



**By-Laws of the  
County Water District of Billings Heights**

**ARTICLE I Statement of Organization and Incorporation**

In 1957, the Montana Legislature passed the "County Water District Act," sections 16-4501 to 16-4534, R.C.M. 1947, which permits the residents of an area such as Billings Heights to create a district for the purpose of building, operating, and maintaining their own central water supply and distribution system. Pursuant to the provisions of the afore-mentioned Act, the Water District was established. Title 7, Chapter 13, Section 2203 of the Montana Code Annotated ("MCA") authorizes the formation and incorporation of county sewer and water districts pursuant to the requirements of the remainder of Parts 22 and 23 of the same Title and Chapter. The County Water District of Billings Heights ("District") was formed by mail ballot election—voted by the residents and landowners within the designated boundaries of the District located in Billings, Montana and duly conducted in accordance with MCA §7-13-2208(2)—on August 26, 1958. A Certificate of Incorporation for the District was thereafter issued by the Montana Secretary of State on August 29, 1958.

**ARTICLE II Name and Boundaries**

The name of the district is the County Water District of Billings Heights. The District is incorporated as required by Montana law. The principal office of the District shall be located at such place as the Board of Directors may from time to time determine. The mailing address of the District is 1540 Popelka Drive, Billings, Montana 59105. The boundaries of the district are as shall be designated by the Board of Directors from time to tie in accordance with all applicable laws and statutes.

**ARTICLE III Statement of Purpose**

The purpose of the district is to provide a safe, potable water supply via the District's distribution system within its boundaries, and to do all things necessary and proper to maintain and operate these facilities as required and allowed by Montana State law.

## **ARTICLE IV Seal**

The seal of the District shall have inscribed, thereon, the words “County Water District of Billings Heights”. The Board Secretary for the District shall have custody of the seal. The seal may be used by causing it, or a facsimile thereof, to be impressed or affixed or reproduced otherwise.

## **ARTICLE V Fiscal Year**

The fiscal year of the District shall begin July 1 of each year and shall end on June 30.

## **ARTICLE VI Board of Directors**

**Section 1: Powers** The Board of Directors is the governing body of the District. All powers of the District, as provided by Montana statutory or regulatory law or necessarily implied, shall be vested in the Board of Directors.

### **Section 2: Qualifications**

A director shall meet the qualification established by Montana law.

### **Section 3: Election and Appointment**

The Board of Directors (“Board”) shall consist of five (5) elected members as provided for in Montana law. There shall also be one member appointed by the Yellowstone County Commissioners and one member appointed by the Mayor of the City of Billings as prescribed in Montana law.

The procedure and mode of nomination and election for directors shall be as provided in Montana law.

Vacancies on the Board of Directors shall be filled as established by Montana law.

### **Section 4: Term of Office**

As provided in Montana law, except as provided herein, or by law, the term of office for directors shall be four (4) years from and after the date of their election or appointment.

Directors shall hold office until the election and qualification or appointment and qualification of their successors.

### **Section 5: Recall of Directors**

Each director, as an incumbent of an elective office, whether elected by popular vote for a full term, elected by the Board of Directors to fill a vacancy, or appointed by a mayor or the board of county commissioners for a full term, is subject to recall by the electors of the District in accordance with Montana law.

### **Section 6: Meetings**

The Board of Directors shall meet on a regular basis and may hold special meetings to conduct the affairs of the District. Committees of the Board may meet on a regular basis and may hold special meetings. All meetings of the Board shall be open to the public and subject to the public participation and notification requirements of Montana law except as otherwise provided in law. Appropriate notice of all meetings shall be provided to the public.

A meeting of the Board is defined as the convening of a quorum of the Board either in person or by means of electronic equipment to hear, discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or advisory power. A quorum is represented by a majority of the total members of the Board or committee in attendance.

Special meetings of the Board of Directors may be called by the President, or in his absence the Vice President, or by a quorum of the members of the board.

Official action at Board meetings can only occur with a quorum of Directors present. Minutes of all meetings required by statute Montana law to be open, fully reflective of all business transacted at the meeting, shall be kept and shall be available for inspection by the public.

### **Section 7: Duties and Offices of the Board of Directors.**

The Board of Directors, subject to restrictions of law, the Articles of Incorporation, and these Bylaws, shall exercise all of the powers of the District, and without prejudice to or limitation upon their general powers, it is hereby expressly provided that the Board of Directors shall have, and are hereby given full power and authority as provided in Montana law, including without limitations:

- A. To select and appoint or remove the General Manager and Board Secretary, and agents supporting Board services (ie attorney or others), prescribe duties and designate such powers consistent with these Bylaws, fix their compensation and pay for such services.

- B. To prescribe, adopt and amend, from time to time, such equitable uniform rules and regulations as, in its discretion, may be deemed essential or convenient for the conduct of the business and affairs of the District and the guidance and control of its officers and employees, and to prescribe adequate penalties for the breach thereof.
- C. To order, at least once each year, an independent audit of the books and accounts for the District and reported by the independent auditor at a regular meeting.
- D. To approve an annual financial budget once a year for the convenience and management of the business of the District. The proposed budget shall be available for public review, properly noticed and a public hearing conducted prior to adoption by the Board. The budget shall be approved by a majority of the Board prior to July 1 of each year. The Board of Directors may, from time to time, review the budget and revise the same by a majority vote of the directors present at the meeting. Any revisions in the budget that require an increase in user fees will be submitted for public notice.
- E. To review rates for water services charged by the District as often as deemed necessary, but, at least once every two years, prior to beginning the new fiscal year, in order to fix the rate, toll, fee, rent or other charge for the services, facilities and benefits directly afforded and the direct benefits received, that will be sufficient in each year to provide income and revenue adequate for:
  - i. the payment of the reasonable expense of operation and maintenance of the facilities;
  - ii. administration of the District;
  - iii. the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time by the Board or as covenanted in the ordinance or resolution authorizing the outstanding bonds of the District.

Prior to the passage or enactment of an ordinance or resolution imposing, establishing, changing, increasing rates, fees or charge for services or facilities, the Board shall order a public hearing as provided in Montana law.

Members of the Board, advisors to the Board, officers of the District, staff members and employees shall at all times act in good faith with respect to the duties of their respective offices. They shall not use their positions or knowledge gained therefrom, so that a conflict of interest might arise between the interest of the District and that of the individual. A full disclosure of all facts pertaining to a transaction that is subject to any degree of doubt concerning the possible existence of a conflict of interest shall be made to the President of the Board of Directors before consummating the transaction.

A conflict of interest can be considered to exist in any instance where the actions or activities of an individual on behalf of the District also involve an improper or unfair gain or advantage to any party, or has an adverse effect on the District's interests

## Election and Removal of Board Officers

The Board of Directors shall elect a President, Vice President, Recording Secretary and Treasurer who shall then serve for a term of one (1) year or until successors are elected.

Unless otherwise restricted by law, any officer of the Board may be removed from the office, with or without cause, at any time by a quorum of the Board that elected, designated or appointed such Board Member, and any vacancy caused by any such removal or may be filled by election of the Board.

### Duties of the Board President.

The President shall, when present, preside over meetings of the Board. The president shall sign all resolutions and contracts on behalf of the district and perform such other duties as may be imposed by the board of directors as required by Montana law. The President shall communicate to all directors the information needed to make decisions.

### Duties of the Board Vice President.

In the President's absence, inability or refusal to act, the Vice-President shall perform the duties of the President, and when so acting, shall have all the powers of, and be subject to all the restrictions of the President; provided, however, that in case of death, resignation or disability of the President, the Board of Directors may declare the office vacant and elect a successor. The Vice-President shall also perform such other duties as from time to time may be assigned to him or her by the President and the Board of Directors.

### Duties of the Board Recording Secretary

The Recording Secretary shall identify those present, record all votes taken at Executive Committee and Board meetings. The Recording Secretary may perform other duties as agreed by the majority of the Board of Directors

### Duties of the Board Treasurer

The Treasurer shall chair the district Finance Committee to monitor all revenues and expenses of the district. The Treasurer will produce a monthly financial statement of income and expenses for the Board.

## Section 8: Compensation

Each member of the Board of Directors shall receive a monthly salary as established by Montana law.

## Committees and Advisors

The Board shall determine the necessity for any committees, either temporary or standing, and shall select and appoint the members of these committees.

### **ARTICLE**

### **Amendments**

These Bylaws may be repealed or amended by the affirmative vote of majority of the District Board, at any regular or special meeting so long as the change does not put the District into conflict with the Montana Code Annotated or the administrative rules of the State of Montana after two reviews at regular board meetings. The board shall not have the power to change the purposes of the District, so, as to decrease its rights and powers under Montana law or to waive any requirement of bond or other provisions for the safety and security of the property and funds of the District or its users.

The undersigned President of County Water District of Billings Heights, does hereby certify that the above and foregoing Bylaws were duly adopted by the Board of Directors as the Bylaws of the said corporation at a regular meeting held the November 29, 2021 , and that the same now constitute the Bylaws of this District.



MING CABRERA, President

WITNESS: my hand and seal of the District this 29<sup>TH</sup> day of November 2021.



RECORDING SECRETARY

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Approved November 29, 2021

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Approved November 29, 2021

## UNIFORM COMPLAINT PROCEDURE

### BOARD POLICY NO.

#### **Primary Objective**

The Board establishes this Uniform Complaint Procedure as a means to address certain complaints that arise within the County Water District of Billings Heights. The Uniform Complaint Procedure is an avenue for complaints concerning violations of Board policy or District procedures. The District will endeavor to respond to and resolve all complaints without resorting to a formal complaint procedure and, when any complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint will not be impaired by a person's pursuit of other remedies. Use of a District complaint procedure is not a prerequisite to the pursuit of other remedies and does not extend any filing deadline related to the pursuit of other remedies.

#### A. Addressing Complaints within the District

1. Initial Level Resolution of Complaints The Board expects that most issues will be addressed routinely when they arise. A person with a complaint is encouraged first to discuss the issue with the appropriate individual with the objective of resolving the matter promptly and informally. An important exception is that complaints of sexual harassment should be discussed directly with the Board President and referred to the attorney representing the district given that neither are involved in the alleged harassment and who will initiate District anti-harassment procedures. The Uniform Complaint Procedure is not an appropriate venue for making complaints concerning the job performance of most District employees. If a complaint concerns an employee's job performance and cannot be resolved informally at the administrative level, the complainant may have further review through the Complaint Procedure.

2. Areas of Concern. This Uniform Complaint Procedure may be used to address concerns (except job performance issues) in those rare circumstances when an issue is not resolved at the individual level.

3. Board's Authority Limited. Ratepayers should be aware that the Board's authority and role in the District's complaint procedures are limited in certain circumstances and not all issues arising within the District can or should be directly addressed by the Board. For example, the Board will not consider employee discipline issues unless and until the General Manager or attorney brings the issue before the Board pursuant to Montana law.

#### B. Written Complaint Procedure for Violation of District Policy

1. Standing. If a person with standing believes that a District policy has been violated, then that person may use this Uniform Complaint Procedure to address the concern. A person has standing to bring a complaint under this Uniform Complaint Procedure if the person is a

resident of the District and directly affected by and has personal and direct knowledge of the matters asserted.

2. Written Complaint. When a complaint has not been resolved informally, a person with standing may file a written complaint under this policy to the Board. The written complaint must be signed and dated, stating (a) the nature of the complaint, (b) a description of the event or incident giving rise to the complaint, including the date of the event or incident and any individual involved, (c) the remedy or resolution requested, and (d) a description of complainant's effort, if any, to resolve the issue informally, including whom within the District the complainant informally addressed the issue. Individuals filing written complaints must indicate which policies or procedures they think have been violated and must provide evidence of the nature of the violations and when they occurred.

The written complaint must be filed within thirty (30) calendar days from (a) the event or incident or (b) the date the complainant became aware of or could reasonably become aware of the event or incident. If the complainant attempted to resolve the issue informally, the informal resolution process will operate to extend the filing deadline, but the written complaint must nevertheless be filed within sixty (60) calendar days from (a) the event or incident or (b) the date the complainant became aware of or could reasonably become aware of the event or incident.

3. President's Review. The Board authorizes and directs the President or the President's designee(s) to evaluate and determine within twenty (20) business days of receipt of a written complaint the following issues: (a) the complainant's standing to bring the complaint, (b) the timeliness of the complaint, and (c) the governing policy implicated in the complaint. The President or designee(s) may consult with District legal counsel on these issues. Upon completion of this review, the President or designee(s) will (a) direct the complaint to the appropriate individual pursuant to applicable policy or (b) dismiss the complaint.

4. Board's Authority to Dismiss a Complaint. The Board may dismiss any complaint if (a) the complainant lacks standing, (b) the complaint is time-barred, or (c) no District policy is implicated. The Board will notify the complainant in writing of the Board's decision to dismiss the complaint and the specific reason for the dismissal.

5. Review and Response. Upon receipt of a written complaint, the General Manager or Board President will investigate and attempt to resolve the complaint. In responding to the complaint, the investigator may, but is not required to, take any or all of the following steps: (a) meet with the parties involved with the complaint, (b) conduct a separate or supplementary investigation, (c) engage an outside investigator or other District employees to assist with the complaint, or (d) take other steps appropriate or helpful in addressing the complaint.

The investigator will respond in writing to the complainant within thirty (30) calendar days of the investigator's receipt of the complaint. The Board may grant additional time for review and response. If the Board grants the investigator additional time for review and response, the investigator will notify the complainant of the grant of additional time and the reason for the grant of additional time. The investigator will provide a copy of the response to the Board.

If the complainant believes the investigator's decision was in error, the complainant may request in writing that the Board review the decision. This request must specify the reasons for



dissatisfaction and must be submitted to the Board within fifteen (15) calendar days of the investigator's decision. The Board may dismiss the request if the request is not submitted within fifteen (15) calendar days of the investigator's decision.

If the Board has jurisdiction over the substance of the original complaint and the complainant believes the investigator's decision was in error, the complainant may request in writing that the Board consider an appeal of the investigator's decision.

## 6. Board Review

a. Board Jurisdiction. The Board's powers and duties are outlined in Montana law. If the substance of the original complaint falls within the Board's powers or duties, the Board has jurisdiction to consider an appeal of the investigator's decision. For example: If the complainant seeks a change in District policy, the Board holds jurisdiction over the substance of the complaint; Conversely, if the complainant seeks to impose discipline on a staff member not directly reporting the Board, the Board lacks jurisdiction to do either absent the recommendation of the General Manager. If the complainant seeks to impose tort liability, the Board lacks jurisdiction over tort claims.

b. Board Review. If the Board holds jurisdiction over the substance of the original complaint, the Board will consider upon written appeal the investigator's decision. Upon receipt of a written request for appeal, the President will either (1) place the appeal on the agenda of a regular or special Board meeting or (2) appoint an appeals panel of not less than three Board members to hear the appeal and make a recommendation to the Board. If the President appoints a panel to consider the appeal, the panel shall meet to consider the appeal and then make a written recommendation to the full Board. The Board will report its decision on the appeal in writing to all parties within thirty (30) calendar days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. A decision of the Board is final, unless Montana law specifically provides for an appeal and such an appeal is taken within the period provided by law.

Complaints Against General Manager or Board Secretary. If a complaint is submitted alleging a violation of District policy by the General Manager or the Board Secretary, the Board holds jurisdiction over the complaint as the supervisor of the General Manager and the Board Secretary. The Board will respond to the complaint. In doing so, the Board may refer the matter to a panel of not less than three Board members to hear the complaint and make a recommendation to the Board. The Board or its panel may (a) meet with the parties involved with the complaint, (b) conduct a separate or supplementary investigation, (c) engage an outside investigator or other District employees to assist with the complaint, or (d) take other

steps appropriate or helpful in addressing the complaint. The Board will respond in writing to the complainant within sixty (60) calendar days of the Board's receipt of the complaint. The Board may extend its response deadline if conditions warrant additional time to respond. The Board's response to a complaint against the General Manager or Board Secretary is final, unless Montana law specifically provides for an appeal and such an appeal is taken within the period provided by law.

The Board President shall ensure that the provisions of this policy are followed.


Adopted: November 29, 2021

Revised:

Reference: CWDBH Policy

Review Date:

Attest: /s/

  
Board President

Attest: s/



Secretary

**TRUSTEE AND MANAGER POLICIES**  
**Rules and Procedures for Meetings of the DISTRICT Board BOARD**  
**POLICY NO.**

**PART I. General Provisions**

**Section 1.01 Purpose.** The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the County Water District of Billings Heights. These rules of procedure are intended to assure that the Board can accomplish its work efficiently, in full view of the public and with reasonable opportunity for the public to participate in the deliberations and decisions of its county government.

**Section 1.02 Authority.** These rules of procedure are pursuant to Montana statutory and regulatory law.

**PART II. Public Participation**

**Section 2.01 Policy.** It is the policy of County Water District of Billings Heights Board that the public shall be afforded reasonable opportunity to participate in the operation of Board prior to the final decision of the Board concerning any matter of significant interest to the public. A matter of significant interest to the public includes but is not limited to any matter:

1. Requiring a public hearing;
2. Adopting. Implementing, interpreting, prescribing or altering a rate, rule or policy of the District;
3. Relating to the budgetary and financial affairs of the District.

**Section 2.02 Open Meetings.** A meeting of District Board of Directors is convened whenever a quorum of Board members hear, discuss or act upon any matter over which they have jurisdiction. All meetings of the District Board shall be open to the public. However the presiding officer of the Board may close any meeting during the time the discussion relates to a matter of individual privacy and then if an only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be

waived by the individual about whom the discussion pertains and in that event, the meeting must be open as it relates to that individual.

**Section 2.03 Notice.** The District Board shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law. Additionally, the agenda of all scheduled meetings of the District Board shall be posted on the website not later than 48 hours prior to the meeting.

**Section 2.03 Public Posting Board.** The Board of the County Water District of Billings Heights designates as its official posting place the website for the District.

## **PART II. Procedures.**

**Section 3.01 Meetings** The Board of Directors shall meet on a regular basis and may hold special meetings to conduct the affairs of the District. Committees of the Board may meet on a regular basis and may hold special meetings. All meetings of the Board shall be open to the public and subject to the public participation and notification requirements of Montana law except as otherwise provided in law. Appropriate notice of all meetings shall be provided to the public.

A meeting of the Board is defined as the convening of a quorum of the Board either in person or by means of electronic equipment to hear, discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or advisory power. A quorum is represented by a majority of the total members of the Board or committee in attendance.

Special meetings of the Board of Directors may be called by the President, or in his absence the Vice President, or by a quorum of the members of the board.

Official action at Board meetings can only occur with a quorum of Directors present. Minutes of all meetings required by statute Montana law to be open, fully reflective of all business transacted at the meeting, shall be kept and shall be available for inspection by the public.

**Section 3.02 Agenda Preparation.** Proposed resolutions, reports, recommendations, contracts and all other matters requiring consideration, discussion or decision by the Board shall be submitted to the President of the Board and to the Recording Secretary of the Board by 12:00 noon on the Friday immediately preceding the next regularly scheduled meeting of the Board. The

President or his/her designated representative shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Copies of the agenda shall be provided to each member of the Board not later than 48 hours prior to the scheduled meeting. Copies of the agenda shall be readily available to the press and to the public at large and one copy shall be posted on the designated public posting board not later than 48 hours prior to the scheduled meeting.

**Section 3.03 Order of Business.** The presiding officer shall prepare the agenda in substantially the following form which may be altered by consent of the Board:

1. Call the Meeting to Order
2. Welcome and Introduction of guests
3. President's Remarks
4. Public Comment on anything not on the agenda but within the jurisdiction of the Board.
5. Consent Agenda

*\*\* Consent Items are those upon which the presiding officer anticipates no discussion should be necessary. However, at the beginning of each meeting any Board member may request one or more items to be removed from the consent agenda for the purpose of discussion prior to a separate vote on the item(s). The presiding officer shall schedule such discussion and vote immediately following adoption of the consent agenda.*
6. Manager's Report
7. Assistant Manager's Report
8. Committee Reports
9. Old Business
10. New Business
11. Items to be Scheduled for Future Board Meeting: An item that is not scheduled on the agenda for the current meeting may be discussed during the session at the discretion of the Board. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and/or vote on a subsequent agenda. As a general rule no matter of significant interest to the public should be decided upon without prior notice to the public as a scheduled Board agenda item.
12. Adjournment

#### **PART IV. Rules of Board Participation.**

**Section 4.01 Policy.** To provide for the effective participation by all members of the District Board and to protect the right of participation by members of the public appearing before the Board.

**Section 4.02 Rules.** Board debate shall proceed in accordance with the following rules:

1. A Board Member desiring to speak shall address the presiding officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language.
2. A Board Member once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Board Member while speaking is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
4. A motion may be made by any member of the Board but must be seconded prior to discussion and vote. If the motion is not seconded it shall be declared failed for lack of a second by the presiding officer.
5. A motion to reconsider any action taken by the Board may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Board Member of the prevailing side, but may be seconded by any Board Member and it shall be debatable.
6. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other proper motion at a subsequent meeting of the Board but the matter must be a scheduled agenda item.

**Section 4.03 Suspension of the Rules of Debate.** The rules of debate may be suspended temporarily by the unanimous vote of the entire Board.

**Section 4.04 Majority of Whole Board Required.** The affirmative vote of majority of Board Members present is required to adopt any measure unless a greater number of votes may be required by law.

**Section 4.05 Duty to Vote.** It shall be the duty of each Board Member to vote in the affirmative or negative on each motion duly placed before the Board by the presiding officer. A Board Member may make a brief explanation of the reason why she or he voted in a particular way.

**Section 4.06 Proxy Voting.** A Board Member who is not present in the meeting at the time a motion is put to a vote cannot vote. Board Member shall not be permitted to vote by a proxy vote or by written vote.

**Section 4.07 Conflict of Interest.** Any member of the Board who has a private interest, as defined by law or as so advised by the County Attorney, in any matter pending before the District shall not participate in the debate nor vote in that matter nor seek to influence the vote of members of the Board, except as otherwise provided by Montana law. If the presiding officer has a private interest in a matter pending before the Board he or she shall yield the chair to the Vice President during the course of debate and decision concerning the matter in which she or he has a private interest.

## **PART V. Presentation to the Board.**

**Section 5.01 Procedures.** The general procedure by which items are handled by the Board Members at *other than public hearings* shall be as follows:

1. The item is presented to the Board along with a brief summary of the matter for discussion, with or without the presiding officer's recommendation.
2. For the purpose of clarification and after recognition by the presiding officer, Board Members may direct questions about the item to the presenter, the presiding officer or staff member.
3. Comments from the presiding officer, staff or Board members will then be heard by the Board. The Board may invite individuals invited to speak to the motion.
4. After recognition from the presiding officer the Board may direct questions.
5. The presiding officer will then invite members of the audience to present or submit testimony beginning with those in favor of the proposal, followed by those who oppose the proposal and concluding with those who neither favor nor oppose the proposal.
6. All testimony shall be directed to the presiding officer.
7. The Board may, upon a proper motion and second, vote on the matter or table the matter until a date certain.

## **PART VI. Public Hearings**

**Section 6.01 Procedures.** The Board shall conduct public hearings as required by law. Public testimony will be presented to the Board in the same format as described in PART V above, except that witnesses may be required to testify under oath as provided by law in which case the Board shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The presiding officer shall, with advice as needed from legal counsel, rule on all questions

relating to the admissibility of testimony or evidence. The ruling of the presiding officer may be overruled by a majority vote of the Board. Additionally, the following rules of procedure shall apply:

1. The proponents or opponents, their agent or attorney, may submit petitions and letters prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.
2. Following the presentation of all testimony and evidence, the Board may: (1) Continue the hearing to a date certain to allow additional information to be submitted to the Board; (2) Close the public hearing and proceed to Board debate of the matter; or (3) Continue the Board debate and vote to a date certain.
3. A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Board, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed as required by law and this policy.

## **PART VII. Guide for Public Participation**

**Section 7.01 Guidelines for Public Participation.** The following guidelines shall serve to assure reasonable and fair public participation in the decisions of the DISTRICTBoard.

1. The public shall be invited to speak on any item under consideration by the Board after and only after recognition by the presiding officer.
2. The speaker should step to the front of the room, and for the record, give his or her name and address and, if applicable, the person, or organization he or she represents.
3. Prepared statements are welcomed and should be given to the presiding officer and noted in the minutes of the meeting. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become a part of the permanent record.
4. While the Board is in session, members of public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Board nor disturb any member of the public or of the Board while speaking or refuse to obey the orders of the presiding officer of the Board.



5. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Board by the presiding officer, unless permission to continue be granted by a majority vote of the Board.

## **PART VII. Resolutions**

**Section 8.02 Resolutions.** Except as provided by law, proposed resolutions may be introduced at any time by a member of the Board and if adopted shall be effective on the date specified therein.

**Section 8.03 Right of Initiative.** The people retain the right to present resolutions for adoption by the initiative process, as prescribed by law.

Adopted: November 29, 2021 Attest: s/ Revised:

Reference: CWBDH Policy

Review Date:

s/ 

Board President

Attest: s/

s/ 

Secretary