

## Biola Community Services District

### By-Laws

#### **Mission Statement-**

*“The Board of Directors and District Employees are committed to the ever-growing needs of the community by providing high quality services, open lines of communication, promoting community participation and using its resources to build high quality of standards for the people.”*

The By-laws are the rules and regulations by which the board conducts the business of the people who reside or conduct business within the sphere of influence in the township of Biola. The sphere of influence is set forth by the current accepted physical boundaries of the township of Biola. The By-laws are developed specifically for the needs of Biola to govern itself. The By-laws are no different than any other law of the land. They are deemed as enforceable as any law passed by the city, county or state. Failure to comply with the By-laws could result in offenders being charged with a criminal offence by proper authorities of the public justice system. By-laws outline in writing the day to day rules for the organization and comprehensively provide regulations to keep the organization in compliance.

Except as otherwise specified within these of By-laws, any item not covered shall be governed by the most recently published Robert’s Rules of Order, the Laws Governing the California Special Services Districts, and/or the Brown Act, as necessary.

### **OFFICERS AND ELECTIONS**

#### **The Board of Directors**

The Board is a panel of five members elected by the community to represent them in conducting the business of the township. They are the governing body of the BCSD. The election of board members is held every two (even) years through the County of Fresno. They are elected to a four-year term. It is the duty of the Board to know the needs and desires of the community to best represent them in administering to the business of the community and their best interests. The Board is elected by registered electors residing within the boundaries of the district (Fresno County rules updated 7-25-17)

#### **Officers of the Board**

Within the members of the Board, which are elected officials, there are appointed officers. They are elected by the Board members. The officers shall oversee their respective duties to facilitate the running of the meetings necessary to conduct the business of the community.

**Revised 2-15-24**

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Jennifer M. Duarte, Board President

## **President**

The President is the chairperson of the Board charged with conducting and presiding over the meetings. The President shall preserve strict decorum and order and be well-versed in the parliamentary rules and regulations in order to conduct the meetings. They shall conduct the meeting in a fair and impartial manner. The President shall:

- Determine if there is a quorum
- Bring business before the meeting according to the order of business
- Recognize members who seek to be heard and are entitled to be heard before the floor
- Put all legitimate motions before the group to be heard
- Enforce all rules of debate allowing all to speak according to the rules and limits of debate
- Conduct votes on all questions of order
- Announce results of all votes
- Cannot put a motion before the board (may have another officer do so for them)
- **Should not vote on any motion, unless it is in the event of a tie**  
***Revise by eliminating the highlighted text and inserting the following instead:***  
***“Under California Law, the Board President must vote and be counted towards the vote and is not limited to being a tie breaker.”***
- Respond to all parliamentary inquiries or points of order
- Conclude meetings by declaring it adjourned when voted on by members, when the appointed hour of adjournment arrives, or when an emergency arises, and safety demands an adjournment.

## **Vice President**

The Vice-President's duty is to assume the duties of the President, should the President be unable or unavailable to carry out their charge.

## **Secretary**

The Secretary shall oversee all the duties of their chair along with assistance of the designated administrative support system. The Secretary shall take and record minutes at all meetings and shall submit them for approval to the members at the following meeting. The Secretary is the custodian of all organizational records including minutes, reports of officers, Board reports, committee reports and official correspondence. The Secretary shall make sure that the official Bylaws, special rules of Order, standing Rules and current minutes are available for reference at all meetings. The Secretary shall make sure that all records are available to the members in accordance with organizational rules. The Secretary shall keep record of official membership roll. The Secretary shall issue notice to call all meetings and oversee all correspondence. The Secretary shall oversee the preparation of the meeting agendas showing

everything up for consideration at the meeting. The Secretary shall preside over the election of a temporary chair should the President and the Vice-President be absent from the meeting.

### **Treasurer**

The Treasurer shall oversee all the financial aspects of the BCSD organization along with the assistance of the administrative support system. The Treasurer is the custodian of the funds of the organization. The Treasurer shall oversee financial records and receipts. The Treasurer shall not make any disbursements of funds without the authorization and approval of a majority of the Board. (this includes established authorizations in the organizations rules)  
\*\*\*\*\*Officers handling organizational monies should be bonded at the expense of the district.

Each officer shall oversee their charge and implement the needs of the community with the assistance of the general manager and the supporting administrative staff.

## **STAFFING**

### **General Manager**

The General Manager shall be a hired position contracted by the District through the board whose duties are to implement the decisions of the board. The General Manager shall oversee the day to day management of the business of the BCSD. The General Manager shall represent the Board at their direction regarding items necessitating negotiation, attendance of meetings, and dissemination of information to conduct the business of the BCSD as to keep the community in compliance with the normal business rules and regulations.

### **Administrative Assistant**

An Administrative Assistant shall be a hired position by the Board. The function of the Administrative Assistant shall be to assist the General Manager in overseeing the day to day management of the business of the BCSD. The Administrative Assistant shall assist the Board in carrying out administrative duties as required.

## **MEETINGS**

### **Roll Call**

Before proceeding with the business of the Board, the President shall call the names of present and/or absent where they will be entered into the minutes.

### **Quorum**

As defined in the BCSD By-Laws, there must be two-thirds of the Board to conduct a meeting. A five-member panel makes up the BCSD Board.

5 divided into thirds = 1.66 /third

2 times 1.66 = 2 thirds or 3.33

3.33 rounded to the nearest whole number is 3

Therefore  $2/3 = 3$

A quorum is three (3) members of the Board. The waiting period for a quorum for a meeting shall be 15 minutes.

### **Regular Meeting**

The regular meeting of the BCSD shall be held on the third Thursday of the month at 6:00 pm at the Biola Community Center, subject to change due to any upcoming holiday. The announcement of the meeting and the agenda must be posted at a location freely accessible to the public at least 72 hours prior to the meeting.

They will be placed at Shaw Market, Biola Community Center, the Biola Post Office and on the BCSD website.

### **Special Meeting**

A special meeting may be called to discuss something urgent or time sensitive. This type of meeting may be called by the President, Vice-President, Secretary or any two board members. The special meeting must be posted at a location freely accessible to the public (same locations as regular meetings) at least 24 hours prior to the meeting. Notice of the meeting shall include all items for discussion. Items which are not on the agenda shall not be discussed or added.

### **Emergency Meeting**

An emergency meeting may be called under specific drastic circumstances (work stoppage, crippling activity or other activity that severely impairs public health or safety) as determined by a majority of the body. At least an hour notification shall be necessary.

### **Adjourned**

A meeting whose agenda cannot be accomplished for a valid reason can be adjourned to a different time, date, and place. A meeting may be adjourned by proper resolution of the meeting if a meeting becomes inquorate during proceedings or other procedural reasons. A meeting may also be adjourned by the President for proper purpose (procedural, informational, constitutional). Emergencies or holidays that fall on a regular meeting night may cause a meeting to be rescheduled to the next working day or as soon as possible.

### **Call to order**

The President shall take the chair at the time and place appointed for the meetings and shall call the Board to order. In the absence of the President and Vice-President, the Secretary shall call the Board to order and a temporary President shall be elected by the members present.

Upon arrival of the President or Vice-President, the temporary President shall relinquish the chair at the end of the business before the Board.

### **Attendance**

Unexcused absence of three consecutive regular meetings or five meetings in a calendar year shall constitute mandatory resignation from the Board. After a Board member has missed two consecutive meetings or four regular meetings within a calendar year, the Board member shall be given written notice of their status by the Secretary. The notice shall advise the absent member of the consequences and include a copy of the BCSD Resolution #228. The Board shall hold one regular meeting per month, unless specified as or by an adjourned and or special meeting and shall be paid for only one regular meeting per month. Unless the Secretary is previously notified, a Board member shall be considered absent if arriving (30) minutes after the meeting is called to order and then shall only receive half the meeting stipend amount, only if they participate in the remainder of the meeting. Emergency and special meetings shall constitute Board members to receive an additional stipend amount for these meetings.

### **Minutes**

*Preparation:* The minutes of the Board shall fall under the Chair of the Secretary. The minutes shall constitute a report of each business transacted. The minutes shall contain the names of those persons initiating and seconding motions brought before the Board for voting action.

*Distribution:* Prior to each meeting the Secretary, with the assistance of the Administrative assistants, shall forward copies of the minutes of the prior meeting to each Board member.

*Reading:* Such minutes may be approved without reading if each Board member has previously received and read the minutes.

### **Agenda**

Matters to be brought before the Board shall be scheduled in advance of the meeting on an agenda, if any action is to be taken. The agenda shall provide the President with a sequence by which the Board advances from one matter to another. The agenda shall also provide time for other business during which time the Board members, the Secretary or the public may bring before the board, unscheduled items, if it is a matter under the influence of the Board. Anyone may bring an item to be placed on the agenda for consideration by the Board if it falls under the influence of the Board. Any item to be placed on the written agenda must be received by the preparer at the Business Office, at least 14 days prior to the meeting date. A copy of the agenda shall be posted in three designated places in the Biola area. Presently agendas are posted at the Biola Community Center, the Post Office and Shaw Market. The agenda shall also be posted on the BCSD website.

### **Order of Procedures**

The order of procedures in conducting business shall be as follows: The chairperson shall request the appropriate person to inform the Board of the nature of the matter pending; all requests and nature of said matter shall be heard. The matter shall then come under consideration and then be referred to the Board for action.

### **Rules of Debate**

The President may debate and vote. The President may debate from the chair subject only to limitations of debate as are the rules imposed on all members and shall have the same rights and privileges. The President shall abstain from voting only as required to break a tie. *Getting the floor:* All speakers shall address the President and upon recognition by the President, shall confine themselves to the question under debate. A member once recognized shall not be interrupted when speaking unless it shall be to call him to order or as otherwise specifically provided. If a member should be called to order while speaking, he shall cease speaking until the question of order has been determined. If in order he shall be permitted to continue.

### **Addressing the Board**

*General:* Any person deciding to address the Board shall first secure the permission of the President to do so. Upon receiving permission, they shall approach the podium to address the President.

*Time:* The President may limit the time of all persons addressing the Board (3 minutes per person, maximum 15 minutes per topic), unless a majority of the Board permits further discussion. *Repetition:* In the interest of avoiding repetition, if the President thinks the discussion has become repetitious with nothing else to be forthcoming, he may call for a vote.

*Discussions:* No other person except the President shall be permitted to enter any discussion with the person addressing the Board without the permission of the President.

### **Voting**

After proper submission of an agenda action item, and proper discussion of the action item, the President may call for a vote. The different types of voting methods shall be:

*Unanimous vote:* The chairperson may simply ask if there are any objections to the action. If there are no objections, then the motion shall pass.

*Voice vote:* It is customary for the President to ask for a voice vote, "All those in favor say aye, aye"; "All those opposed say no, no." The President must then announce the results.

*Rising vote:* The President may call for a vote which is just as it states. The members shall stand up to designate their vote.

*Voting by showing of hands:* The President may call for a vote by a show of hands to designate their vote.

*Counted vote:* The President may call for a counted vote by having members stand and remain standing to be counted. The Secretary usually counts the votes.

*Roll call votes:* Sometimes it may be necessary to know how each member voted if they are representative of specific constituents. The secretary shall document the votes by roll call. All resolutions and ordinances must be by roll call vote.

Silence constitutes an affirmative vote. Unless a board member states they are in abstention, their silence shall be recorded as an affirmative vote.

Board members must abstain from voting if there is a possible conflict of interest. The President should abstain from voting unless otherwise to break a tie.

### **Decorum**

When the Board is in session, the members shall maintain order and decorum and no member, by conversation or otherwise, may delay or interrupt the proceedings of the peace of the Board. No one shall disturb any members while speaking or refuse to obey the order of the Board or President, except as provided by the By-laws. Any person making personal attacks or becomes boisterous as to disrupt a meeting while addressing the Board shall be warned by the President. If the warned person does not cease the disruption they may be removed from the meeting, unless permission to continue is granted by a majority vote of the Board.

### **Board Resolution and Ordinances**

The Board may, from time to time by resolution or ordinance, establish procedure for the processing of the business of the Board. Proposed resolutions and ordinances must be recorded in the minutes at least one meeting prior to action being taken.

By-laws shall be reviewed every three years to stay current with the operation of conducting business by the Board.

### **Amendments to the By-laws**

By-laws may be amended by the Board by a majority of the members present, at any regular or special meeting, provided a written draft or proposed amendment(s) have been presented to the board and recorded in the minutes at least one meeting prior to the action being taken.

A copy of these By-laws shall be present for every meeting along with the minutes of the previous meeting and a copy of the policies and procedure manual and current ordinances for reference. A blank sheet of paper shall be inserted between the pages of the By-laws to record any proposed changes and terms wishing to be amended. Should time to reference not be available at the time of proposal, the item shall be tabled to provide accurate reference time and applicable information to move forward with said proposal.

Note: For the purpose of this document, the term “shall” is to be defined as “will” to eliminate any ambiguity.

Note: The President is afforded all rights and privileges as any other member, including the right to vote, but for the purpose of conducting meetings, should remain neutral.