CITY OF SANTA CRUZ

# BYLAWS

**of the**

**Water Commission**
**City of Santa Cruz, California**

**Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Water Commission of the City of Santa Cruz, CA**

**Adopted June 27, 1977**

**Amended May 26, 1992**

**Amended May 5, 2003**

Approved by City Council on March 9, 2004

**Amended this 3rd day of November 2003**

**APPROVED:**

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**Water Commission Bylaws**

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# Water Commission Bylaws

## ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Water Commission of the City of Santa Cruz, California; hereinafter referred to as the Advisory Body.

## ARTICLE II – PURPOSE

The Water Commission will act in an advisory capacity to the City Council in all matters pertaining to the Santa Cruz water system and the maintenance and management thereof.

## ARTICLE III – DUTIES AND RESPONSIBILITIES

The Water Commission shall have the ability, as vested by the City Council, and be required to:

- Recommend to the City Council, after public input, the adoption, amendment or repeal of ordinances relating to Chapter 16 Water, Sewers and other Public Services of the Santa Cruz Municipal Code;
- Make recommendations concerning proposed annual Water Department budget, Capital Improvement Program, Water Rate Resolutions and Water Resale Applications;
- Undertake studies and make recommendations in the area of Water Conservation and Water Supply Planning;
- Act in an advisory capacity to the City Council in all matters pertaining to the Santa Cruz water system and the maintenance and management thereof;
- Review and make recommendations to the City Council pertaining to the improvement and extension of the water system of the City, including sources, storage, quality, transmission and distribution of water to the inhabitants, and all subjects related thereto, including estimated costs of carrying out such recommendations;
- Review, monitor, and make long-range recommendations concerning securing sources of domestic water supply for the City; including re-examination of prior reports thereon to ascertain the value thereof if any at this time;
- Receive complaints pertaining to the Santa Cruz water system;
- Perform other duties as may from time to time be prescribed by the City Council.

## ARTICLE IV – MEMBERSHIP

### Section 1. Membership

The Water Commission shall consist of seven Water Commissioners, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

The Water Commission shall be comprised of seven members. Six members of the water commission shall be qualified electors of the city, and one member shall be a qualified elector of the county who resides outside of the city limits but within the city's water service area.
(Ord. 2003-32 § 1, Ord. 2000-08 § 1, 2000: Ord. 92-26 § 1, 1992; Ord. 87-10 § 1 (part), 1987).

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

Each City Resident member shall be appointed by motion of the City Council adopted by at least four affirmative votes. The non-resident member shall be appointed by a four-member majority of the city council and nominations for that appointment may be made by any Councilmember.

Section 5. Good Standing and Reporting of Absences

Absences will be identified as "with notification" and "without notification." An absence is considered as "with notification" if the member notifies the Staff or the Chair prior to a regular or special meeting. If there has been no prior notification, the absence is considered "without notification."

Each member is allowed three absences with notification per calendar year. Should a member exceed the allowed absences from regular and special meetings, Staff shall notify the City Clerk. Excessive absences shall result in termination of membership. A leave of absence, approved by the City Council according to Council Policy is not subject to termination.

Section 6. Termination

Each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

## ARTICLE V – TERM OF OFFICE

Section 1. Term

The term of office for each member shall be one four-year term. A member may be appointed to complete an unexpired term. A member may continue to serve until his/her successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Upon completion of a member's second full four year term, that member will be ineligible for reappointment for a period of two years.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

## ARTICLE VI – OFFICERS AND ELECTIONS

### Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

### Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be elected from among the membership of the Advisory Body a Chair and Vice Chair.

### Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

### Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw his/her name if placed in nomination, announcing that, if elected, s/he would not be able to serve; but s/he shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

### Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

### Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

### Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; his/her decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary unless another member(s) is (are) appointed by the Advisory Body. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

## ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of the Water Department shall designate appropriate staff to act as staff person(s) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Advisory Body meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Councilmembers' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Advisory Body, may represent the Advisory Body at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Advisory Body business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Advisory Body in support of, or in opposition to, any question before the Advisory Body. Staff shall sign all notices prepared in connection with Advisory Body business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for his/her own research or report.

Staff and the Chair shall jointly set the meeting agenda.

## ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meeting on the first Monday of each month, which shall begin at 7:00 p.m. in the City Council Chambers and will adjourn no later than 11:00 p.m., unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

## ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities that which are accessible to persons with disabilities. The public shall have the opportunity to speak on any item on the agenda.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

### Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

### Section 4. Quorum

A quorum of the Water Commission shall consist of four (4) members, whether or not there are vacancies on the Advisory Body.

### Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

### Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

### Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

## ARTICLE X – MOTIONS

### Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

### Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

### Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

### Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

### Section 5. Time Limits on Discussion/Debate

The Chair may, at his/her discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

### Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

### Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

### Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

### Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., "The motion passes by a vote of five to two."

## ARTICLE XI – VOTING

### Section 1. Statements of Disqualification

Section 607 of the City Charter states that "...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made." No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that "no person shall make or participate in a governmental decision which s/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally."

Any member who has a disqualifying interest on a particular matter shall do the following:

1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;

3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote "Aye" or "No" and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for his or her vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where s/he has a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state his/her vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., "The motion is approved by a vote of five to two."

Section 6. Tie Votes

Tie votes will be resolved as follows:

Full Commission Attendance (7 members): A vote resulting in a tie when the full commission is in attendance shall constitute a defeat of the motion.

<u>Statement of Disqualification</u>: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

<u>Absence</u>: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

<u>Successive Tie Vote</u>: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

## ARTICLE XII – REPORTS

### Section 1. Agenda Reports to Advisory Body

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least five (5) business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

### Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

### Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

## ARTICLE XIII – RECORD KEEPING

### Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

### Section 2. Action Agenda

Action agendas are required for Advisory Bodies with direct City Council appointments. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Advisory Body, the City Clerk, and Staff within four working days of the meeting.

### Section 3. Minutes

Action-only minutes will be produced for all Advisory Body meetings in the same format as that used for City Council meetings. Advisory Body members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Advisory Body at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Advisory Body meetings shall be recorded on audiotapes whenever possible. The audiotapes shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

## ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

The Chair of the Advisory Body may designate or solicit participation for standing and ad hoc committees, unless overruled by a majority vote of the Advisory Body.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

## ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

## ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than four 4) of the full membership of the Water Commission the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.