Progress Payment
0000028744	9/25/2023	RED WING BUSINESS ADVANTAGE	366.38	Boot Allowance for Larroude & Morelos
0000028745	9/25/2023	RINGCENTRAL, INC.	703.28	Phone Service-August
0000028746	9/25/2023	SBCO LAFCO, AUDITOR-CONTROLLER	6,579.00	MSD's portion of LAFCO's Annual Budget for FY 2023/24
0000028747	9/25/2023	S B HOME IMPROVEMENT CENTER	138.83	Plant Maintenance Materials
0000028748	9/25/2023	SEIU LOCAL 620	758.64	Union Dues for Payroll's 09/03 & 09/17
0000028749	9/25/2023	STANDARD INSURANCE COMPANY	1,600.68	Short/Long Term Disability Insurance Premium-September
0000028750	9/25/2023	STAPLES BUSINESS CREDIT	793.63	Office Supplies
0000028751	9/25/2023	STREAMLINE	310.00	Website Management Services-September
0000028752	9/25/2023	TAFT ELECTRIC COMPANY	4,059.72	On-Call Electrical Services at the WWTP & Lift Station
0000028753	9/25/2023	UNIVAR SOLUTIONS	6,931.02	Sodium Bisulfite
0000028754	9/25/2023	UNDERGROUND SERVICE ALERT	134.25	71 New DigAlert Tickets-August
0000028755	9/25/2023	USA BLUE BOOK	542.68	Deodorizers for Lift Station 5
0000028756	9/25/2023	ZWORLD GIS	2,280.00	MSD GIS Program Support-August
Bank B Total:			120,402.63	



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BOARD LIST OF PAYABLES – OCTOBER 2023

<u>CHECK DATE</u>	<u>SUMMARY & TYPE</u>	<u>BATCH TOTAL</u>
10/11/2023	ACCOUNTS PAYABLE	137,714.88
	Subtotal	\$ 137,714.88
10/11/2023	CAPITAL IMPROVEMENT PROJECTS	105,441.34
	Subtotal	\$ 108,420.85
10/02/2023	PAYROLL	95,385.18
10/15/2023	PAYROLL	93,143.73
10/29/2023	PAYROLL	95,375.47
	Subtotal	\$ 283,904.38
	<u>TOTAL</u>	<u>\$ 530,040.11</u>

*All Invoices were reviewed and approved by Department Managers

**All Invoices and Payments were reviewed and approved and checks signed by the General Manager

***Board Treasurer, Edwin Martin, approved all payables by email prior to check mailing

Check History Report
Sorted By Check Number
Activity From: 10/11/2023 to 10/11/2023
MONTECITO SANITARY DISTRICT (MSD)

Bank Code:	B OPERATING CASH (MBT)			
Check Number	Check Date	Name	Check	Description
0000028757	10/11/2023	AMAZON CAPITAL SERVICES	584.09	Rodent Repellent, Vehicle Cleaning Supplies, Binders
0000028758	10/11/2023	ARCE, MICHAEL J	192.00	CWEA Membership Dues Reimbursement
0000028759	10/11/2023	BIG GREEN CLEANING COMPANY	2,460.00	Janitorial Services-October
0000028760	10/11/2023	BOYD & ASSOCIATES	396.00	Quarterly Security Alarm Services
0000028761	10/11/2023	CANON FINANCIAL SERVICES INC	297.91	Canon Copier Lease Payment-October
0000028762	10/11/2023	COLANTUONO, HIGHSMTIH &	4,943.00	Legal Counsel Services-September
0000028763	10/11/2023	COMPUVISION COMMUNICATIONS	2,096.25	IT Services-September
0000028764	10/11/2023	CORT	44.00	Deed Report-September
0000028765	10/11/2023	CHARLES P. CROWLEY COMPANY	3,390.02	Air Compressor for Lift Station 3
0000028766	10/11/2023	DOCU PRODUCTS	138.63	Copier Maintenance Agreement-October
0000028767	10/11/2023	ENGEL & GRAY, INC	7,214.15	Biosolids Hauling, Bin Rental-September
0000028768	10/11/2023	FRUIT GROWERS LABORATORY	4,044.00	Annual NPDES Required Lab Testing
0000028769	10/11/2023	FISHER SCIENTIFIC	708.11	Lab Testing Supplies
0000028770	10/11/2023	JOSE FLORES	103.00	Maintenance Technician 2 Certification Reimbursement
0000028771	10/11/2023	FRONTIER	99.81	Phone Service for Lift Station 5-October
0000028772	10/11/2023	GLS COMPANIES	750.00	Landscape Services-September
0000028773	10/11/2023	GRAINGER	711.79	Spiral Tip Cleaner Set
0000028774	10/11/2023	KIMBALL MIDWEST	136.40	Equipment Lubricant, Drill Bits
0000028775	10/11/2023	MARBORG INDUSTRIES	1,468.57	Refuse Disposal/Recycling/Dumpster Roll Off-September
0000028776	10/11/2023	DANIEL MARTINEZ	192.00	CWEA Membership Dues Reimbursement
0000028777	10/11/2023	MONTECITO BANK & TRUST	6,537.71	Small Tools, Director and GM Travel Expenses, Board Lunches, Hotels, Meeting Room Rental, Lunch and Dinner for Strategic Planning Consultants
0000028778	10/11/2023	MCCORMIX CORP	1,136.53	Vehicle Fuel 09/15-0930/23
0000028779	10/11/2023	MCMaster-CARR SUPPLY COMPANY	102.28	Calibration Column for Chemical Pumps
0000028780	10/11/2023	METTLER-TOLEDO, INC	955.74	Annual Lab Balances Calibration
0000028781	10/11/2023	MICHAEL VIETTONE CIVIL ENG	550.00	Civil Engineering Services-September
0000028782	10/11/2023	MOTION INDUSTRIES, INC	604.94	Polymer Switch
0000028783	10/11/2023	MOUNTAIN SPRING WATER	180.61	Bottled Drinking Water-September
0000028784	10/11/2023	MONTECITO WATER DISTRICT	81.00	MWD/MSD Joint LAFCO Issues
0000028785	10/11/2023	GARY (or) JEANNE NEWMAN	2,300.00	Deposit Refund - 1631 Posilipo Lane
0000028786	10/11/2023	O'CONNOR PEST CONTROL	150.00	Rodent Control at WWTP-September
0000028787	10/11/2023	PACIFIC RIM AUTOMATION INC.	1,731.00	Service Call for SCADA at Lift Station 4
0000028788	10/11/2023	PAYCHEX OF NEW YORK, LLC	714.40	Payroll Services-September
0000028789	10/11/2023	PITNEY BOWES GLOBAL FINANCIAL	164.41	Quarterly Postage Meter Lease
0000028790	10/11/2023	PLUMBERS DEPOT, INC	1,468.13	Debris Catchers, Nozzles
0000028791	10/11/2023	PURETEC INDUSTRIAL WATER	75.84	Water Softener Sodium Tank Exchange
0000028792	10/11/2023	QUINN COMPANY	248.35	Preventative Maint for Lift Truck
0000028793	10/11/2023	ROBERT D. NIEHAUS, INC	7,360.00	Progress Payment for Rate Study-September
0000028794	10/11/2023	ANTHONY ROGERS	2,530.00	Deposit Refund - 1583 S Jameson Lane
0000028795	10/11/2023	SANSUM CLINIC	50.00	VOID CHECK
0000028796	10/11/2023	S B HOME IMPROVEMENT CENTER	79.18	Property Maintenance Supplies
0000028797	10/11/2023	SOUTHERN CALIFORNIA EDISON CO	21,269.13	Electric Service 08/23-09/21/23
0000028798	10/11/2023	SERVICEMASTER ANYTIME	38,000.00	Fallen Tree Removal, Fence & HVAC Repair
0000028799	10/11/2023	SMARDAN-HATCHER COMPANY	117.16	Clean Seal Test Kit
0000028800	10/11/2023	SNIDER AND ASSOCIATES	5,718.08	Facilitation of Strategic Planning Retreat & Expenses
0000028801	10/11/2023	STREAMLINE	620.00	Website Management Services-August/September
0000028802	10/11/2023	TAFT ELECTRIC COMPANY	2,300.00	On-Call Electrical Services at WWTP
0000028803	10/11/2023	UNIVAR SOLUTIONS	2,722.30	Sodium Bisulfite
0000028804	10/11/2023	UNDERGROUND SERVICE ALERT	137.75	73 Dig Alert Tickets for September
0000028805	10/11/2023	USA BLUE BOOK	61.69	Urethane Diffuser Unit
0000028806	10/11/2023	VENTURA AIR CONDITIONING CO.	745.00	Preventative Maintenance on Lab HVAC
0000028807	10/11/2023	WATER SYSTEMS CONSULTING, INC.	2,640.00	Sewer Model Development-September
0000028808	10/11/2023	WITMER PUBLIC SAFETY GROUP	193.92	Nitrile Gloves for Collections
0000028809	10/11/2023	WW SURVEYING, INC.	3,920.00	MSD Northern Boundary Surveying Services

Bank B Total: 137,714.88

Check History Report
Sorted By Check Number
Activity From: 10/11/2023 to 10/11/2023
MONTECITO SANITARY DISTRICT (MSD)

Bank Code: G CAPITALIMPROVEMENT CASH (MBT)				
Check Number	Check Date	Name	Check Amount	Description
0000001415	10/11/2023	CED ROYAL INDUSTRIAL SOLUTIONS	7,493.94	CIP No. TEME; IPS VFD Replacement Parts
0000001416	10/11/2023	CUSHMAN CONTRACTING CORP	45,642.00	CIP No. TEME: Hypochlorite Tank Replacement \$18,904 CIP No. T012: Clarifier Scum Troughs Replacement \$26,738
0000001417	10/11/2023	EVOQUA WATER TECHNOLOGIES	30,895.40	CIP No. T012: Clarifier Chains & Sprockets
0000001418	10/11/2023	FILIPPIN ENGINEERING	4,000.00	CIP No. C002: Construction Management Services for the HWY 101 Sewer Main Slip Lining Project-August/September
0000001419	10/11/2023	MNS ENGINEERS INC.	15,610.00	CIP No.C002: Engineering Services for the HWY 101 Sewer Main Slip Ling Project-August
0000001420	10/11/2023	TIERRA CONTRACTING INC	1,800.00	CIP No. C003: Progress Payment for the Olive Mill Roundabout Sewer Relocation
Bank G Total:			<u>105,441.34</u>	
Report Total:			<u><u>243,156.22</u></u>	



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MINUTES

For the Regular Meeting of the Board on:
September 14, 2023

1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 8:35 am on Thursday, September 14, 2023.

ATTENDANCE

Board Members Present:

Directors Hogan, Johnson, Martin, Ohlmann, and Ellwood T. Barrett II

Board Members Absent:

None

Also Present and Participating:

John Weigold, MSD General Manager
Stephen Williams, MSD Clerk of the Board & District Administrator
Aleks Giragosian, Colantuono, Highsmith & Whatley, PC
Ricardo Larroude, MSD Collections & Maintenance Superintendent
Bryce Swetek, MSD Engineering Manager
Carole Rollins, MSD Laboratory & Pretreatment Manager
Marilyn M Snider, Snider and Associates
Pam Duffield, Snider and Associates Independent Contractor

2. PUBLIC COMMENT

No members of the public addressed the Board.

3. REGULAR BUSINESS

A. STRATEGIC PLANNING RETREAT

The Board of Directors, Legal Counsel, General Manager, and Management Team met to discuss the District's Strategic Plan. No actions were taken.

4. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a General Meeting of the Board on September 28, 2023. No topics were brought up as possible items.

5. ADJOURNMENT

The meeting adjourned at 4:06 pm ON MOTION by Director Hogan, Seconded by Director Barrett.

Board Meeting Minutes September 14, 2023

These minutes were presented for approval at the General Board Meeting on December 6, 2023.

Ellwood T. Barrett II, President

Minutes taken and prepared by:

Stephen Williams
District Administrator/Clerk of the Board



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MINUTES

For the Regular Meeting of the Board on:
September 28, 2023

1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 12:05 pm on Thursday, September 28, 2023. The meeting was also broadcast using Zoom teleconferencing.

ATTENDANCE

Board Members Present:

Directors Hogan, Johnson, Martin, Ohlmann, and Ellwood T. Barrett II

Board Members Absent:

None

Also Present and Participating:

John Weigold, MSD General Manager

Stephen Williams, MSD Clerk of the Board & District Administrator

Ricardo Larroude, MSD Collections & Maintenance Superintendent

Andrew Salveson, Carollo Engineers

Summerland Sanitary District

Doug Johnson, Ralph Andersen & Associates

Thomas Widroe, The Widroe Group

Charles Plough III, Montecito Water District President of the Board of Directors

Noah Boland

2. PUBLIC COMMENT

No members of the public addressed the Board.

3. CONSENT CALENDAR

ON MOTION by Director Hogan, Seconded by Director Martin, the Board voted to approve the following Consent Calendar items:

- A. Payables from July 1, 2023 through July 31, 2023
- B. Payables from August 1, 2023 through August 31, 2023
- C. Board Meeting Minutes of the July 13, 2023 Regular Meeting
- D. Board Meeting Minutes of the July 26, 2023 Special Meeting
- E. Board Meeting Minutes of the July 27, 2023 Regular Meeting
- G. Board Meeting Minutes of the August 24, 2023 Regular Meeting
- H. F-350 Utility Truck Purchase – SourceWell Contract

AYES: Directors Hogan, Johnson, Martin, Ohlmann, and Barrett
NAYS: None
ABSTAIN: None
ABSENT: None

ON MOTION by Director Hogan, Seconded by Director Barrett, the Board voted to approve the following Consent Calendar items:

F. Board Meeting Minutes of the August 10, 2023 Regular Meeting

AYES: Directors Hogan, Martin, Ohlmann, and Barrett
NAYS: None
ABSTAIN: Director Johnson
ABSENT: None

4. **COMMITTEE REPORTS**

Director Hogan have a brief report on the Investment Committee Ad Hoc meetings regarding the investment of District Reserve funds.

5. **REGULAR BUSINESS**

A. **SALARY STUDY CONTRACTOR SELECTION**

The Board received presentations from two independent contractors who responded to the District's Request for Proposals to conduct a Salary Study for the District. After hearing the presentations the Board directed staff to move forward with a contract under the General Manager's authority with Ralph, Andersen & Associates.

B. **EXPANSION OF STUDY FOR RECYCLED WATER – PARTNERSHIP BETWEEN MONTECITO SANITARY DISTRICT AND SUMMERLAND SANITARY DISTRICT**

The Board discussed collaborating with Montecito Water District and Summerland Sanitary District in the form of expanding upon a recently conducted Recycled Water Study by the County of Santa Barbara through Carollo engineers.

ON MOTION by Director Barrett; Seconded by Director Hogan the Board voted to authorize the General Manager to execute a contract on behalf of the District for up to \$30,000 jointly funded with the Montecito Water District to expend a study by Carollo Engineers to include an alternative partnership between the Montecito Sanitary District and the Summerland Sanitary District.

AYES: Directors Hogan, Johnson, Ohlmann, and Barrett
NAYS: Director Martin
ABSTAIN: None
ABSENT: None

C. ENVIRONMENTAL SUPPORT SERVICES LINING PROJECT APPROVAL

ON MOTION by Director Hogan, Seconded by Director Martin, the Board voted to:

- i) Authorize the General Manager to execute a contract with Rincon Consultants in the amount of \$96,559 for environmental support services for the Highway 101 lining project; and
- ii) Authorize the General Manager to approve expenditures of up to \$9,655 (10%) as a change order allowance for any necessary changes in scope of work

AYES: Directors Hogan, Martin, Ohlmann, and Barrett
NAYS: None
ABSTAIN: None
ABSENT: Director Johnson

D. ADOPTION OF STRATEGIC PLAN

ON MOTION by Director Barrett, Seconded by Director Ohlmann, the Board voted to adopt the Strategic Plan that was developed at the Districts' September 14, 2023 Regular Meeting.

AYES: Directors Hogan, Martin, Ohlmann, and Barrett
NAYS: None
ABSTAIN: None
ABSENT: Director Johnson

6. GENERAL MANAGER'S REPORT

The Board received an information, nonactionable update from the General Manager John Weigold on relevant matters currently facing the District.

7. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a General Meeting of the Board on October 12, 2023. The following topics were brought up as potential agenda items:

- Agendize a vote on consolidation with Montecito Water District
- Agendize a committee report on the 9/27/2023 Joint Strategic Planning Committee Meeting with Montecito Water District.

8. ADJOURNMENT

The meeting adjourned at 5:03 pm ON MOTION by Director Hogan, Seconded by Director Barrett.

Board Meeting Minutes September 28, 2023

These minutes were presented for approval at the General Board Meeting on December 6, 2023.

Ellwood T. Barrett II, President

Minutes taken and prepared by:

Stephen Williams
District Administrator/Clerk of the Board



Montecito Sanitary District

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MINUTES

For the Regular Meeting of the Board on:

October 12, 2023

1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 12:14 pm on Thursday, October 12, 2023. The meeting was also broadcast using Zoom teleconferencing.

ATTENDANCE

Board Members Present:

Directors Hogan, Johnson, Martin, Ohlmann, and Ellwood T. Barrett II

Board Members Absent:

None

Also Present and Participating:

John Weigold, MSD General Manager

Stephen Williams, MSD Clerk of the Board & District Administrator

Aleks, Giragosian, District Legal Counsel Ricardo Larroude, MSD Collections &

Anthony, Robert D. Niehaus

Sanjay, Robert D. Niehaus

Jeff Kerns, Member of the Public

Ken Coates, Montecito Water District Vice President

Floyd Wicks, Montecito Water District Director

Bob Hazard, Member of the Public

Nick Turner, Montecito Water District General Manager

Adam Kanold, Montecito Water District Assistant General Manager

Craig Murray, Member of the Public

2. PUBLIC COMMENT

No members of the public addressed the Board.

3. CONSENT CALENDAR

ON MOTION by Director Hogan, Seconded by Director Barrett, the Board voted to approve the following Consent Calendar items:

- A. Retroactively authorize Director Johnson to attend the CSDA Annual Conference from August 28th – 31st, 2023 on behalf of the Board
- B. Authorize Director Hogan to attend the CSDA Special District Leadership Academy Conference on October 22nd – 25th, 2023 on behalf of the Board

AYES: Directors Hogan, Johnson, Martin, Ohlmann, and Barrett
NAYS: None
ABSTAIN: None
ABSENT: None

4. **COMMITTEE REPORTS**

Director Hogan have a brief report on the Joint Strategic Planning Committee Meeting with Montecito Water District related to their meeting on September 27, 2023.

5. **REGULAR BUSINESS**

A. **SEWER RATE STUDY**

The Board received a presentation from Robert D. Niehaus, Inc. related to their initial financial findings on the District’s sewer rate study. No actions were taken.

B. **DISCUSSION AND CONSIDERATION TO INCREASE THE GENERAL MANAGER’S APPROVAL AUTHORITY FOR EXPENDITURES – HIGHWAY 101 SEWER CROSSING LINING PROJECT**

ON MOTION by Director Barrett; Seconded by Director Johnson, the Board voted to:

- i) Authorize the General Manager to approve expenditures of up to twenty-five percent (25%) to cover any cost increases that may result from contract change orders for extra work or other scope changes as part of the District’s Highway 101 Sewer Crossing Lining Project (Lining Project).

AYES: Directors Hogan, Johnson, Martin, Ohlmann, and Barrett
NAYS: None
ABSTAIN: None
ABSENT: None

C. **MONTECITO SANITARY DISTRICT CONSOLIDATION WITH THE MONTECITO WATER DISTRICT**

ON MOTION by Director Barrett, Seconded by Director Johnson, the Board voted to:

- i) Receive and file the Raftelis Special District Collaboration and Consolidation Report as final.

AYES: Directors Hogan, Johnson, Martin, Ohlmann, and Barrett
NAYS: None
ABSTAIN: None
ABSENT: None

The Board then discussed and took a vote on whether to consolidate with the Montecito Water District. The action did not pass with a 2-3 vote:

AYES: Directors Johnson and Barrett
NAYS: Directors Hogan, Martin, and Ohlmann
ABSTAIN: None
ABSENT: None

D. ADOPTION OF STRATEGIC PLAN

ON MOTION by Director Barrett, Seconded by Director Ohlmann, the Board voted to adopt the Strategic Plan that was developed at the Districts' September 14, 2023 Regular Meeting.

AYES: Directors Hogan, Martin, Ohlmann, and Barrett
NAYS: None
ABSTAIN: None
ABSENT: Director Johnson

6. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a General Meeting of the Board on October 12, 2023. The following topics were brought up as potential agenda items:

- Amending the District's Strategic Plan
- Adding Septic-to-Sewer Conversions
- How we can best support Recycled Water with the Montecito Water District
 - Gather the Memorandum of Understanding between Goleta Sanitary District and Goleta Water District for their Recycled Water partnership

7. ADJOURNMENT

The meeting adjourned at 4:22 pm ON MOTION by Director Hogan, Seconded by Director Barrett.

These minutes were presented for approval at the General Board Meeting on December 6, 2023.

Ellwood T. Barrett II, President

Minutes taken and prepared by:

Stephen Williams
District Administrator/Clerk of the Board



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108

A Public Service Agency

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MINUTES

For the Regular Meeting of the Board on:
November 9, 2023

1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 12:15 pm on Thursday, November 9, 2023. The meeting was also broadcast using Zoom teleconferencing.

ATTENDANCE

Board Members Present:

Directors Hogan, Johnson, Martin, Ohlmann, and Ellwood T. Barrett II

Board Members Absent:

None

Also Present and Participating:

John Weigold, MSD General Manager

Stephen Williams, MSD Clerk of the Board & District Administrator

Aleks, Giragosian, District Legal Counsel Ricardo Larroude, MSD Collections &

Ken Coates, Montecito Water District Vice President

Bob Hazard, Member of the Public

Jack, Member of the Public

2. PUBLIC COMMENT

No members of the public addressed the Board.

3. CONSENT CALENDAR

ON MOTION by Director Barrett, Seconded by Director Ohlmann, the Board voted to approve the following Consent Calendar items:

A. Award of Contract – Administration Roof Project

AYES: Directors Hogan, Martin, Ohlmann, and Barrett

NAYS: None

ABSTAIN: Director Johnson

ABSENT: None

4. REGULAR BUSINESS

A. LEGISLATIVE UPDATE

The Board received a presentation from District Legal Counsel on recent and relevant legislative updates to the District. No actions were taken.

B. LOCAL AGENCY FORMATION COMMITTEE (LAFCO) REGULAR AND ALTERNATE SPECIAL DISTRICT MEMBER APPOINTMENTS

District Legal Counsel gave a brief overview of the LAFCO Board appointments and how they operated. President Barrett gave direction to the Board of Directors that if they wished to be nominated for a position on the Board to inform him and they will work on the necessary next steps.

C. DISTRICT ROLE IN RECYCLED WATER

The Board discussed the Districts' role in Recycled Water and took comments from members of the public as well as the Montecito Water District. No actions were taken.

D. STRATEGIC PLAN UPDATE

The Board directed the General Manager to update the District's Strategic Plan with the following long term goals:

- Integration of Septic-to-Sewer Conversions
- Recycled Water

E. DISTRICT CAPITAL IMPROVEMENT PROJECT FUNDING

The Board discussed the various vehicles in which the District could plan for its future and anticipated Capital Improvement Projects. No actions were taken.

F. DISTRICT GRANTS

The Board discussed the various ways it could approach seeking out, applying for, and receiving federal and state grants. No actions were taken.

5. GENERAL MANAGER'S REPORT

The Board received an information, nonactionable update from the General Manager John Weigold on relevant matters currently facing the District.

6. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a General Meeting of the Board on October 12, 2023. The following topics were brought up as potential agenda items:

- Board Policies and Procedures
- Organizational Meeting
 - Special Meeting for General Manager Performance Evaluation

7. **ADJOURNMENT**

The meeting adjourned at 4:17 pm ON MOTION by Director Ohlmann, Seconded by Director Barrett.

These minutes were presented for approval at the General Board Meeting on December 6, 2023.

Ellwood T. Barrett II, President

Minutes taken and prepared by:

Stephen Williams
District Administrator/Clerk of the Board



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MONTECITO SANITARY DISTRICT STAFF REPORT – 3G

DATE: December 6, 2023
TO: Board of Directors
FROM: John Weigold, General Manager
SUBJECT: Retroactive Conference Authorization

RECOMMENDATION

It is recommended that the Board:

- i) Retroactively authorize Director Johnson to attend the ACWA Fall Conference from November 28th through December 1st, 2023 on behalf of the Board.

BACKGROUND

Per the District’s Board Compensation Ordinance (Ordinance No. 20), as well as Health and Safety Code section 6489, compensation to a director can only be paid “for each day's service rendered as a director by request of the board.” If the Board did not approve, authorize, or direct attendance at a conference, then a director cannot be compensated for attending the conference at the per diem rate.

This action would retroactively authorize Director Johnson to attend the conference at the request of the board and trigger the \$231 per diem rate per day of attendance to be paid out at the next payroll cycle.

FISCAL IMPACT

Retroactive authorization to attend the ACWA Annual Conference would cost \$924. There is budget in the Board Training Line Item and would not necessitate a Budget Revision.

ATTACHMENTS: None



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MONTECITO SANITARY DISTRICT

STAFF REPORT – 4A

DATE: December 6, 2023
TO: Board of Directors
FROM: Alex Giragosian, District Legal Counsel
SUBJECT: Rosenberg’s Rules of Order

RECOMMENDATION:

It is recommended that the Board:

- i) Receive a presentation from Legal Counsel regarding Rosenberg’s Rules of Order; and
- ii) Take any such additional, related action that may be desirable.

DISCUSSION:

Legal Counsel requested this item to be placed on the Agenda to disseminate information on Rosenberg’s Rules of Order as it relates to conducting Board Meetings.

ATTACHMENTS:

1. Rosenberg’s Rules of Order
2. Rosenberg’s Rules of Order Cheat Sheet



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

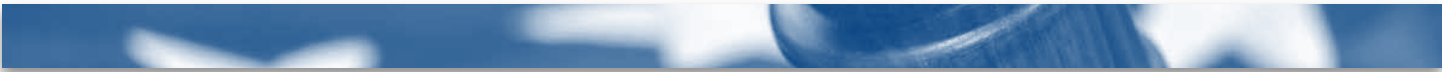


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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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ROSENBERG'S RULES OF ORDER CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn" (Only needed prior to the end of the agenda)	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question" or "Call the question"	No	Yes	No	No	2/3
Postpone consideration of	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Introduce a motion	"I move that..." or "I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..." (You can also ask for a friendly amendment, which is less formal; if mover and second concur, no vote needed)	No	Yes	Yes	Yes	Majority
Refer to a Committee	"I move that the question be referred to a committee for more study"	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question" (This would generally just be used if something is not on the agenda)	Yes	No	No	No	2/3
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..." (Only a member of the prevailing side can make a motion to reconsider)	Yes	Yes	Only if original motion	No	Majority
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).