

RESOLUTION NO. 23-09

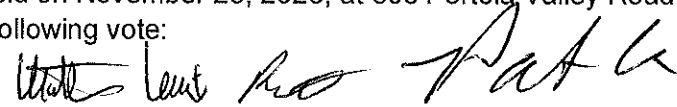
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WOODSIDE FIRE PROTECTION DISTRICT
ADOPTING BOARD OF DIRECTORS RULES OF PROCEDURE

WHEREAS, it is the desire of the Board of Directors of the Woodside Fire Protection District ("the District") that rules and procedures for the conduct of District business be adopted and implemented.

NOW, THEREFORE, BE IT RESOLVED that all previous policies established by Board action and all resolutions adopted setting forth procedural rules, are hereby rescinded; and be it

FURTHER RESOLVED that the Board of Directors of the District hereby adopts the attached document entitled "Woodside Fire Protection District Board of Directors Rules of Procedure."

PASSED, APPROVED and ADOPTED this 28th day of November, 2023, at a regular meeting of the District Board held on November 28, 2023, at 808 Portola Valley Road, Portola Valley, California 94028 with the following vote:


AYES: 

NOES:

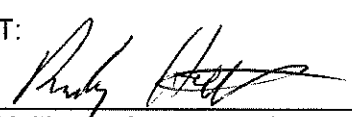
ABSENT:

ABSTAIN:

Dated: November 28, 2023



Matt Miller, President
Board of Directors

ATTEST:


Randy Holthaus, Secretary of the Board

**WOODSIDE FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS RULES OF PROCEDURE**

Table of Contents

1. AUTHORITY.....	4
1.1 State Law.....	4
2. GENERAL BOARD RULES.....	4
2.1 Decorum of Board Members.....	4
2.2 Selection of President and Vice-President.....	4
2.3 Presiding Officer.....	4
2.4 Committees.....	4
2.5 Written Correspondence.....	5
3. MEETINGS AND ACTIONS, GENERALLY	5
3.1 Meetings to Be Public.....	5
3.2 Meeting Location.....	5
3.3 Board Action.....	5
3.4 Quorum and Vote.....	5
3.5. Record of Proceedings.....	5
3.6 Fire Chief.....	6
3.7 General Counsel.....	6
3.8 District Clerk.....	6
3.9 Rules of Order.....	6
4. TYPES OF MEETINGS.....	6
4.1 Regular Meetings.....	6
4.2 Special Meetings.....	7
4.3 Emergency Meetings.....	7
4.4 Adjourned Meetings.....	7
4.5 Closed Sessions.....	7
4.6 Disclosure of Information from Closed Session.....	7
5. AGENDAS AND ORDER OF BUSINESS.....	8

5.1 Agenda.....	8
5.2 Agenda Posting.....	8
5.3 Order of Business.	8
5.4 Change to the Order of Business.	9
5.5 Consent Agenda.	9
5.6 Discussion of Items Not on the Agenda Prohibited.	9
5.7 Exceptions for Considering Items Not on the Agenda.	9
6. CONDUCT OF MEETINGS.....	10
6.1 Call to Order.....	10
6.2 Preservation of Order	10
6.3 Questions to be Stated.	10
6.4 Procedures for Board Action on Agenda Items.....	10
6.5. Hearings When Board sits as a Board of Appeals.....	10
7. PUBLIC PARTICIPATION.....	11
7.1 Conditions of Attendance Prohibited.	11
7.2 General Public Comment at Regular Meetings.....	11
7.3 Public Comment on Each Agenda Item at Regular and Special Meetings	11
7.4 Manner of Addressing the District Board.	11
7.5 Limitations on Public Comment.....	12
7.5 Public’s Right to Criticize.	12
8. VOTING PROCEDURE.....	14
8.1 Voting Procedure.....	14
8.2. Announce Vote.....	14
8.3 Reconsideration.	14
8.4 Conflict of Interest.....	14
9. ADOPTION OF BUDGET.	14
9.1 Preliminary Budget and Notice.	14
9.2 Publication of Notice of Adoption of Budget.	15
9.3 Adoption of Final Budget.....	15
10. RESOLUTIONS AND ORDINANCES.....	15
10.1 Complete and Numbered.....	15
10.2 Resolutions	15

10.3 Matters That Require a Resolution..... 15

10.4 Governing Law for Adopting Ordinances..... 16

10.5 Adoption of Ordinances. 16

10.6 Adoption of Urgency Ordinances..... 16

10.7 Matters That Require an Ordinance. 16

10.8. Adoption of Ordinance Adopting Building Standards Relating to Fire and Panic
Safety..... 16

10.9 Fee Ordinances. 17

10.10 Signature and Attestation of Ordinances..... 17

10.11 Publication of Ordinances. 17

ATTACHMENT A VOTING REQUIREMENTS FOR THE BOARD OF DIRECTORS..... 18

WOODSIDE FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS RULES OF PROCEDURE

1. AUTHORITY.

1.1 State Law.

The Board of Directors of the Woodside Fire Protection District serves as the governing body of the District. (Health & Safety Code § 13840.) These rules govern the procedures for Board meetings.

The purpose and intent of the District Board in adopting these rules is to provide directory, as opposed to mandatory, guidelines relating to the conduct of the public business by or on behalf of the District Board, and in the event of any noncompliance with or violation of any provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law. These procedures are intended to supplement and implement provisions of the Ralph M. Brown Act, Government Code section 54950 et seq., (the "Brown Act").

2. GENERAL BOARD RULES.

2.1 Decorum of Board Members.

Board Members shall accord the utmost courtesy to each other, to District employees, and to the public appearing before the District Board and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

2.2 Selection of President and Vice-President.

Each year, at the first regular meeting in January, the Board will select one of its members to serve as the President of the Board for the coming year and another member to serve as Vice-President.

2.3 Presiding Officer.

The President shall serve as the presiding officer of the Board, and in the President's absence, the Vice-President serves as presiding officer. The President and Vice-president shall have other duties as specified in these Rules.

2.4 Committees.

The Board may establish standing or ad hoc committees as necessary to carry out the business of the District. The President shall appoint Board members to serve on the committees.

Standing committees with continuing subject matter or a meeting schedule fixed by the Board are legislative bodies subject to the provisions of the Brown Act. (Govt. Code § 54952(b).)

2.5 Written Correspondence.

The District Chief, or his or her designee, may receive and open all mail addressed to the District Board. A copy of all communications shall be sent to each member of the Board by the appropriate means. Any communication relating to a matter pending or brought before the Board shall be included in the agenda packet for the meeting at which the item is to be considered. Any communication not necessarily requiring Board action shall be addressed by District employees, as appropriate. Communication related to decisions of fire officials shall be processed under applicable provisions of the District ordinances.

3. MEETINGS AND ACTIONS, GENERALLY

3.1 Meetings to Be Public.

All meetings of the Board shall be open to the public, except that the Board may meet in closed session as permitted under the Ralph M. Brown Act ("Brown Act"). (Govt. Code §§ 54950-54956.)

3.2 Meeting Location.

The Board's regular meeting locations shall be at 808 Portola Road, Portola Valley, California. The meeting site may be changed for convenience, to accommodate larger attendance, and for other reasons, provided that the alternate location is within the jurisdiction of the District, permitted by law, accessible as required pursuant to the Americans with Disabilities Act, and the alternate location is posted at the District offices and on its website. (Govt. Code § 54954.)

3.3 Board Action.

The Board may act only by ordinance, resolution, or motion. (Health & Safety Code § 13856.)

3.4 Quorum and Vote.

A majority of the total membership of the Board shall constitute a quorum for the transaction of business. A majority of the total membership of the Board is required on each action, unless otherwise required by law as set forth in Attachment A to these Rules. (Health & Safety Code § 13856.)

3.5. Record of Proceedings.

The District Clerk shall keep a written account ("minutes") of acts of the Board, all open meetings of the Board, and those minutes shall be retained pursuant to the District's record

retention policy. The minutes shall record the vote of each member on each item of business. (Health & Safety Code § 13868; Govt. Code § 25122.)

3.6 Fire Chief.

The Fire Chief shall attend all meetings of the Board.

3.7 General Counsel.

The General Counsel for the District, or his or her designee, shall attend all meetings of the Board unless excused and shall, upon request from the Board or Fire Chief, give an opinion, either written or oral, on questions of law.

3.8 District Clerk.

The District Clerk shall attend all meetings of the Board unless excused by the Fire Chief and shall be responsible for keeping the official record (minutes) and perform such other duties as may be required by the Board.

3.9 Rules of Order.

In the absence of a rule herein to govern a point or procedure, Rosenberg's Rules of Order shall be used as a guide.

3.10 Prohibited Harassment Policy.

As set forth more fully in the District's Discriminatory Harassment Policy (Policy 1412), the District, including at the meetings of the Board and its committees, is committed to maintaining a work environment that is free from discrimination and harassment, including but not limited to discrimination and harassment based on a protected category. It is against District policy to engage in verbal conduct that denigrates an individual because of their race, color, sex, marital status, religious creed, age for individuals over forty years of age, sexual orientation, national origin, military status, veteran status, mental disability, physical disability, genetic information, gender, gender identity, gender expression, medical condition, ancestry or any other basis protected by any applicable ordinance, regulation, federal, state, or local law. The Discriminatory Harassment Policy is designed to encourage professional and respectful behavior and to prevent discriminatory and harassing conduct in the workplace.

4. TYPES OF MEETINGS.

4.1 Regular Meetings.

Regular Meetings are held on the last Tuesday of the Month at 7:00 p.m. at 808 Portola Road, Portola Valley, California.

4.2 Special Meetings.

A special meeting is a meeting held at a time or place that is different from the regular time or place of regular meetings. The President or the Board by motion may call for a special meeting. The notice and agenda for a special meeting shall specify the day, the hour, and the location of the special meeting and shall include an agenda of the items to be considered. Notice shall be provided to any local newspaper and radio or television station that has requested in writing to receive notice and shall be posted on the Board's website. No special meeting shall be held unless it complies with the twenty-four (24) hour minimum notice requirements set forth in the Brown Act. (Govt. Code § 54956.)

4.3 Emergency Meetings.

The Board may hold an emergency meeting if a majority of the members of the Board find that a work stoppage, crippling activity, or other activity severely impairs public health, safety, or both. The District must comply with the notice and minutes requirements provided in Government Code section 54956.5.

4.4 Adjourned Meetings.

When members of the Board wish to continue a regular or special meeting to a later date, the Board may approve a motion to adjourn the meeting and continue it to a definite later time. The second meeting is an "adjourned meeting." Any meeting of the Board may be adjourned to a later date and time. The Clerk shall provide notice of an Adjourned Meeting in the same way required for a special meeting. A copy of the notice of adjournment shall be posted on or near the door of the place where the meeting was held within 2 hours of adjournment. If the adjourned meeting occurs more than five days after the meeting that was continued, a new agenda for the adjourned meeting shall be posted 72 hours in advance of the adjourned meeting. When a regular meeting is adjourned, the adjourned meeting is conducted in the same way as a regular meeting. (Govt. Code §§ 54954.2(b)(3), 54955.)

4.5 Closed Sessions.

The Board may meet in closed sessions only as permitted in the Brown Act. Closed sessions shall be scheduled at either the beginning or end of the Council meetings. After the closed session, the Board shall report any action taken in closed session and the vote of each member on that action as required by Government Code section 54957.1.

4.6 Disclosure of Information from Closed Session.

Members of the Board or any other person attending a closed session may not disclose confidential information acquired in a closed session to a person not authorized to receive it unless the Board votes to disclose that information. "Confidential information" means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Govt. Code § 54963.)

5. AGENDAS AND ORDER OF BUSINESS

5.1 Agenda.

The Clerk of the Board shall prepare the agenda, in consultation with the Fire Chief, President, and General Counsel. The agenda shall list all items to be considered at the meeting, in the order stated in section 5.3, below. The agenda shall contain a brief general discussion of each item of business to be transacted or discussed at the meeting. Each agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. (Govt. Code §§ 54954, 54954.2.)

5.2 Agenda Posting.

The agenda and any supporting documents shall be provided to Board members, posted at the District Administrative office, located at 808 Portola Road #C Portola Valley, California and on the District's website at least 72 hours before a regular meeting and at least 24 hours before a special meeting, and to anyone who has requested, in writing, to receive copies of the agenda. Any documents provided to the Board members less than 72 hours before the meeting are available for review at the District Administrative Office. (Govt. Code §§ 54954.1, 54956, 54957.5.)

5.3 Order of Business.

To facilitate the orderly conduct of the business of the District Board, the Clerk shall prepare the agenda in accordance with the following Conduct of Business:

1. CALL TO ORDER and ROLL CALL
2. GENERAL PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
3. COMMENDATIONS AND PRESENTATIONS
4. CONSENT AGENDA
5. PUBLIC HEARINGS
6. BUSINESS ITEMS
7. REPORTS OF COMMITTEES, FIRE CHIEF, BOARD MEMBERS
8. REQUESTS FOR ITEMS ON FUTURE AGENDAS
9. CLOSED SESSION
10. ADJOURNMENT

5.4 Change to the Order of Business.

The presiding officer or the Board, upon a vote of the majority of members, may change the order of business to facilitate the conduct of the meeting.

5.5 Consent Agenda.

Items of routine or non-controversial nature shall be placed on the Consent Agenda. The Board will take public comment on the agenda items. All items may be approved by one blanket motion upon unanimous consent. Any Board Member may request that any item be withdrawn from the Consent Agenda for separate consideration. A Board Member may abstain from voting on any Consent Agenda item without requesting its removal from the Consent Agenda, and the Board Clerk shall be instructed to record such abstentions in the minutes.

5.6 Discussion of Items Not on the Agenda Prohibited.

Except as provided in section 5.7, the Board may not take action or discuss any item not appearing on the agenda. A Board member or staff may briefly respond to statements made or questions posed by members of the public during public comment. A board member or staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. A Board member may provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Govt. Code § 54954.2(a)(3).)

5.7 Exceptions for Considering Items Not on the Agenda.

The Board may discuss or take action on an item not on the agenda only under the following circumstances. The Board shall publicly identify the item and the basis for taking action:

1. Upon a determination by a majority vote of the legislative body that an emergency situation exists. For purposes of this section, an emergency is defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the Board.
2. Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.
3. The item was posted pursuant to subdivision for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(Govt. Code § 54954.2 (b).)

6. CONDUCT OF MEETINGS.

6.1 Call to Order.

The presiding officer shall call the meeting to order. In the absence of the President and Vice-President, the Board Clerk shall call the Board meeting to order. The Board members present shall then, by motion, appoint a temporary presiding officer. Upon arrival of the President or Vice-President, the temporary presiding officer shall relinquish the chair immediately.

6.2 Preservation of Order.

The presiding officer shall preserve order and decorum, and confine members in debate to the question under discussion. All speakers must be recognized by the presiding officer and shall address their comments to the Board through the presiding officer.

6.3 Questions to be Stated.

The presiding officer shall state all questions submitted for a vote and announce the result.

6.4 Procedures for Board Action on Agenda Items.

1. The presiding officer shall call the item.
2. The Chief, or his or her designee, and/or an invited expert, shall provide a report on the item.
3. The presiding officer shall take entertain questions from Board members to staff or an invited expert.
4. The presiding officer shall then take public comment.
5. If the item is an action item, the presiding officer shall take a motion and a second on the item.
6. The Board deliberates and votes on the motion.

6.5. Hearings When Board sits as a Board of Appeals.

The District Fire Code provides that the Board sits as a Board of Appeals to hear appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of the Fire Code or District ordinances. When the Board hears these matters, the hearing shall be conducted in the following manner:

1. Board members disclose any ex parte communications
2. Staff report
3. Board questions for staff

4. Presiding officer then opens the public portion of the hearing
5. Presentation by appellant (10 minutes)
6. Board questions for appellant, applicant and/or staff
7. Public comment
8. Rebuttal by staff (5 minutes)
9. Rebuttal by appellant (5 minutes)
10. Final Board questions of appellant
11. Final Board questions of staff
12. Presiding officer closes the public portion of hearing
13. Board discusses, deliberates, makes findings, and takes final action by motion.

At any hearing before the Board sitting as the Board of Appeal, the Board may request that parties testify under oath.

7. PUBLIC PARTICIPATION.

7.1 Conditions of Attendance Prohibited.

The District may not require a member of the public to provide his or her name, other information or complete a questionnaire as a condition for attending or speaking at a meeting. Any attendance list, questionnaire, or other document circulated at a meeting must state clearly that signing or completing the document is optional. (Govt. Code § 54953.3.)

7.2 General Public Comment at Regular Meetings.

Each agenda for a regular meeting shall provide for public comment on any item within the subject matter jurisdiction of the District. (Govt. Code § 54954.3.)

7.3 Public Comment on Each Agenda Item at Regular and Special Meetings.

At every regular and special meeting, the agenda shall provide an opportunity for members of the public to directly address the Board on each item on the agenda, before or during the Board's consideration of the item. (Govt. Code § 54954.3.)

7.4 Manner of Addressing the District Board.

A member of the public wishing to address the Board shall wait to be recognized by the presiding officer. Once recognized, the person shall direct his remarks to the Chair and not to any individual Board member, employee, or other person.

7.5 Limitations on Public Comment.

Unless otherwise permitted by the presiding officer or a majority vote of the Board, each speaker may have no more than three minutes to comment on each item. The presiding officer or the Board, upon majority vote, may reasonably limit the total amount of time allocated for public comment on particular items and may limit each individual speaker to no more than three minutes of public comment.

The Board shall allot at least twice the allotted time per speaker to a member of the public who utilizes a translator when making public comment. (Govt. Code § 54954.3(b).)

7.6 Public's Right to Criticize But Not Be Disruptive.

(a) The Board shall not prohibit public criticism of the policies, procedures, programs, or services of the District, or of the acts or omissions of the Board. (Govt. Code § 54954.3(c).)

(b) In order to ensure that business is conducted in an orderly fashion and that all have an equal opportunity to observe and participate in the proceedings, the following rules of order shall be applied to address conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting.

(i) No attendee of a Board meeting, at any meeting site or virtually, shall use loud, threatening, profane, or abusive language, whistle, clap, stamp their feet, speak over or interrupt the recognized speaker, or engage in any other disorderly conduct which disrupts the orderly conduct of the meeting.

(ii) Continued use of verbal conduct that denigrates an individual because of their race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category after a verbal warning from the Presiding Officer disrupts the orderly conduct of the meeting. It interferes with the Board's ability to accomplish its functions in a reasonably efficient matter by causing a distraction from District business, chilling other members of the public's participation, interfering with the ability of those present to listen and understand the business and proceedings of the District or Board, and may constitute or contribute to employment or other types of discrimination and harassment.

7.7 Removal of Disruptive Individuals.

(a) The Presiding Officer shall maintain order. In that regard, the Presiding Officer may take such actions reasonably calculated to maintain order, which include, but are not limited to, calling a recess, adjourning the meeting to another date, or ordering the removal of persons disrupting the meeting as provided in this section.

(b) The Presiding Officer may order an individual to be removed from a Board meeting when the individual is engaging in behavior that constitutes use of force or a "true threat of force," meaning a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

(c) Removal for Disruptive Conduct

(i) The Presiding Officer may order an individual to be removed from a Board meeting when the individual is engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, which may include but is not limited to failing to comply with these Rules of Procedure.

(ii) Prior to ordering the removal of the individual for disruptive conduct, the presiding officer shall warn the individual that their behavior is disrupting the meeting and, when applicable, shall follow the procedures in Section 7.8 below.

(d) If a meeting is willfully disrupted by a group of people so as to render the orderly conduct of the meeting infeasible, the presiding officer may take such actions reasonably calculated to maintain order, which include, but are not limited to, calling a recess, adjourning the meeting to another date, or ordering the removal of persons disrupting the meeting as provided in this section. If the Board opts to continue the meeting and order is not restored by removing the individuals willfully interrupting the meeting, the Board may order the meeting room cleared and continue holding the meeting. Representatives of the media, except those participating in the disturbance, shall be allowed to continue attending the meeting. Nothing in this section shall prohibit the District Board from establishing procedures for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. (Govt. Code § 54957.9.)

7.8 Verbal Conduct Denigrating Persons Based on a Protected Category.

When a person engages in verbal conduct that denigrates an individual because of their race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category, the presiding officer shall take the following actions:

- (a) The presiding officer shall stop the speaker and read the relevant portions of the District's Prohibited Harassment Policy (Section 3.10). The presiding officer shall state that the District does not condone comments in violation of the Rules and that the speaker's harassment is unwanted and unwelcome and impedes the orderly conduct of the meeting by interfering with the Board's ability to accomplish its functions in a reasonably efficient matter by causing a distraction from District business, chilling participation from other members of the public, interfering with the ability of those present to listen and understand the business and proceedings of the District, and may constitute or contribute to employment or other forms of discrimination.
- (b) The presiding officer shall state that any District employee present may be excused from attendance at the meeting during the speaker's remarks.
- (c) The presiding officer shall hold the speaker's time and the speaker may resume speaking after the presiding officer's statement, unless the speaker's comments continue to disrupt, disturb, or impede the orderly conduct of the meeting. If the speaker continues to disrupt, disturb, or impede the orderly conduct of the meeting,

the presiding officer may prohibit the speaker from further commenting or may order the speaker to be removed from the meeting.

- (d) After the end of the speaker's comments, any Board member may make a brief response to such comments, if desired.
(Govt. Code § 54957.95.)

8. VOTING PROCEDURE.

8.1 Voting Procedure.

When meetings are held by teleconference, the Clerk shall call for a roll call vote on each action. (Govt. Code § 54953(b)(2).) When meetings occur in person, a vote may be taken by roll call vote or other method, provided that each Board member casts a vote. A Board member must vote for, against or abstain on each item. If a Board member is recused from voting on a matter due to a conflict of interest, the member must comply with section 8.4, below.

8.2. Announce Vote.

The Board shall publicly report any action taken and the vote or abstention on that action of each member present for the action. (Govt. Code § 54953.)

8.3 Reconsideration.

Any Board member who voted with the majority may move a reconsideration of any action at the same meeting or the next meeting of the Board. After a motion for reconsideration has been acted upon, no other motion for reconsiderations thereof shall be made without unanimous consent of the Board. If the motion for reconsideration is to be considered at the meeting after the action is taken, it will only be entertained if it is listed on the agenda.

8.4 Conflict of Interest.

All Board Members are subject to the provisions of Government Code section 1090 *et seq.*, Government Code section 87100 *et seq.*, and applicable regulations relative to conflicts of interest. Any Board member prevented from voting because of a conflict of interest, or a declared financial interest shall refrain from debate and voting on the included matter. Such Board member must identify the conflict of interest and leave the District chambers during debate and voting on the issue.

9. ADOPTION OF BUDGET.

9.1 Preliminary Budget and Notice.

On or before June 30 of each year the Board shall adopt a preliminary budget conforming to the accounting and budgeting procedures for special districts. (Health & Safety Code § 13890.)

9.2 Publication of Notice of Adoption of Budget.

On or before June 30 of each year, the District shall publish a notice that it has adopted a preliminary budget that is available for inspection at the time and place specified in the notice; the date, time, and place when the Board will meet to adopt the final budget, and that the Board will take public comment on the budget. The District shall publish the notice in at least one newspaper of general circulation at least two weeks before the date of the meeting. (Health & Safety Code § 13893.)

9.3 Adoption of Final Budget.

On or about October 1 of each year, the Board shall adopt the final budget. The budget shall establish its appropriation limit and a copy of the final budget shall be sent to the county auditor. (Health & Safety Code § 13895.)

10. RESOLUTIONS AND ORDINANCES.

10.1 Complete and Numbered.

All Board resolutions and ordinances shall be presented to the Board in printed or typewritten form and numbered serially for each calendar year.

10.2 Resolutions

The Board may finally adopt a resolution at the meeting where it is introduced.

10.3 Matters That Require a Resolution.

The following matters require adoption by resolution:

1. Establishing a petty cash fund. (Health & Safety Code § 13905.)
2. Authorizing the District to borrow money to acquire property. (Health & Safety Code § 13906.)
3. Authorizing the policies and procedures for fee waivers. (Health & Safety Code § 13919.)
4. Determining the necessity for incurring general obligation bond indebtedness for the acquisition or construction of any real property or other capital expense or for funding or refunding of any outstanding indebtedness and calling an election on the proposition to incur indebtedness and issue general obligation bonds. (Health & Safety Code § 13925.)

Resolutions shall be used when required by law; to address internal operations of the District; to honor or commemorate; or as otherwise determined by the Board.

10.4 Governing Law for Adopting Ordinances.

The Board may adopt ordinances by following the procedures for county ordinances as specified in Government Code section 25120 *et seq.* (Health & Safety Code § 13861(h).)

10.5 Adoption of Ordinances.

Except for urgency ordinances, and except as otherwise authorized by law, an ordinance may not be passed within five days of its introduction or at any meeting other than a regular or adjourned regular meeting. If the title of the ordinance is published and a copy of the full ordinance is made available to the public online and in print before its introduction or if the Board waives further reading by a majority vote, a reading of the ordinance is not required. (Govt. Code § 25131.)

10.6 Adoption of Urgency Ordinances.

An urgency ordinance is an ordinance passed for the immediate preservation of public peace, health or safety. An urgency ordinance must contain a declaration of the facts constituting the urgency. (Govt. Code § 25123(d).) An urgency ordinance may be passed immediately upon introduction at either a regular or special meeting. (Govt. Code § 25131.) An urgency ordinance must have a four-fifths vote of the Board to pass. (Govt. Code § 25123(d).)

10.7 Matters That Require an Ordinance.

1. Adopting a Fee Schedule. (Health & Safety Code § 13916.)
2. Adopting a Fire Code, including Building Standards Relating to Fire and Panic Safety. (Health & Safety Code §§ 13869, 13869.7.)
3. Authorizing the Fire Chief or his or her designee to issue citations for misdemeanors for a violation of the Fire Code or District ordinance or failure to correct or eliminate a fire or life hazard. (Health & Safety Code §§ 13871, 13872.)
4. Establishing an employee relations civil service system. (Health & Safety Code § 13961.)
5. Increasing the compensation of Board members above the default amount of \$100.00 per meeting. (Health & Safety Code § 13857.)

10.8. Adoption of Ordinance Adopting Building Standards Relating to Fire and Panic Safety.

The Board may adopt building standards relating to fire and panic safety that are more stringent than those standards adopted by the State Fire Marshall and contained in the California Building Standards Code. The District shall comply with the procedures set forth in Health & Safety Code section 13869.7 when adopting building standards. (Health & Safety Code § 13869.7.)

10.9 Fee Ordinances.

The Board must adopt a schedule of fees by ordinance.

Before adopting a fee ordinance or approving an increase in fees, the District must publish notice of its intent to establish or increase fees. The notice must include the time and place of the meeting, a general explanation of the matter to be considered; and a statement that the data establishing the fees is available for inspection. Notice must be provided at least 14 days prior to the meeting to anyone who has filed a written request from the District for mailed notice of any meeting on new or increased fees. At least 10 days before the meeting, the District shall make available to the public the data indicating the amount of cost, or estimated cost, required to provide the service or the cost of enforcing any regulation for which the fee is charged and the revenue sources anticipated to provide the service or the cost of enforcing any regulation, including general fund revenues. (Health & Safety Code § 13916)

10.10 Signature and Attestation of Ordinances.

Every ordinance shall be signed by the President, or Vice-President if the President is not available, and attested by the clerk. (Govt. Code § 25121.)

10.11 Publication of Ordinances.

After the Board adopts an ordinance, it shall be published as required in Government Code section 25124.

**ATTACHMENT A TO THE WOODSIDE FIRE PROTECTION DISTRICT
RULES OF PROCEDURE FOR THE BOARD OF DIRECTORS
VOTING REQUIREMENTS FOR THE BOARD OF DIRECTORS**

I. Majority votes of the Membership of the Board

Unless the Board of Directors is taking an action specified below, a majority vote of the membership of the Board of Directors, or two votes, is required to take action. (Health & Safety Code § 13856.)

II. Adoption of Ordinances

A. Regular Ordinance

Adoption of a regular ordinance requires a majority of members of the Board of Directors – two members. (Health & Safety Code § 13861(h); Govt. Code § 25123(d).)

B. Urgency Ordinance

Adoption of an urgency ordinance¹ requires a vote of three members.² (Health & Safety Code § 13861(h); Govt. Code § 25123(d).)

III. Financial Decisions With Express Voting Requirements.

A. Reallocation of Certain Types of Appropriations.

A two-thirds vote (two members) of the Board of Directors is required if the Board seeks to make available for appropriation, after the approval of a final budget, any of the following:

- (a) Balances in appropriations for contingencies, including accretions from cancellations of appropriations.
- (b) Designations and reserves no longer required for the purpose for which intended, excluding the general reserve, balance sheet reserves, and reserve for encumbrances.
- (c) Amounts which are either in excess of anticipated amounts or not specifically set forth in the budget derived from any or anticipated increases in available financing.

¹ An urgency ordinance is an ordinance passed for the immediate preservation of the public peace, health or safety. (Govt. Code § 25123(d).) An urgency ordinance may be passed immediately upon introduction at either a regular or special meeting. (Govt. Code § 25131.)

² Four-fifths of three is 2.4. “If the required percentage of the members of a legislative body consists of a certain number of whole votes and a fraction, it is necessary to count the fraction as a whole vote even though the result is a greater percentage of the body than would be the case if the legislative body were equally divisible by such percentage into whole numbers.” (4 McQuillin Mun. Corp. § 13:43 (3d ed.)) Accordingly, when state law requires a four-fifths vote by the Board, the matter requires three votes.

(Health & Safety Code § 13900.)

B. Appropriating Funding in an Emergency.

If an emergency affects the ability of the District to provide adequate services, the Board of Directors may make available for expenditure money that was not specifically set forth as revenue in the final budget. Such an action requires approval by two-thirds majority vote (two votes).. (Health & Safety Code § 13901.)

C. Discontinuing Capital Outlay Reserves.

The Board may establish a reserve for capital outlays for a specific declared purpose. If so, the Board may transfer to that capital outlays reserve any unencumbered surplus funds remaining at the end of the fiscal year. The capital outlay reserve may only be used for the purpose declared by the Board. If the Board finds that the final budget reserve is no longer required, it may discontinue the reserve or transfer any balance to the district's general fund. The decision to discontinue the reserve or transfer the balance must be made by a unanimous vote of the Board (three votes). (Health & Safety Code § 13902.)

IV. Incurring Debt.

A. Borrowing Funds to Acquire Property.

The District may borrow money to purchase real property. (Health & Safety Code § 13906.) The Board must approve the action to incur the debt by a resolution adopted by a two-thirds majority vote (two votes). (*Ibid.*)

B. General Obligation Bond Indebtedness.

The Board may issue general obligation bonds for the acquisition or construction of any real property, other capital expenses, or funding any outstanding indebtedness. The Board must adopt a resolution calling an election to incur indebtedness and to issue general obligation bonds. (Health & Safety Code §§ 13925 *et. seq.*) If two-thirds of the voters approve incurring the debt and issuing the bonds, the Board may then adopt resolutions to issue the bond. (Health & Safety Code § 13928.) Because the statutes authorizing the Board to adopt resolutions calling for an election and then issuing the bonds do not expressly require a supermajority, the Board may adopt those resolutions by a majority of the total membership of the Board, or two members. (Health & Safety Code § 13856.)

C. Temporary Borrowing.³

The District may temporarily borrow funds to be repaid within the same year as the funds are borrowed. The District must adopt a resolution approved by a four-fifths vote of the Board to do so (three votes). (Govt. Code §§ 53824, 53825.)

³ Health & Safety Code section 13897 allows a district to borrow money and incur indebtedness as otherwise authorized in Articles 7, 7.4, 7.5, 7.6, and 7.7 of the Government Code.

The District may borrow funds secured by a note for any purpose the District is authorized to use funds, including but not limited to current expenses, capital expenditures, investment and reinvestment, and the discharge of any obligation or indebtedness. (Govt. Code § 53852.) The notes must be repaid within 15 days of issuance. (Govt. Code § 53854.) There is no voting requirement specified within Article 7.6.

D. Securitized Limited Obligation Notes.

The District may borrow money secured by a limited obligation note. The District may use the money solely for the acquisition of land, facilities, or equipment. (Govt. § 53837.) The District must adopt a resolution approved by a four-fifths vote of the Board (three votes) to do so. (Govt. Code § 53838.)

E. Grant Anticipation Notes.

The District to temporarily borrow money based on a grant anticipation note, grant, or loan from the federal or state government for which funds have been appropriated and committed to the District. (Govt. Code §§ 53859, 53859.02.) The Board must approve the debt by resolution, but the statute does not require a four -fifths vote. (Govt. Code § 53859.03.)