

**BYLAWS AND RULES OF ORDER AND PROCEDURE  
OF THE MENDOCINO COUNTY  
LODGING BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD**

FORWARD: TO THE CITIZENS OF MENDOCINO COUNTY

These Bylaws, containing the Rules of Order and Procedure of the Advisory Board of the Mendocino County Lodging Business Improvement District, have been prepared by the County Executive Office pursuant to section 5.140.210 of the Mendocino County Code, as approved by the Mendocino County Board of Supervisors on April 11, 2006; and established to provide direction to the Mendocino County Lodging Business Improvement District Advisory Board.

They have been amended by the Advisory Board of the Mendocino County Lodging Business Improvement District on October 29, 2015, with approval by the County Executive Office, and the County Counsel; pursuant to Ordinance No. 4336 amending Chapter 5.140 of Title 5 of the Mendocino County Code pertaining to the Mendocino County Lodging Business Improvement District, as amended by the Mendocino County Board of Supervisors on May 19, 2015, and further amended on September 9, 2017.

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**BYLAWS AND RULES OF ORDER AND PROCEDURE  
OF THE MENDOCINO COUNTY  
LODGING BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD**

**I. NAME AND STATUS**

The Mendocino County Lodging Business Improvement District Advisory Board (“Advisory Board”) was established pursuant to the Parking and Business Improvement Area Law of 1989 being sections 36500 to 36551 of the California Streets and Highways Code, and adopted by the Mendocino County Board of Supervisors (“BOS”) as Ordinance No. 4170 on May 16, 2006 to establish a Business Improvement District (“District”); and as amended by Ordinance No. 4336, section 5.140.040 adopted by the BOS on May 19, 2015. The District encompasses all that area within the unincorporated area of the County of Mendocino and incorporated area within the City of Fort Bragg, the City of Ukiah, and the City of Willits.

**II. PURPOSE AND MISSION**

The Advisory Board shall make recommendations to the BOS on the expenditures of revenues derived from the levy of assessments, on the classification of businesses, as applicable, and on the method and basis of levying the assessments, as defined in the Parking and Business Improvement Area Law of 1989, section 36530; and pursuant to Ordinance No. 4336, section 5.140.220.

The Advisory Board shall also cause to be prepared a BID Annual Report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the BID Annual Report. The BID Annual Report may propose changes, including but not limited to, the boundaries of the parking and business improvement area or any benefit zones within the area, the basis and method of levying the assessments, and any changes in the classification of businesses, if a classification is used.

**III. BOARD MEMBERSHIP AND TERMS**

The Advisory Board shall consist of five (5) members, and shall be appointed by the Mendocino County Board of Supervisors only for fulfilling the purposes of the Business and Improvement Area law of 1989. Members of the Advisory Board shall be selected and appointed by the BOS from a list of nominees prepared by the Board of Directors of the County contractor, currently Mendocino County Tourism Commission (MCTC). All nominees must be owners or operators of hotels within the District, or employed and designated in writing by the operator of a hotel within the District. Two (2) members shall be appointed to represent the inland area of the District. Two (2) members shall be appointed to represent the coastal region of the District; One (1) member shall be appointed as an At-Large representative.

Members of the Advisory Board shall serve two year terms, with two members appointed in every even numbered year and three members appointed in every odd numbered year. Each member appointed shall formally begin their term on the November 1<sup>st</sup> closest to the date of their appointment by the Board of Supervisors.

**IV. ORGANIZATION AND MEETINGS**

Rule 1. Applicability of “Rules”:

These Rules shall apply to the Advisory Board and shall be considered as the operating Bylaws and Rules of Order and Procedure of the Advisory Board.

#### Rule 2. Organization Meeting:

The Advisory Board shall convene to cause to be prepared the BID Annual Report for the purposes of the Business and Improvement Area Law of 1989. The Advisory Board shall attempt to submit its BID Annual Report to the BOS at least ninety (90) days preceding the fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the Report. Therefore, the Organization Meeting of the Advisory Board shall be held before November 31<sup>st</sup> of each calendar year.

The Agenda of the Organization Meeting shall include, but not be limited to, the following:

- a. Election of Officers of a Chair and Vice-Chair
- b. Review of these Bylaws and Rules of Order and Procedure
- c. Discussion of the Annual Work Plan for the Mendocino County Lodging Business Improvement District
- d. Adoption of an annual calendar identifying the regular and any potential special meetings of the Advisory Board.

The Chief Executive Officer or designee, shall call the meeting to order and the first order of business shall be the election of a Chair and of a Vice-Chair for the ensuing calendar year. The Chair may be referred to as Mr. Chair or Madam Chair, as the case may be. The Vice-Chair may be referred to as Vice-Chair or Madam Vice-Chair, as the case may be.

#### Rule 3. Chair and Vice-Chair - Authority of Members of the Advisory Board:

The Chair shall serve as presiding officer of the Board, shall rule on questions of procedure, shall appoint all committees upon securing authorization by a resolution of the BOS (see Rule 29. Standing and Ad Hoc Committees), and shall represent the Advisory Board at ceremonial and official functions.

Neither the Chair nor the Vice-Chair or Individual members of the Advisory Board have any legal authority outside a meeting of the Advisory Board to conduct business or issue directives relating to the preparation of the BID Annual Report or Mendocino County Lodging Business Improvement District. This section does not prohibit the Chair, Vice-Chair or any or all Advisory Board members from participating with the Contractor designated by the BOS to be responsible for the administration of the BID and/or other countywide promotional and marketing organizations, for the purpose of preparing and discussing the BID Annual Report, so long as they do not represent the Advisory Board.

The Vice-Chair shall have and exercise all powers and duties of the Chair at the meetings over which he or she is called to preside and at ceremonial and official functions which the Chair cannot attend. In the event of nonappearance by the Chair at any regular or special meeting the Vice-Chair shall call the Advisory Board to order and shall serve as presiding officer. If neither the Chair nor the Vice-Chair is present at a meeting, the members shall elect a Chair Pro Tem to preside during that particular meeting only, and only until either the Chair or Vice-Chair appear.

A member shall not be elected to serve as Chair until he or she has been a member of the Advisory Board for a minimum of one (1) full year immediately prior to being Chair. This rule would not be applicable to a situation requiring election of a Chair Pro Tem to preside during a particular meeting only.

Administrative and contract matters relating to the BID Annual Report and/or the Mendocino County Lodging Business Improvement District are the day-to-day responsibility of the Chief Executive Office and the County of Mendocino; the Chair, Vice-Chair and members of the Advisory Board shall direct all questions, comments and concerns through the Chief Executive Officer or designee, or County Counsel. Items for discussion and possible action, including matters relative to the BID Annual Report, shall be directed to the County Chief Executive Officer or designee, who pursuant to Mendocino County Code shall determine if the item is within the jurisdiction of the Advisory Board.

#### Rule 4. Regular Meetings:

Unless otherwise agreed to by a majority vote regular meetings shall commence at 1:00 p.m. in open session. Regular meetings shall be held at least four times per year. At each regular meeting, including any continuance thereof, the Advisory Board may transact any and all business which it is authorized or permitted by law to transact.

Rule 5. Place and Time of Meetings:

The time and place of regular meetings shall be posted in the glass case at the North entrance of the County Administrative Building at the County Administrative Offices at 501 Low Gap Road, Ukiah, California and shall begin at the hour specified in these Rules except as otherwise noted on the annual calendar. The County Executive Office will develop an annual calendar with the Chair and Vice-Chair specifying the time and place of regular meetings and potential special meetings of the Advisory Board. A meeting may be continued by the presiding officer to a date certain upon a motion for adjournment. Regular meetings may be adjourned to a date, time and location other than described above by consent of a majority vote of the Advisory Board members. Notice of the order of adjournment must be posted within twenty four (24) hours after the adjournment, at or near of the place where the meeting was held.

Business shall be conducted from 1:00 p.m. to 3:30 p.m. at the latest. The time may be changed or extended by unanimous consent of the Advisory Board members present. If not so extended, business shall be adjourned to a date, time and location other than described above by consent of a majority vote of the Advisory Board members or continued to the next regularly scheduled meeting of the Advisory Board.

An Advisory Board member who will be absent from a regular meeting shall report the absence, directly to the Board Chair or the Vice-Chair prior to the meeting. A planned absence will be communicated one (1) week prior to the scheduled meeting. Unanticipated absence will be reported as soon as possible.

All open sessions of the Advisory Board may be recorded either by way of audio tape or video tape or both.

Rule 6. Special Meetings:

Special meetings at times and locations other than above may be called by the County Executive Officer or designee, in accordance with the specified notice provisions set forth in Government Code, section 54956.

Rule 7. Clerk of the Advisory Board:

The Chief Executive Officer or designee, shall appoint a Clerk of the Board to be present during all meetings for taking and maintaining the minutes of the meeting. The Chief Executive Officer or designee, shall present all correspondence, records, documents, claims, reports, or petitions; preserving all records; imparting information on Advisory Board documents of public record; and otherwise fulfilling all duties imposed by law or required by the Advisory Board or by the presiding officer.

Rule 8. County Counsel:

The Chief Executive Officer or designee, may invite County Counsel or Deputy County Counsel to be present at any meeting for the purpose of advising the Advisory Board on legal questions. Advisory Board or Board member questions to counsel shall be directed and coordinated through the County Executive Office.

Rule 9. County Chief Executive Officer:

The County Chief Executive Officer or designee, shall be present during all meetings for the purpose of advising the Board on administrative matters unless excused by the presiding officer.

Rule 10. Quorum and Action:

A majority of the duly constituted members of the Advisory Board shall constitute a quorum for the transaction of business. No act of the Advisory Board shall be valid or binding unless a majority of all the members are present and a majority concur therein, Except for matters not on the agenda. (See Rule 14)

Rule 11. Order of Business:

The order of business at each regular session, except for such times as may be set apart for consideration of special items, shall be as follows:

- a. Call to Order
- b. Roll Call
- c. Planning & Building Services
- d. Mendocino County Lodging Business Improvement District BID Annual Report
- e. Communications received and filed
- f. Matters from the Public

- g. Consent Calendar (including approval of Minutes)
- h. Regular Calendar (including discussion and direction of preparation of the BID Annual Report)
- i. Matters from the Advisory Board
- j. Adjournment

Rule 12. Roll Call:

The Chief Executive Officer or designee, at the commencement of a meeting of the Advisory Board, shall call the roll and shall record by name all members present in the meeting. If a member is absent, he or she may have entered into the record the reason why. The Chief Executive Officer or designee, shall cause to be recorded, during the course of each meeting, the arrival of any member listed as absent and the departure of any member listed as present.

Any member having answered roll call at any meeting of the Advisory Board shall notify the Chief Executive Officer or designee, the need to be absent from any part of that meeting.

Rule 13. Minutes of Previous Meetings:

The minutes of previous meetings shall be considered by the Advisory Board, in order that any corrections, alterations, or additions may be discussed and acted upon as deemed appropriate.

Rule 14. Matters Not on the Agenda (Off Agenda Item):

No action shall be taken on any item not appearing on the posted agenda except: (1) Upon a majority vote of the Advisory Board that an emergency situation exists as defined in Government Code section 54956.5; (2) Upon a determination by a two-thirds vote of the Advisory Board Members 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 as specified in accordance with the Brown Act and consistent with Rule 5. (3) When the item was posted for a prior meeting of the Advisory Board occurring not more than five (5) 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 (see Rule 15. Request for an Off Agenda Item; and Rule 23. Questions Continued by Request).

Rule 15. Request for an Off Agenda Item:

To request that an off agenda item be considered by the Advisory Board the following process shall be followed: The request for an off agenda item shall be made to the Chief Executive Officer or designee, who will determine whether the matter should be heard. If the request for an off agenda item is made by a Board member that notification shall be made to the Board Chair who will consult with the Chief Executive Officer or designee. The County Counsel shall be consulted to determine whether the appropriate findings for an off agenda item can be made. Under either scenario the Chief Executive Officer or designee, shall be notified of any proposed off agenda item.

Rule 16. Public Expression:

Public expression on any item not appearing on the Advisory Board agenda is permitted. Testimony is limited to three (3) minutes and may be expanded or limited at the discretion of the Chair.

## **V. PROCEDURE AND VOTING**

Rule 17. Motions:

A motion shall be stated to the Clerk by the moving Advisory Board member. Any motion for action shall require a second before being acknowledged by the presiding officer. No question on a motion shall be debated unless the same is acknowledged and stated by the presiding officer. In all cases, the Clerk shall enter in the minutes the name of the moving and seconding members. After a motion is stated by the presiding officer or read by the Clerk, it shall be deemed to be in possession of the Advisory Board and open for debate but may be withdrawn with the assent of the second member at any time before a decision is made or an amendment adopted.

Rule 18. Privilege of the Floor:

At any regular meeting, persons who are not members of the Advisory Board shall, upon the consent of the

presiding officer or upon the request of one or more members of the Advisory Board, be accorded the privilege of the floor and shall be permitted to speak in regards to matters pending before the Advisory Board within the scope of the powers thereof. The presiding officer may, in the interest of facilitating the business of the Advisory Board, limit the amount of time which a citizen may use in addressing the Advisory Board.

The Clerk shall enter in the minutes that the privilege of the floor was granted to those speaking. Each person speaking from the floor shall obtain permission from the presiding officer. The speaker should identify himself or herself prior to the making of remarks.

Rule 19. Order and Decorum:

The presiding officer shall preserve order and decorum and shall decide all questions of order subject to an appeal to the Advisory Board.

If a decision of the presiding officer is appealed, he or she shall have the right to state the reason for his or her decision. The Advisory Board shall decide the case without debate, and the question shall be stated as follows: "Shall the ruling of the Chair be sustained?"

No member wishing to debate, to give a notice, make a motion or report, or to present a petition or other paper shall proceed until he or she shall have addressed the presiding officer and has been recognized thereby. When two or more members speak at the same time, the presiding officer shall determine who is entitled to the floor.

While a member is speaking, no member shall engage in or entertain a private discourse. Any member desiring to leave the chamber shall first obtain permission from the presiding officer.

When a motion to adjourn is carried, the members shall keep their seats and places until the presiding officer declares the Advisory Board adjourned.

The Chair may determine when orderly conduct of a meeting is not feasible owing to disturbing behavior by persons in attendance. In the event that a meeting is disturbed by persons so as to render the orderly conduct of the meeting infeasible, the Chair may order the removal of the person or persons willfully disrupting the meeting. If order cannot be restored by removal of such persons the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session and duly accredited members of the press and other news media, except those participating in the disturbance, shall be allowed to attend. During the remainder of the session the Chair may in his/her discretion re-admit any person if it is found that the person(s) were not responsible for the disturbance and their re-admission will not disrupt the continued orderly conduct of business.

Rule 20. Rules of Debate:

When any member is about to speak in debate, he or she shall respectfully address himself or herself to "Mr. Chair" or "Madam Chair", as appropriate.

The member upon whose motion a subject is brought before the Advisory Board is first entitled to the floor even though another member has first addressed the Chair; and he or she is also entitled to close the debate but not until every member choosing to speak has spoken. When a member reports a measure from a committee, he or she shall have the right to close the debate. With this latter exception, no member shall speak more than twice to the same question (only once to a question of order), nor longer than five (5) minutes at one time, without leave of the Board, and the question upon granting the leave shall be decided by a majority vote of all the members of the Advisory Board without debate.

Rule 21. Motions and Procedure:

When a question is under debate, no motion shall be received except as stated with preference in the following order:

- a. Adjournment of the Advisory Board
- b. To lay the table (continue)
- c. The previous question
- d. To postpone to a certain date

- e. To refer to committee (standing or special)
- f. To amend
- g. To postpone indefinitely.

The following motions are not amendable or debatable:

- a. To adjourn for the day
- b. To call the roll
- c. The previous question
- d. To lay on the table (continue).

The motion to postpone indefinitely cannot be amended.

An amendment to an amendment cannot be amended.

Motions to adjourn or to take a recess shall always be in order but may not be made while the Chair is acknowledging the question, or while a member has the floor, or after the previous question has been ordered.

Rule 22. Questions Continued by Rule:

Any motion which by its terms calls for an appropriation or expenditure of money not provided for in the proposed or approved BID Annual Report shall, upon request and without further action, be continued until placed on a future regular agenda by the Chief Executive Officer or designee.

Rule 23. Questions Continued by Request:

Any motion giving rise to debate, other than a parliamentary motion or motion referring to a working motion, shall, upon a motion carried by majority vote, be continued to a date, time and location by consent of a majority vote of the Advisory Board members.

Rule 24. Authority of Members of the Advisory Board:

Individual members of the Advisory Board have no legal authority outside a meeting of the Advisory Board to conduct business relating to the BID Annual Report, to the MCTC , its staff and/or independent contractor(s); this section does not prohibit any Advisory Board member from participating in the MCTC or the Mendocino County Lodging Business Improvement District.

Rule 25. Rules of Voting (Conflict of Interest/Disqualification):

No act of the Advisory Board shall be valid or binding unless a majority of all the members concur therein except for off agenda items. (See Rule 14)

When the presiding officer calls for a vote all members shall cast their individual vote.

As a matter of public policy, members of the Advisory Board shall take a position, and a vote on issues brought before them. Every member present, when a vote is taken, upon any question, shall vote.

A member who has a disqualifying financial conflict of interest or is disqualified from voting for another legally compelling reason shall:

- a. Publicly identify the financial interest or other reason for being legally unable to vote in a manner sufficient to be understood by the public;
- b. Recuse himself or herself from discussing and voting on the matter; and
- c. Leave the room until after the discussion, vote, and other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar. However, the member prior to leaving the room may speak on the matter during the time that the general public is allowed to speak on the matter.

The presiding officer shall in all cases, except on appeals from his or her rulings, have the same rights and obligations to vote as do other members of the Advisory Board.



Except as otherwise limited above, no question shall be put to a vote until each member shall have had the opportunity to be heard as set forth in Rule 18. Privilege of the Floor, supra.

An Advisory Board member who is absent from all or a part of a public hearing, or where items that require findings or are quasi-judicial, may vote on the matter heard if the Advisory Board member states that he/she has reviewed all evidence received during the absence and has also listened to the clerk's recording or read a true and complete transcript of the proceedings.

Rule 26. Motion to Reconsider:

Any member of the Advisory Board who votes in the majority on a question, as well as any member who was absent, is eligible to make a motion to reconsider. A motion to reconsider shall be in order during the meeting at which the action to be reconsidered took place provided members of the public in attendance during the original action are still present in the Advisory Board chamber. In all other cases, motions for reconsideration must be placed on a future agenda for action. Unless a member was absent, a motion to reconsider must be placed on the agenda for the next regular board meeting. A member who was absent must place a motion to reconsider on the next regular Advisory Board meeting after the regular Advisory Board meeting at which that member is in attendance.

Rule 27. Substitute Motion:

A substitute motion is an amendment where an entire section, or one or more paragraphs is struck out and another is inserted in its place. The motion to substitute, if adopted by majority vote, does away entirely with the original motion. The vote shall then be taken on the motion that was substituted. A substitute motion is appropriate if amendments become involved or a paragraph requires considerable changes. A substitute motion may not be made when an amendment is pending.

## **VI. BID ANNUAL REPORT**

Rule 28. BID Annual Report:

Pursuant to the Business and Improvement Area Law of 1989, the Advisory Board shall cause to be prepared a BID Annual Report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the BID Annual Report.

Members of the Advisory Board, including the Chair and Vice-Chair, shall direct all comments and questions about the BID Annual Report through the Chief Executive Officer or designee; this section does not apply at any regular or special session agenda item.

Individual members of the Advisory Board have no legal authority outside the meeting of the Advisory Board to conduct business relating to the BID Annual Report with the MCTC, its staff, and/or independent contractors. However, in preparation of the BID Annual Report, nothing in Chapter 5.140 as cited in Ordinance No. 4336, shall preclude the Advisory Board from convening, and/or participating in meetings with any individual or entity designated by the BOS as "Contractor" and charged with the responsibility to administer the BID and to implement the Annual Marketing Plan; or with the Board of Directors of MCTC and other countywide promotional and marketing organizations.

The BID Annual Report shall be filed with the clerk and shall refer to the Parking and Business Improvement area by name, specify the fiscal year to which the Report applies and with respect to that fiscal year, and in pursuant with the Streets and Highway Code, section 36533; and with Ordinance No. 4336 amending Chapter 5.140 of Title 5 of the Mendocino County Lodging Business Improvement District, and shall contain all of the following:

- a. Any proposed changes in the boundaries of the Parking and Business Improvement area or in any benefit zones within the area;
- b. The improvements and activities to be provided for that fiscal year, as set forth in the Annual Marketing Plan;
- c. An estimate of the cost of providing the improvements and the activities for that fiscal year, as set forth in the Annual Marketing Plan;
- d. The method and basis of levying the assessment in sufficient detail to allow each business owner to

- estimate the amount of the assessment to be levied against his or her business for that fiscal year;
- e. The amount of any surplus or deficit revenues to be carried over from a previous fiscal year;
- f. The amount of any contributions to be made from sources other than assessments levied pursuant to this part; and,
- g. Any other information required by law.

The Advisory Board through the County Chief Executive Office shall attempt to submit its BID Annual Report to the Board of Supervisors at least ninety (90) days preceding the fiscal year for which assessments are to be levied and collected to pay for the improvements and activities described in the Report.

The BOS may approve the BID Annual Report as filed by the Advisory Board or may modify any particular contained in the BID Report and approve it as modified.

## **VII. COMMITTEES AND COMMUNITY PARTICIPATION**

### Rule 29. Standing and Ad Hoc Committees:

The Advisory Board shall not appoint any standing (regular) or ad-hoc committee to deal with any issue or matter of the Advisory Board unless authorized by a resolution of the Board of Supervisors.

## **VIII. SUSPENSION OR AMENDMENT OF RULES/PROCEDURES**

### Rule 30. Suspension or Amendment of Rules:

Any Rule may be suspended or amended upon the consent of the County Chief Executive Office pursuant to section 5.140.210 of the Mendocino County Code. Suspension of any Rule shall apply only to those matters before the Advisory Board at that time.

A proposal by an Advisory Board member to amend the Rules shall be filed in writing with the Chief Executive Office for consideration. If amendment is approved by the County Chief Executive Officer or designee, with the consent of County Counsel, the amendment shall be laid upon the table and made a special item of business at the next regular session of the Advisory Board.

### Rule 31. Parliamentary Questions:

On all points of order or procedure not governed by these Rules, the general rules of parliamentary practice as outlined in Robert's Rules of Order, latest revised edition, shall govern.

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