



Staff Report

TO: Board of Directors

FROM: Jennifer Hanson, General Manager

DATE: April 13, 2022

SUBJECT: District Policy 5040 - Board Actions and Decisions

ADMINISTRATION

RECOMMENDATION:

Provide input regarding proposed modifications to District Policy 5040 - Board Actions and Decisions.

BACKGROUND:

The Board of Directors provided direction to staff to bring forth a revised District Policy 5040 - Board Actions and Decisions. The proposed modifications are intended to provide increased clarity regarding Board responsibilities and actions.

CONCLUSION:

Staff now requests feedback on these proposed revisions. Once input is received and any necessary modifications are made, the policy will be presented to the Board for approval at a subsequent Board meeting.

JH

Attachments: (1)

- Redlined version of policy revisions

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Board Actions and Decisions
POLICY NUMBER: 5040

5040.1 Actions by the Board of Directors are generally limited to the areas of policy and regulation development, identification of strategic direction and priorities, financial oversight, representation of the constituency, and selection and oversight of the General Manager. Specific actions by the Board of Directors may include but are not limited to the following:

- Adoption or rejection of regulations or policies;
- Adoption or rejection of a resolution;
- ~~➤ Adoption or rejection of an ordinance;~~
- ~~➤~~
- ~~➤ Approval or rejection of any contract or expenditure;~~
- Approval ~~or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel~~ of the annual budget (operating and capital) and staffing levels; ~~and,~~
- ~~➤ Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.~~ Approval of new or substantially revised job specifications;
- ~~➤ Approval or termination of General Manager's employment agreement;~~
- ~~➤ Approval of District's Mission, Vision, and Strategic Priorities;~~
- ~~➤ Approval of all rates and fees; and~~
- Approval of all real property purchase and disposal;

5040.2 Action can only be taken by the vote of the majority of the Board of Directors and must be in compliance with California Government Code 54950, the Ralph M. Brown Act. Three (3) Directors represent a quorum for the conduct of business.

5040.2.1 A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum. Refer to Policy 4050 regarding when Directors should recuse themselves from participating in the discussion or vote.

5040.2.1.1 Example: If three of five Directors are present at a meeting, a quorum exists and business can be conducted. However, if one of three Directors comprising the quorum abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

5040.2.1.2 Example: If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

5040.2.1.3 Example: If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

5040.3 The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

5040.3.1 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

5040.3.2 A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

5040.3.3 Direction by consensus on items not on the agenda cannot be given for those items that require formal action; for example: approval of new policy, procurement or contracting, budget amendments, and any other item identified in the Policy Manual to require formal action and is limited to matters that appear on the agenda for the Board meeting during which said informal action is taken.

~~Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.~~

Adopted: November 10, 2010 via Resolution No. 2010-61

Revised: