

## DRAFT

### STATE ALLOCATION BOARD RULES AND OPERATING PROCEDURES

To present suggested rules and operating procedures for the State Allocation Board (SAB).

#### DESCRIPTION

Currently, the SAB has no formalized established governance or procedural rules. In an effort to make the SAB meetings more transparent and efficient for Board members, school districts and stakeholders alike, this item provides suggested rules and procedures for the SAB subcommittee on Rules & Procedures to review for recommendation to the full SAB for adoption and implementation.

#### AUTHORITY

Government Code Chapter 243, Statutes of 1947, established the SAB as a successor to the Post War Public Works Review Board.

Government Code Section 15490 stipulates the makeup of the SAB.

Education Code (EC) Section 17070.35 outlines the Board's duties, including but not limited to the duties of establishing and publishing policies and procedures for the administration of the chapter and adopting rules and regulations pursuant to the Administrative Procedures Act.

The Bagley-Keene Open Meeting Act, set forth in Government Code sections 11120-111321, covers all State boards and commissions and requires these bodies to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session.

EC Section 17070.30 continues the existence of the SAB for purposes of the Leroy F. Greene School Facilities Act of 1998.

#### BACKGROUND INFORMATION

At the February 2009 SAB meeting, Board members voted to form a subcommittee to establish rules and procedures for the SAB. The Attachment to this item provides suggested rules and procedures drawn from the Assembly Education and Senate Education committees, and defaults to Robert's Rules of Order (a commonly used set of rules) when no specific procedure or rule is identified.

#### RECOMMENDATION

Discuss the attached SAB Rules and Operating Procedures and recommend revisions / changes for adoption at the full SAB.

**PROPOSED STATE ALLOCATION BOARD RULES AND OPERATING PROCEDURES  
BASED ON SENATE AND ASSEMBLY POLICY COMMITTEE RULES**

**OFFICERS**

- A. Chairman. The chairman shall:
  - 1. Call the State Allocation Board (SAB) together at the times and places necessary to enable the committee to properly perform its duties.
  - 2. Preside over meetings of the Board.
  - 3. Maintain order and decide all questions of order subject to appeal to the Board present.
  - 4. Supervise the preparation of reports of the Board.
- B. Vice Chairman. The vice chairman shall:
  - Perform all duties of the chairman in the absence of the chairman.

**MEETINGS**

- A. Call.

The chairman, the vice chairman in the absence or incapacity of the chairman, may call a meeting of the Board by sending by regular mail and or electronic mail to each member of the Board written notice fifteen (10) days prior to the meeting, in accordance with the Bagley-Keene Open Meeting laws.
- B. Time and Place.

The time and place of meeting of the Board shall be designated by the chairman or by the vice chairman.
- D. Quorum.

The quorum necessary for the Board to transact business shall be a majority of the members. A majority for the Board is 6 members. A majority of the quorum may act on any matter.

**AGENDA**

(a) The State Allocation Board final Agenda is set Chair and Co-Chair. Any SAB Member may request the Chair, Co-Chair, the Executive Officer, or the Assistant Executive Officer to put an item on the SAB Agenda. The request should be made in public at a SAB meeting, or, if made outside of a meeting, it should be approved by both the Chair and Co-Chair. Any SAB Member request must be made to the Chair, Co-Chair, the Executive Officer, or the Assistant Executive Officer no less than 30 calendar days before the meeting. Office of Public School Construction (OPSC) Staff will post a notice of the SAB meeting in accordance with Government Code Sections 11120 -11132 (Bagley-Keene Act).

**ORDER OF BUSINESS**

The OPSC shall prepare and present the following SAB Agenda items, in order as outlines below, subject to change by a majority vote of the SAB.

- A. Standard Order of Business.
  - 1. Roll call.
  - 2. Executive Officers Report
  - 3. Consent

4. Special Consent
5. Appeals
6. Other Action Items
7. Reports
8. Public Comment
9. Adjournment.

(c) Once the SAB Agenda is publicly noticed, any SAB Member during the meeting may request items to be put over to the next SAB meeting unless another SAB Member objects. If there is an objection to an item being put over, a majority vote by the SAB shall decide the issue.

**B. Reconsideration**

A motion to reconsider or to rescind actions of the committee, unless made at the same meeting at which the action was taken, may only be made \_\_\_\_\_

**LIMIT ON SETTING OF SAB AGENDA ITEMS**

SAB items may be set on the SAB Agenda no more than three times, unless new information is available for presentation and consideration by the SAB that shall aid in the resolution of the item or resolution of the item is forthcoming the next time the item is set on the agenda. After that threshold is met, taking into consideration the exceptions listed below, the status quo will be deemed the default resolution of the item:

- i. No quorum (before or during issue)
- ii. SAB Member request to put over (unless another SAB Member objects)
- iii. District not able to attend meeting
- iv. District and OPSC both agree to request that the item be withdrawn
- v. Staff analysis is not distributed at least 72 hours prior to the meeting

**STAFF ANALYSES**

SAB Agenda items shall have a Staff analysis. The OPSC shall provide the analysis to the SAB and post them to the internet no less than 72 hours prior to the meeting.

**MATERIAL INFORMATION**

In order to be considered by the SAB, documents that contain material information pertinent to an SAB Agenda item, including those documents presented to any or all of the SAB membership, shall be submitted to the SAB's Executive Officer and Assistant Executive Officer, no less than seventy-two (72) hours prior to the SAB meeting at which the relevant item is scheduled to be heard.

**QUORUM AND VOTING**

(a) The majority of the statutorily set SAB Membership shall constitute a quorum. Majority for this purpose of this section shall be defined as 6 out of the 10 members of the Board. No motion on an Agenda action item may be adopted without a quorum present to vote on the item. Upon establishment of a quorum at a meeting, the SAB may thereafter take a vote on an item without a quorum present. If such an incident occurs, the SAB shall hold open the roll call until the

meeting is adjourned for final action. The SAB may take testimony and hear items as a subcommittee. A majority of those present and voting does not constitute a quorum.

(b) Once a quorum is established, motions may be made by any of the SAB Members present. A second to the motion is required on all motions and may be made by any other present SAB Member.

(c) SAB Agenda items requiring a vote are resolved when a majority of the SAB Members have voted upon a specific action.

(d) Upon establishment of a unanimous roll call, SAB Consent items may be acted on by a single vote.

(e) Any SAB Member may request a voice roll call vote on any SAB Agenda item.

(f) Any SAB Member may request a “call” be placed on any vote. The call may be “lifted” by the SAB member who placed it and the vote finalized any time, prior to the adjournment of the meeting. At such time as the call is lifted, a quorum must be present to finalize an item.

(g) After the final vote on a motion is announced, any SAB Member may change his or her vote or “add on” before adjournment of the meeting unless the change or addition would alter the announced outcome of the vote.

## **TESTIMONY**

The Chair, in the necessary interest of time, and while preserving fairness and equity, may limit individual witness testimony and/or the number of witnesses, excluding presenters, on any given Agenda item, upon a majority vote of the SAB to limit witness testimony. Such restrictions will apply equally to both proponents and opponents of any SAB Agenda item.

## **WORKING GROUPS AND SUBCOMMITTEES**

The Chair, or any other SAB Member, subject to a majority of the SAB concurring, may create a subcommittee or working group of the SAB.

### **SUBCOMMITTEES**

#### **A. Composition.**

1. Membership on subcommittees shall be distributed among legislative and administrative appointees to ensure nearly proportional representation.
2. Subcommittees shall have a number of members as designated by the full committee, but no subcommittee shall have less than three (3) appointed members.

#### **B. Quorum.**

A quorum of a subcommittee with an even number of members shall be one-half (1/2) of the members, who may act on any question. A quorum of a subcommittee with an odd number of members shall be a simple majority of the membership, who may act on any question.

#### **C. Duties.**

Subcommittees shall perform the duties assigned to them and shall report on all matters referred to them. Actions of a subcommittee shall be reported in the form of proposals or recommendations to the full committee only, and shall have no force or binding effect except by action of the full committee.

D. Rules.

Rules relating to the full interim committee shall be followed by subcommittees, except with regard to a quorum.

## PROCEDURAL GUIDELINES

### **ROBERT'S RULES OF ORDER / MASON'S MANUAL OF LEGISLATIVE PROCEDURE**

On all other parliamentary procedures, including motions and other actions not provided for by these rules, the authority is *Robert's Rules of Order Newly Revised*, 10<sup>th</sup> ed. (Cambridge, Mass.: Perseus Publishing, 2000)

*or*

*Mason's Manual of Legislative Procedure* shall govern procedural matters for the joint interim committee and its subcommittees not covered elsewhere in these rules.

These rules shall remain in effect until replaced or revised by a majority vote of the Board.