



Sacramento Public Library Authority

July 23, 2009

Agenda Item 9.0: Sacramento Public Library Authority Bylaws and Public Comment Policy

TO: Sacramento Public Library Authority Board Members

FROM: Diane Balter, Special Counsel to the Authority

**RE: Revision of Sacramento Public Library Authority Bylaws and
Public Comment Policy**

RECOMMENDED ACTION(S):

1. **Approve** the amendments to the Sacramento Public Library Authority Bylaws and Public Comment Policy as described in Exhibits A and B, respectively.

BACKGROUND

The Sacramento Public Library Authority Bylaws were originally adopted in November, 1993 at the time of the Authority's formation, along with a Public Comment Policy. The Bylaws were amended in 1995 to provide for additional meeting times. No other changes or amendments to the Bylaws have been adopted since that time.

The adoption of the new Joint Exercise of Powers Agreement effective July 1, 2007, necessitated a review of the current Bylaws and Public Comment Policy, and so a Bylaws Committee was appointed to review the current document and suggest revisions to align it with the current governance structure and best practices for public institutions. The primary revisions relate to membership, quorum and voting. Other revisions update language and reorganize the Bylaws.

The Public Comment Policy restates current practices in detail. It also informs the public that documents brought to a Board meeting cannot be distributed immediately to Board members unless the speaker provides sufficient copies.

The Bylaws Committee met with Library staff to review the proposed changes and provided instruction and comment on the draft presented. Committee suggestions have been incorporated in each of the revised documents.

ATTACHMENTS

Attachment A: Table of Proposed Changes to Bylaws
Attachment B: Current Bylaws

Exhibit A: Proposed Bylaws
| Exhibit B: Proposed Public Comment Policy

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**SACRAMENTO PUBLIC LIBRARY AUTHORITY
BYLAWS – PROPOSED CHANGES**

ARTICLE 1. PRINCIPAL OFFICE – no change

ARTICLE 2 MEETINGS

Section 1. Open Meeting Requirements – no change

Section 2. Regular Meetings

The existing bylaws set specific meeting dates that are outdated and inflexible. The Draft Bylaws provide for Board to adopt a schedule of regular meetings for each calendar year with flexibility to amend.

Section 3. Special Meetings – no change

Section 4. Executive Sessions

“Executive session” changed to “closed session” throughout. Authorizes Board to reconvene its open session at the location of the closed session, if Board announces intention to do so during open portion of meeting

NEW Section 5. Compensation of Board Members

Authorizes Board to adopt resolution compensating board members for attendance at Board meetings and reimbursement of travel and other expenses, as set forth in new JPA.

ARTICLE 3. CONDUCT OF BOARD MEETINGS

Section 1. Agendas

No change in existing language

“Section 8. Matters Not on the Agenda” incorporated into this section without change

Section 2. Recessed Meetings

No change in existing language; **renumbered as Section 7**

Section 3. Adjournment

No change in existing language; **renumbered as Section 8**

NEW Section 3. Voting

Refers to the two-tier voting system established by the Joint Powers Agreement

Section 4. Quorum

Renumbered as Section 2. Amended to mirror quorum language from JPA document

Section 5. Voting

Deleted. New JPA voting provisions set forth in new Section 3.

Section 6. Absent or Disqualified Member

No change in existing language; renumbered as Section 4.

Section 7. Addressing the Board.

Renamed "Public Comment" and renumbered as Section 5. Directs Board to adopt a resolution re Public Comment that is deemed incorporated by reference into these Bylaws

Section 8 Matters Not on the Agenda

No change in existing language; incorporated into "Section 1. Agendas."

Section 9 Postponement

Amended to delete ability of a member of the public to request postponement of agenda item

Section 10. Minutes

Renamed "Official Record of Board Proceedings." Simplified to state legal requirements only.

Article 4. OFFICERS - Renamed "BOARD MEMBERS AND OFFICERS"

Section 1. Governing Board

Refers to new JPA for composition of Board

Section 2. Term of Office of Board Members

Reference to old JPA replaced by reference to new JPA

Section 3. Vacancy

Title changed to "Board Vacancy." No other changes

Section 4. Chair

Duty to execute contracts and other instruments deleted, because Library Director or Chair or other person authorized by Board can execute contracts, as set forth in Section 7 of this Article.

Section 5. Vice Chair

Rewritten without change in substance; phrase about "restrictions" upon the power of the Vice Chair deleted as meaningless

Section 6. Secretary

Phrase about "restrictions" upon the power of the Secretary deleted as meaningless.

Section 7. Execution of Documents by Officers

Title and text changed to add "Employees" as persons to whom authority to execute contracts and other documents may be granted by Board.

Article 5. COMMITTEES

Section 1. Appointment

Renamed "Appointment by Chair."

Word "special" deleted before "ad hoc"

Section 2. Standing Committee Meetings.

Clarifies that noticing will comply with Brown Act, not Authority Bylaws

Section 3. Ad Hoc Committee Meetings

Deletes requirements that ad hoc committee meetings shall be open to the public

Article 6. RULES (Title changed to "MISCELLANEOUS")

Section 1. Rules of Order - No change

Section 2. Adoption or Amendment of Bylaws - No substantive change

Section 3. State Law

Title changed to "Applicable Laws." Otherwise unchanged

Section 4. Rules are Procedural

"Rules" changed to "Bylaws"

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**SACRAMENTO PUBLIC LIBRARY AUTHORITY
BOARD BYLAWS**

ARTICLE 1. PRINCIPAL OFFICE.

The principal office for the transaction of business of the Sacramento Public Library Authority Board, hereinafter referred to as "Board", is located in Library Administration, Central Library, 828 I St., City of Sacramento, County of Sacramento, State of California, 95814.

ARTICLE 2. MEETINGS

Section 1. Open Meeting Requirements. All meetings of the Board shall be open to the public in accordance with the provisions of the Government Code commencing with Section 54950, ("the Brown Act") except for such executive sessions as are authorized and conducted in accordance with the requirements of said Code provisions.

Section 2. Regular Meetings. The Board shall hold regular meetings on the fourth Thursday during the months of January, February, April, June, August and October. These meetings shall be held in the Sacramento County Board of Supervisors Chambers, 700 H St., Sacramento. Whenever a regular meeting falls on a legal holiday, said meeting shall be redesignated by the Board at its regular meeting immediately prior to said meeting. If, for any other reason, the Board decides to change the date, time or place of a regular meeting, said meeting shall be designated by the Board at its regular meeting immediately prior to the said meeting. Absent such designation, any meeting other than the next regularly scheduled meeting, shall be called and noticed as a special meeting. The Secretary may cancel any regular meeting which is not necessary due to a lack of business or the unavailability of a quorum.

Section 3. Special Meetings. A special meeting may be called at any time by the Chair, or by a majority of the members of the Board, in the manner provided by the Brown Act.

Section 4. Executive Sessions. Executive sessions shall be held only on those matters which the Brown Act and court decisions recognize as proper matters to be held in executive session. An executive session shall be held only during a regular or special meeting. After any executive session, the Board shall reconvene in open session prior to adjournment. The Chair shall make any disclosures of action taken during the executive session which the Brown Act requires to be disclosed at that time, including the vote or abstention thereon of every member present. Disclosure of other actions taken during the executive session shall be made as required by the Brown Act.

ARTICLE 3. CONDUCT OF BOARD BUSINESS.

Section 1. Agendas. The Secretary shall prepare, distribute and post an agenda for each regular and special meeting in accordance with the provisions of the Brown Act.

Section 2. Recessed Meetings. When deemed appropriate by the Chair of the Board, a meeting may be recessed. For the purpose of these Bylaws, "recess" means a short intermission in a regular or a special meeting which does not close the meeting, and after which business is immediately resumed at the point where it was interrupted.

Section 3. Adjournment. The Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned meeting, the Secretary may declare the meeting adjourned to a stated time and place. Written notification of such adjournment shall be made in accordance with the Brown Act.

Section 4. Quorum. Five Board members shall constitute a quorum for the transaction of business.

Section 5. Voting. All Board members shall have equal voting and other rights. Each Board member shall be entitled to one vote which shall be cast in person by roll call. All official acts of the Board require the affirmative vote of five members.

Section 6. Absent or Disqualified Member. If a member of the Board determines that he or she is disqualified in relation to any pending matter because a conflict of interest, as soon as practical after the matter is called, the member shall advise the Board of the member's inability to participate and the reasons therefor. The member shall thereupon leave the rostrum and refrain from any participation or discussion with any member until the Board has completed its consideration of, and action on, the matter. An alternate member may be seated and may participate and vote in the place of a member who is absent or disqualified.

Section 7. Addressing the Board.

(a) Any person desiring to address the Board shall first be recognized by the Chair. The Chair may, in the interest of facilitating the business of the Board, limit the time which a person may use in addressing the Board.

(b) By a majority vote, the Board may establish a uniform time limit for each person to use in addressing the Board in relation to any matter.

Section 8. Matters not on the Agenda. The Board may not consider any matter which has not been placed on the agenda except as authorized by the provisions of the Brown Act.

Section 9. Postponement.

(a) The Board may postpone or continue any pending matter at any time, either on its own motion or at the request of any person interested in the matter.

(b) In ruling on a request for postponement, the Board may consider any relevant circumstances including, but not limited to, the reasons for the request, whether the request was made as much in advance as feasible, and any inconvenience to other persons interested in the matter which will be caused by postponement.

Section 10. Minutes. The minutes of every meeting shall be distributed prior to the next meeting to each Board member and to such other persons, agencies or firms as may request them. The Secretary shall prepare and distribute a summary of the actions taken by the Board at each meeting. A complete set of minutes as approved by the Board and attested by the Secretary shall remain on file at the principal office of the Board, and shall be open to inspection by any person at all reasonable times during office hours.

ARTICLE 4. OFFICERS.

Section 1. Governing Board. The government of the Sacramento Public Library Authority is vested in a Board appointed by the participating jurisdictions. The Board shall consist of nine (9) members as determined by the terms of the Sacramento Public Library Authority Joint Powers Agreement.

Section 2. Term of Office of Board Members. The term of office of each Board member shall be as set forth in the Sacramento Public Library Authority Joint Powers Agreement.

Section 3. Vacancy. In the event that a vacancy should occur on the Board because of death, resignation, illness, or for other reason, the Secretary of the Board, shall, within thirty (30) days after such vacancy, notify the jurisdiction appointing the individual whose absence caused the vacancy, requesting such jurisdiction to appoint a replacement within sixty (60) days of the notification.

Section 4. Chair. The Board shall elect a Chair at its first meeting and annually at its regular January meeting beginning in January 1995. The Chair shall take office at the next meeting. He or she shall hold this office for no more than two consecutive years or until he or she shall resign, be removed, or otherwise disqualified to serve. The Chair shall be entitled to vote on all matters before the Board, may participate in discussion relating to any matter, and may make or second any motion without having to relinquish the Chair. It shall be the duty of the Chair to preside at meetings of the Board; to consult with the Secretary as necessary in the preparation of the agendas for meetings of the Board; to execute contracts and other instruments on behalf of the Board as authorized by the Board; and to represent the Board and the Library Authority as occasion demands. Please note: The first

Chair of the Board will be a member of the Sacramento City Council, per the Joint Powers Authority Agreement, 8/31/93.

Section 5. Vice-Chair. The Board shall elect a Vice-Chair at its first meeting and annually at its regular January meeting beginning in January 1995. The Vice-Chair shall be chosen from among the Board members. He or she shall hold this office for no more than two consecutive years or until he or she shall resign, be removed, or otherwise disqualified to serve. The Vice-Chair shall, in the absence or disability of the Chair, or when a vacancy exists in the office of the Chair, perform all the duties of the Chair, and when so acting shall have the powers of, and be subject to the restrictions upon, the Chair. In the absence or inability to act of both the Chair and Vice-Chair, the members present shall select one of the members present to act as temporary Chair. Please note: The first Vice-Chair of the Board will be a member of the Sacramento County Board of Supervisors, per the Joint Powers Authority Agreement, 8/31/93.

Section 6. Secretary. The Library Director shall be the Secretary of the Board ex officio. It shall be the duty of the Secretary to prepare and issue the notices and/or agendas in advance of meeting dates; to maintain the minutes of the meetings; to certify official documents of the Board; and to maintain such official records as are required. The Secretary shall record the time and place of each meeting of the Board, the names of the members present, all official acts of the Board and the votes given by the members except when the action is unanimous. In the absence of the Secretary, he or she shall designate a staff member as Secretary Pro Tempore. The Secretary Pro Tempore shall perform all the duties of the Secretary and when so acting shall have the powers of, and be subject to the restrictions upon, the Secretary.

Section 7. Execution of Documents by Officers. The Board may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name or and on behalf of the Library Authority, and such authority may be general or confined to specific instruments; and unless so authorized by the Board, no officer, agent or other person shall have any power or authority to bind the Library Authority by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any moment.

ARTICLE 5. COMMITTEES.

Section 1. Appointment. The Chair shall appoint all standing and special (ad hoc) committees.

Section 2. Standing Committee Meetings. All the provisions of these rules with respect to notice of a special meeting, including written notice to the press, shall apply to the meeting of a Standing Committee whether or not the committee is made up of more than a quorum of the Board.

Section 3. Ad Hoc Committee Meetings. It shall be the policy of the Board that meetings of the Ad Hoc Committees shall be open to the public. However, where less than a quorum of the Board is appointed to serve on the Ad Hoc Committee, no notice need be given other than the posting of a notice of the time and place of such committee meetings on a publicly accessible bulletin board at the offices of the Authority, which is located at the Central Library, 828 I St., Sacramento, California.

ARTICLE 6. RULES.

Section 1. Rules of Order. The rules contained in Roberts Rules of Order, latest revised edition, shall govern all meetings of the Board, except in instances of conflict between said Rules of Order and these Bylaws or the Agreement establishing the Sacramento Public Library Authority or provisions of law, in which case the Rules of Order shall not apply.

Section 2. Adoption or Amendment of Bylaws. New bylaws may be adopted or these Bylaws may be amended or repealed by the affirmative vote of five Board members at a regular meeting of the Board.

Section 3. State Law. Notwithstanding any provision of these Bylaws, the Board shall conduct its business in accordance with the Government Code and the Education Code of the State of California and all other applicable laws.

Section 4. Rules are Procedural. These Rules are intended to provide procedures for the conduct of the business of the Board. Any action taken by the required number of affirmative votes shall be effective for all purposes and shall not be invalidated or in any other manner limited in its effect because of a claim that the procedure followed in taking such action was not in accord with any provision of these Rules.

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Sacramento Public Library Authority

SACRAMENTO PUBLIC LIBRARY AUTHORITY BOARD BYLAWS

ARTICLE 1. PRINCIPAL OFFICE

The principal office for the transaction of business of the Sacramento Public Library Authority is located in Library Administration, Central Library, 828 I Street, City of Sacramento, County of Sacramento, State of California, 95814-2508.

ARTICLE 2. MEETINGS

Section 1. Open Meeting Requirements. All meetings of the Sacramento Public Library Authority Board (“Board”) shall be open to the public in accordance with the provisions of California Government Code, Title 5, Division 2, Part 1, Chapter 9, commencing with Section 54950 (“the Brown Act”), except for such closed sessions as are authorized and conducted in accordance with the requirements of the Brown Act.

Section 2. Regular Meetings. Prior to the beginning of each calendar year, the Board shall adopt a schedule of regular monthly meetings for the subsequent calendar year. The meetings shall be held in the Sacramento County Board of Supervisors Chambers, 700 H Street, Sacramento, or at such other location as may be set forth on the schedule. The Board may by motion modify the date, time, or place of any future scheduled regular meeting.

The Secretary may cancel any regular meeting due to a lack of business or the unavailability of a quorum.

Section 3. Special Meetings. A special meeting may be called at any time by the Chair, or by a majority of the members of the Board, in the manner provided by the Brown Act.

Section 4. Closed Sessions. Closed sessions shall be held only on those matters that the Brown Act and court decisions recognize as proper matters to be held in closed session. A closed session shall be held only during a regular or special meeting. After any closed session, the Board shall reconvene in open session prior to adjournment. If the closed session is held at a different location, the open session may reconvene at that location if there is no other business to be conducted at the open session, the intention to reconvene at the closed session location is announced at the time the closed session items are announced in open session, and members of the public have access to the location during the reconvened open session. The Chair shall make any disclosures of action taken during the closed session that the Brown Act requires to be disclosed at that time, including the vote or abstention thereon of every member present. Disclosure of other actions taken during the closed session shall be made as required by the Brown Act.



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Section 5. Compensation of Board Members. The Board may adopt a resolution providing for compensation of Board members for attendance at Board meetings, and for reimbursement of members' travel and other expenses.

ARTICLE 3. CONDUCT OF BOARD BUSINESS

Section 1. Agendas. The Secretary shall prepare, distribute and post an agenda for each regular and special meeting in accordance with the provisions of the Brown Act. The Board may not consider any matter that has not been placed on the agenda except as authorized by the provisions of the Brown Act.

Section 2. Quorum. A majority of the members of the Governing Board shall constitute a quorum for the conduct of business. Less than a quorum may vote to adjourn a meeting

Section 3. Voting. Each member of the Board shall have one vote. All actions taken by the Board require the affirmative vote of no fewer than a quorum of the Board. In addition, all actions require a second tier approval as set forth in Section 7c of the Sacramento Public Library Authority Joint Exercise of Powers Agreement effective July 1, 2007.

Section 4. Absent or Disqualified Members. If a member of the Board determines that he or she is disqualified in relation to any pending matter because of a conflict of interest, the member shall advise the Board of the member's inability to participate and the reasons therefor as soon as practical after the matter is called. The member shall thereupon leave the dais and refrain from any participation or discussion with any member until the Board has completed its consideration of, and action on, the matter. An alternate member may be seated and may participate and vote in the place of a member who is absent or disqualified.

Section 5. Public Comment. The Board shall adopt a resolution setting forth its policies relating to public comment at meetings in accordance with the provisions of the Brown Act, which resolution shall be incorporated herein as though fully set forth.

Section 6. Postponement. The Board may postpone or continue any pending matter at any time.

Section 7. Recessed Meetings. When deemed appropriate by the Chair of the Board, a meeting may be recessed. For the purpose of these Bylaws, "recess" means a short intermission in a regular or a special meeting that does not close the meeting, and after which business is immediately resumed at the point where it was interrupted.

Section 8. Adjournment. The Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members



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are absent from any meeting, the Secretary may declare the meeting adjourned to a stated time and place. Written notification of adjournment shall be made in accordance with the Brown Act.

Section 9. Official Record of Board Proceedings. The Secretary shall maintain the official record of the proceedings of the Board at the principal office of the Board. The record shall include the time and place of each meeting of the Board, the names of the members present, all official acts of the Board and the votes given by the members, except when the action is unanimous. The official record shall be open to inspection by any person at all reasonable times during normal office hours.

ARTICLE 4. BOARD MEMBERS AND OFFICERS

Section 1. Governing Board. The government of the Sacramento Public Library Authority is vested in a Board appointed by the participating jurisdictions. The composition of the Board is set forth in Section 6 of the Joint Exercise of Powers Agreement dated July 1, 2007.

Section 2. Term of Office of Board Members. Each participating jurisdiction shall establish the term of office for its members as set forth in Section 6 of the Joint Exercise of Powers Agreement dated July 1, 2007.

Section 3. Board Vacancy. In the event that a vacancy should occur on the Board due to death, resignation, illness, or any other reason, the Secretary of the Board shall, within thirty (30) days after such vacancy, notify the jurisdiction appointing the individual whose absence caused the vacancy, requesting the jurisdiction to appoint a replacement within sixty (60) days of the notification.

Section 4. Chair. The Board shall elect a Chair from among its members annually at its regular January meeting for a term of one year. The Chair shall take office at the next meeting. The Chair shall be entitled to vote on all matters before the Board, may participate in discussion relating to any matter, and may make or second any motion without having to relinquish the Chair. It shall be the duty of the Chair to preside at meetings of the Board; to consult with the Secretary as necessary in the preparation of the agendas for meetings of the Board; and to represent the Board and the Library Authority as occasion demands. The Chair shall hold this office for no more than two consecutive years, or until he or she shall resign, be removed, or otherwise become disqualified to serve.

Section 5. Vice Chair. The Board shall elect a Vice Chair from among its members annually at its regular January meeting for a term of one year. The Vice Chair shall, in the absence or disability of the Chair, or when a vacancy exists in the office of the Chair, perform all the duties of the Chair. In the absence or inability to act of both the Chair and the Vice Chair, the members present shall select one of the members present to act as temporary Chair. The Vice Chair shall hold this office for no more than



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two consecutive years or until he or she shall resign, be removed, or otherwise become disqualified to serve.

Section 6. Secretary. The Library Director shall be the Secretary of the Board ex officio. It shall be the duty of the Secretary to prepare and issue the notices and/or agendas in advance of meeting dates; to maintain the official record of each Board meeting; to certify official documents of the Board; and to maintain such other official records as are required. In the absence of the Secretary, he or she shall designate a staff member as Secretary Pro Tempore. The Secretary Pro Tempore shall perform all the duties of the Secretary and when so acting shall have the powers of the Secretary.

Section 7. Execution of Documents by Officers and Employees. The Board may authorize any officer or employee of the Authority to enter into any contract or execute any instrument in the name of or on behalf of the Authority, and such authority may be general or confined to specific instruments. Unless so authorized by the Board, no officer, employee or other person shall have any power or authority to bind the Authority

ARTICLE 5. COMMITTEES

Section 1. Appointment by Chair. The Chair shall appoint all standing and ad hoc committees of the Board.

Section 2. Standing Committee Meetings. All applicable provisions of the Brown Act shall apply to any meeting of a standing committee, whether or not the committee comprises more than a quorum of the Board.

Section 3. Ad Hoc Committee Meetings. Meetings of ad hoc committees composed of Board members only, and less than a quorum thereof, are not subject to the Brown Act.

ARTICLE 6. MISCELLANEOUS

Section 1. Rules of Order. The rules contained in Roberts Rules of Order, latest revised edition, shall govern all meetings of the Board, except in instances of conflict between the Rules of Order and these Bylaws, or the Joint Exercise of Powers Agreement establishing the Sacramento Public Library Authority, or provisions of state law, in which case the Rules of Order shall not apply.

Section 2. Adoption or Amendment of Bylaws. New bylaws may be adopted or these Bylaws may be amended or repealed by resolution of the Board at any regular or special meeting at which the matter is duly included on the agenda.



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Section 3. Applicable Laws. Notwithstanding any provision of these Bylaws, the Board shall conduct its business in accordance with the California Government Code, the California Education Code, and all other applicable laws.

Section 4. Bylaws are Procedural. These Bylaws are intended to provide procedures for the conduct of the business of the Board. Any action taken by the required number of affirmative votes shall be effective for all purposes and shall not be invalidated or in any other manner limited in its effect because of a claim that the procedure followed in taking such action was not in accordance with any provision of these Bylaws.

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SACRAMENTO PUBLIC LIBRARY AUTHORITY PUBLIC COMMENT POLICY

Purpose

A policy regarding public comment is necessary so that members of the public will be aware of how public comments are received by the Board. Also, a consistent policy regarding public comment will be in place in the event that the Vice Chair or another Board member is chairing the meeting.

Policy Statement

The Board welcomes and encourages public participation in Board meetings. Speaker cards are provided at each meeting and must be completed and submitted to the Board Clerk in order to address the Board. Public testimony will be permitted on each agenda item as it is called. Each regular meeting shall include an agenda item under which members of the public may address matters under the jurisdiction of the Board that are not on the posted agenda.

Any person desiring to address the Board shall first be recognized by the Chair. The Chair shall, in the interest of facilitating the business of the Board, limit the time that a speaker may use in addressing the Board to three minutes, so that everyone wishing to address the Board may be heard.

When several members of the public wish to address the Board on the same item or subject, the Chair of the Board may limit the total amount of time that will be allowed for presentation of public testimony on that item or subject to fifteen minutes, or such longer time as the Chair deems appropriate. The Board may by motion increase or reduce the time limits set forth in this Policy or established by the Chair.

Any member of the public submitting documents for distribution to Board members at a Board meeting shall provide sufficient copies to the Board Clerk for distribution to the entire Board, plus one copy each for the Board Secretary, Board Clerk, Authority Counsel, and one for review by the public at the meeting.

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