



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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## DIRECTORS

JAN SHRINER  
President

HERBERT CORTEZ  
Vice President

BRAD IMAMURA  
THOMAS P. MOORE  
GAIL MORTON

## Agenda

### Special Board Meeting

#### Board of Directors

#### Marina Coast Water District Board of Directors

#### and

#### Marina Coast Water District Groundwater Sustainability Agency

#### Hybrid Meeting

920 2<sup>nd</sup> Avenue, Suite A, Marina, California

#### and

#### Zoom Teleconference

Wednesday, September 13, 2023, 6:00 p.m. PST

**Staff and Board members will be attending the September 13, 2023 meeting in person. Members of the public may attend the Board meeting in person or can continue to attend remotely via Zoom conference.**

**Persons who are participating via telephone will need to press \*9 to be acknowledged for comments. Members of the public participating by Zoom will be placed on mute during the proceedings and will be acknowledged only when public comment is allowed, after requesting and receiving recognition from the Board President. Public comment on the action item can also be submitted in writing to Paula Riso at [priso@mcwd.org](mailto:priso@mcwd.org) by 9:00 am on Wednesday, September 13, 2023; such comments will be distributed to the MCWD Board before the meeting.**

This meeting may be accessed remotely using the following Zoom link:

<https://us02web.zoom.us/j/83344480863?pwd=UDY5SHV3bnFYUm92TVFVYd2ZkK0tVQT09>

Passcode: 741312

To participate via phone, please call: 1-669-900-9128; Meeting ID: 833 4448 0863 Passcode: 741312

***Our Mission: We provide our customers with high quality potable and recycled water, wastewater collection and conservation services that are safe, affordable, reliable and sustainable, through planning, management and the development of water resources in an environmentally sensitive manner.***

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**

This agenda is subject to revision and may be amended prior to the scheduled meeting. Pursuant to Government Code section 54954.2(a)(1), the agenda for each meeting of the Board shall be posted at the District offices at 11 Reservation Road, and 920 2nd Avenue, Suite A, Marina. A complete Board packet containing all enclosures and staff materials will be available for public review on the District website, Tuesday, September 12, 2023. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5931.

**4. Board Workshop**

A. Discussion on How to Conduct an Efficient and Effective Board Meeting

**5. Director's Comments** *Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.*

**6. Adjournment** *Set or Announce Next Meeting(s), date(s), time(s), and location(s):*

*Regular Meeting: Monday, September 18, 2023, 6:30 p.m.*

**Marina Coast Water District  
Agenda Transmittal**

**Agenda Item:** 4-A

**Meeting Date:** September 13, 2023

**Prepared By:** Paula Riso

**Approved By:** Remleh Scherzinger PE

**Agenda Title:** Discussion on How to Conduct an Efficient and Effective Board Meeting

**Background:** *Strategic Plan, Strategic Goal 6.3 Encourage Board Development – Provide Board members with opportunities to engage in training to promote better decision and policy making to the District's benefit.*

**Discussion/Analysis:** The Board will hold a workshop on how to conduct an efficient and effective Board meeting.

**Environmental Review Compliance:** None required.

**Legal Counsel Review:** The document was prepared by Craig Steele – Richards, Watson & Gershon for the California Special Districts Association Fall Conference in Monterey, CA.

**Climate Adaptation:** Not applicable.

**Financial Impact:**     Yes     No    **Funding Source/Recap:** None

**Other Considerations:** None.

**Material Included for Information/Consideration:** Presentation: When the Gavel Strikes: Tips for Efficient and Effective Board Meetings.

**Action Required:**     Resolution     Motion     Review  
(Roll call vote is required.)

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

# When the Gavel Strikes: Tips for Efficient and Effective Board Meetings

August 30, 2023

Presented by: Craig Steele - Richards, Watson & Gershon

2023 CSDA Annual Conference & Exhibitor Showcase



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## Civic Engagement

- “When it comes to free speech and participation in the democratic process, our laws should reflect the goal of making it easier for more citizens to engage.”

- Arizona Governor Doug Ducey



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## Civic Engagement

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- **What type of democracy are we?**
  - Pure democracy?
  - Republic?
  - Representative democracy/Direct democracy hybrid ?
- **What does that mean for civic engagement?**
  - People get to vote for representatives, **and** participate in, the decisions their representatives make, following reasonable rules. Sometimes a decision is so significant that the people get to decide it for themselves.



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## Efficient Meetings

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- **Open Meeting Laws – Rules are Important**
- **Theories of Public Engagement**
- **Meeting Efficiency**
- **Role of Staff**
- **Role of the Chair**



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## Open Meeting Laws

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- **“Those wise restraints that make men free.”**

- John MacArthur Maguire



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## A “Right of Access...”

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- “The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”

California Constitution, Article 1 Section 3(b)



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## The Brown Act - A Policy of Open Government

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"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and their deliberations be conducted openly."

- Government Code Section 54950



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## "Open and Public"

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"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."

- Government Code Section. 54953(a)



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## The Brown Act applies to “legislative bodies”

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- **What is a “legislative body?”**
  - Governing body of the agency
  - Subordinate boards and commissions created by formal action of the governing body
  - Standing committees with regular meeting schedule and continuing subject matter jurisdiction
- **What is not a “legislative body?”**
  - Advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body



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## Meetings

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- **Elements:**
  - congregation of a majority
  - same time and place
  - to hear, discuss or deliberate any item
  - subject matter jurisdiction



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## Serial meetings are illegal

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- **What is an illegal serial meeting?**
  - direct or indirect communication
  - employed by a majority
  - to develop a collective concurrence
  - as to action to be taken



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## Meeting Exceptions

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- **When is a meeting not a “meeting?”**
  - individual contacts/briefings
  - conferences\*
  - community meetings\*
  - another body of the agency\*
  - social or ceremonial events\*
  - standing committee meetings

\* Cannot be used as a pretext to violate the Brown Act



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## Rules Governing Meetings

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### ▪ Types of meetings

- Regular
- Adjourned
- Special



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## Agenda Requirements & Exceptions

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- **A legislative body may not meet to hear, discuss, deliberate or decide on an issue within its subject matter jurisdiction unless the matter is on a properly posted agenda**
- **Items added to the agenda**
  - Came to the agency's attention after the agenda was posted; and
  - Need to take action before the next meeting.
    - Consider: Is there really a need?
  - Two-thirds vote required



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## Agenda Requirements - Exceptions

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- Brief response to questions from public
- Clarification/reference to staff
- Brief announcements/report on activities
- Requests for future report
- Placement of items on future agenda



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## Closed Sessions

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- Personnel matters/labor negotiations
- Real Property matters
- Pending/threatened/contemplated litigation



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## Theories of Public Participation

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- **Many academic and public administration theories about why public participation is essential to good government:**
  - Better-informed decision-making
  - Better-informed constituents
  - Promote trust and confidence in the agency
  - Promote diversity of thought
  - Government doesn't know it all
  - Get the work done as quickly and efficiently as possible



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## Theories of Public Participation


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- **Passive**
  - The minimum legal requirements;
  - What process is "due?"
- **Active**
  - Intentional and purposeful engagement in a variety of ways
  - More encouraging
- **Sustaining**
  - Values-based, constant focus
    - Source: Institute for Local Government




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# Theories of Public Participation

**IAP2 Spectrum of Public Participation** 

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

**INCREASING IMPACT ON THE DECISION** 

	<b>INFORM</b>	<b>CONSULT</b>	<b>INVOLVE</b>	<b>COLLABORATE</b>	<b>EMPOWER</b>
<b>PUBLIC PARTICIPATION GOAL</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
<b>PROMISE TO THE PUBLIC</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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# Meeting Efficiency

- A meeting will often be the only non-services based interaction a member of the public has with your agency.
- Public meetings establish the “face” of an agency.
- Transparency and inclusion build public trust, credibility, and confidence.
- Efficiency and preparation are key.



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## Meeting Efficiency

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- **Not required to “register” speakers’ name or address, i.e. speaker cards**
- **Recording must be permitted**
- **Rules of Decorum Permitted**
  - Time limits
  - Follow the agenda
  - Speak only to the body
  - Speak in order
  - No disruptions



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## Meeting Efficiency

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- **Public may speak on any item of interest within subject matter jurisdiction of agency**
  - Regular vs. special meeting considerations
- **Public must speak on a specific item of business before or during the body’s consideration**
- **Cannot prohibit public criticism of policies, procedures, programs of agency or officials, or the actions of the legislative body**
- **Absolute privilege applies at public meetings**



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## Meeting Efficiency

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- **Due Process: What process is due?**
  - Public meeting vs. public hearing
- **Eliminating Bias**
  - Impartiality is not just a good idea, it's legally required
- **Consistent Application of the Rules**
  - Time limits, audience interaction
- **Fidelity to the Agenda**



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## Meeting Efficiency

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- **Enforcing Rules of Decorum**
  - Agencies have different rules and different philosophies of enforcement.
  - Time limits and speaker cards are used to varying degrees.
  - All communication should be made through the chair.



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## “A Growing Problem”: Disruptions on the Rise

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A 2022 report from the State Assembly Committee on the Judiciary:

“Public meetings, particularly those at the local government level . . . , are impacted by public behavior that is so disruptive and disrespectful that the meetings cannot continue, ultimately interfering with the public’s constitutional right to address local officials, express their preferences and grievances, and otherwise weigh in on important local issues affecting their community.”



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## “A Growing Problem”: Disruptions on the Rise

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The Judiciary Committee’s report identified several examples of this troubling trend:

- The Mayor of Los Gatos and her family faced targeted bullying and harassment efforts at public meetings, including anti-LGBTQ rhetoric
- The Placentia-Yorba Linda Unified School Board was forced to end multiple meetings early due to meeting disruptions
- Recent San Diego Board of Supervisor meetings have made national headlines, in part, due to racist comments and threats of violence



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## Meeting Efficiency

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### ▪ Disruptions

- Disruptions test your rules or decorum, and the agency's willingness to enforce those rules even-handedly.
- Very difficult to define when behavior or discussion turns from "comment" to a "disruption."
- Resist the temptation to call communication "disruptive" based on the content or the speaker.
- But, fundamentally, the purpose of a meeting is to conduct the public's business.



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## Meeting Efficiency

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### ▪ Disruptions

- Penal Code Section 403
  - Willful disruption or break-up of a lawful assembly or meeting is a misdemeanor.
  - Request, warning, adjournment
    - Staff and the Chair should understand roles



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## Meeting Efficiency

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- **Govt. Code Section 54957.9 (Brown Act)**

- Willful interruption of a meeting by a group or groups so as to “render the orderly conduct of such meeting infeasible.”
- If order cannot be restored by removal, room may be cleared and meeting continued.
- Only agenda items may be discussed and the press must be allowed to attend.



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## Meeting Efficiency

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**“Thank you for participating in tonight’s meeting. The City Council encourages public participation, and invites you to share your views on City business. The City requests that persons addressing the City Council refrain from making personal, slanderous, profane or disruptive remarks.”**

**It’s up to the body to model good behavior.**



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## Meeting Efficiency

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- **When the legislative body models good behavior, it's harder for the audience to misbehave.**
  - Calm and respectful tone.
  - Listen.
  - Don't interrupt.
  - Ask questions in advance.
  - Follow the rules for both sides.



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## Meeting Efficiency

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- **Structural Suggestions**
  - State rules and limits clearly in advance
  - Organize proponents and opponents
  - In non-public hearing items ask for a show of hands or "ditto"
  - Listen to both sides
  - Make speakers speak and sit down before responding
  - Don't permit back and forth discussions between podium and dais



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## The Role of Staff

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- **Organize the agenda to promote efficiency and success.**
  - Be realistic with the volume of business.
  - Always lead with a potential success.
  - Agendize public controversies early; Board controversies later.
  - Plan ahead for time sensitivities; always working on deadline reduces Board and public confidence.
  - Help the Board and the public remember why the agency exists.
  - Don't put decisions that don't need to be made on an agenda.



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## The Role of Staff

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- **Describe items of business on the agenda accurately and purposefully.**
  - Will the public know what the item is, and what it is not?
  - Accessibility of language is a key.
  - Put multiple sets of eyes on the agenda before it is published.
  - Accurately describe what process is due.
  - Accurately describe closed session topics.



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## The Role of Staff

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- **Brief Board Members individually, in advance.**
  - Make sure there is a consistent understanding of agenda items (not a consensus on action).
  - Find out about questions, conflicts of interest, problems in advance.
  - Avoid surprises.
  - Help the Chair anticipate meeting dynamics.



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## The Role of Staff

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- **Coordinate and Rehearse Staff Roles and Responsibilities.**
  - Rehearse, proof, and refine staff presentations.
  - Adhere to time guidelines.
  - Anticipate questions and issues in advance.
  - Coordinate who responds to questions.
  - Meetings constitute perhaps less than 10% of staff work, but a much larger percentage of public perception of staff.
  - Empower staff to say "I'll get the answer and get back to you."



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## The Role of the Chair

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### ▪ Neutral Facilitation of an Efficient Public Meeting

- The Chair, until he/she votes, is not on either side.
- The Chair must be viewed as an advocate for the process, first and foremost.
- The Chair should promote civility, inclusion, and accessibility.
- The Chair should not be perceived as trying to impose his or her will.
- The Chair enforces rules of decorum, and should not rely on staff to do so.



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## The Role of the Chair

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### ▪ Getting to a Decision

- Practice and expect civility.
- Know when discussion/debate is over.
- Summarize the decisions that need to be made.
- Follow the same script, order, or process for every decision.
- Be an active listener/observer.
- Try to find/keep track of common ground.
- Take the Chair's prerogative to speak last.
- Ask staff/counsel for help.
- Express the Board's gratitude for staff and the public.



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## The Role of the Chair

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- **Provide respectful and constructive feedback to staff.**
  - How did the agenda work?
  - Did the script for presentations fit your style?
  - Was the meeting too long or too short?
  - Was the pre-meeting briefing helpful?
- **Solicit feedback and input from staff and your fellow Board Members.**
  - Get the Board – as much as possible – to own the structure, content and flow of meetings.



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- **“Democracy is the worst form of government, except for all of those forms that have been tried from time to time.”**

- Winston Churchill



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**Thank you!**

**Craig Steele**  
csteele@rwglaw.com

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This session is provided for general information only and is not offered or intended as legal advice. Attendees should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in this session.

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