Oversight Board for Redevelopment Agency Successor Agency (RASA)

Item 3

Meeting Date: **4/30/2012** **Report Type:** Consent

Title: Oversight Board for RASA Rules of Procedure

Recommendation: Pass a motion adopting the Rules of Procedure for the Oversight Board for RASA.

Contact: Sheryl Patterson, Attorney for Redevelopment Agency Successor Agency (916) 808-7292, City of Sacramento Office of the City Attorney

Presenter: NA

Issue: As a new governing board, the Oversight Board needs to adopt Rules of Procedure to set forth how the Boars will conduct business and administer its duties under AB 1X 26. The Redevelopment Agency Successor Agency (RASA) staff has prepared the attached Rules of Procedure based on the rules adopted for other city commissions, which are modeled after the City Council rules of procedure.

It is important to note that although the Oversight Board consists of seven members, and ordinarily with a quorum of four members it would only take three affirmative votes to approve a Board action. AB 1X 26 requires a majority of the total membership or minimum of four affirmative votes for the transaction of business. (see Health and Safety Code section 34179(e), page 30 of Chapter 5 of Statutes of 2011).

The Rules also establish the regular meeting date and time and place by the Oversite Board for the Redevelopment Agency Successor Agency Meeting Schedule. The schedule is adopted each year.

The Rules also set forth the standard agenda. We modeled the proposed agenda format from the Sacramento City Council's agenda for consistency for the public, since they will access Oversight Board meeting information through the City's website. We included information on the types of regular items we will bring forward. We added a category for communications from the State agencies overseeing AB 1X 26 implementation, the State Department of Finance and the State Controller, as well as the County Auditor-Controller, because they may report directly to the Oversight Board and not through RASA.

Attachments:

1- Oversight Board for RASA Rules of Procedure

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Attachment 1

OVERSIGHT BOARD FOR REDEVELOPMENT AGENCY SUCCESSOR AGENCY FOR THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

RULES OF PROCEDURE

I. GENERAL PROVISIONS

A. Definitions

Unless the context clearly indicates otherwise:

1. "AB 26" means AB 1X 26, Chapter 5, Statues of 2011.

2. "Board" means the Oversight Board for the Redevelopment Successor Agency for the Redevelopment Agency of the City of Sacramento.

3. "Brown Act" means the Ralph M. Brown Act, Government Code Sections 54950 *et seq.,* as amended.

4. "Redevelopment Agency" or RDA means the dissolved Redevelopment Agency of the City of Sacramento.

5. "Redevelopment Agency Successor Agency" or RASA means the City of Sacramento acting in its capacity as the Redevelopment Agency Successor Agency per the provisions of AB 26.

6. "Staff" means any members of the staff of the Redevelopment Agency Successor Agency.

B. General

The Board's duties, the number of its members, the members' qualifications, and their appointment, removal and terms of the office shall be as prescribed by State Law, including Assembly Bill 1X26. The Board is also required to comply with the Brown Act, and to the extent and when these Rules of Conduct contradict, or are inconsistent with, the Brown Act or State Law, they shall not apply.

II. OFFICERS

A. Election of Officers

The Board shall elect from its membership the Chair and the Vice Chair at the first regular meeting. Thereafter, at the first regular meeting in January elections shall occur. If after their election, the Chair or Vice Chair are no longer members of the Board, the Board shall elect a new Chair or Vice Chair, as applicable, at the next regular or special meeting.

B. Duties of the Chair

1. The Chair shall preside and preserve order at all regular and special meetings of the Board.

2. The Chair shall state every question coming before the Board, announce the decisions of the Board on all subjects, and decide all questions of order without debate, subject, however, to an appeal to the Board, on which appeal a member shall speak but once, the Chair having precedence in speaking on questions of order. The Chair shall execute all formal documents on behalf of the Board.

C. Chair--Succession

In the absence of the Chair, the Vice Chair shall for that occasion accede to the duties and obligations of the Chair. In the absence of the Chair and Vice Chair, the Clerk shall call the Board to order, and a temporary Chair shall be elected from among the members present. Upon arrival of the Chair or Vice Chair, the temporary Chair shall relinquish the Chair upon conclusion of the item then before the Board.

D. Chair--Rights

The presiding officer shall be deprived of none of the rights or privileges of a Board member by reason of his/her occupying the Chair and may move, second, and debate from the Chair, except the Chair shall be the last to cast his/her vote.

E. Subcommittees

With the approval of the Board, the Chair may establish *ad hoc* subcommittees to perform specific tasks. Members of such subcommittees shall be appointed by the Chair.

III. SECRETARY - CLERK OF THE BOARD

A. Appointment

The City Clerk of the Redevelopment Agency Successor Agency or her/his designee shall serve as Clerk of the Board and shall serve as Secretary to the Board.

B. Powers and Duties

The Clerk of the Board shall have the following powers and duties:

1. Attend all meetings of the Board and shall record and keep minutes of all actions of the Board.

2. Attest all minutes of the Board.

3. Preserve, and be custodian of, all minutes, books, records, papers and tapes of the Board. Whenever necessary she/he shall certify true copies of Board documents.

4. Perform all duties required of her/him by these rules or required or her/him by resolution or order of the Board consistent with State law, including without limitation, the Brown Act.

III. LEGAL COUNSEL

A. Solicitation of Outside Counsel

The Board shall not be represented by counsel who is employed by: (i) the Redevelopment Agency Successor Agency; (ii) any of the other entities with appointments to the Board; or (iii) any of the affected taxing entities which may receive funding pursuant to AB 26. This Article III shall not constitute a waiver of any conflicts pursuant to California Rules of Professional Conduct applicable to attorneys.

As soon as possible after the first regular Board meeting, the Board shall conduct a solicitation for outside legal counsel for representation for the Board. The Board shall form an *ad hoc* subcommittee to evaluate all response or shall meet as a committee of the whole for the purpose of evaluating such responses.

IV. MEETINGS

A. Meeting Place

The Board shall meet at 915 I Street, Sacramento, or at such other place to which the meeting may be adjourned and as provided in Government Code §54954. In the case of an emergency or other condition rendering the regular meeting place unsafe or unsuitable for the meeting, the meeting may be held for the duration of such condition at such other place as may be designated by the presiding officer in a notice to the local media who have requested such notices in writing. The notice shall be given by the most rapid means of communication available at the time.

B. Regular Meetings

1. The Board shall generally hold its regular meetings on the first and third Monday each month as shown on the annually adopted meeting calendar at the hour of 5:30 p.m. Regular meetings may be cancelled or rescheduled to a different date.

2. If the regular meeting date falls on a legal holiday, the meeting shall be held on such day as shall be prescribed by the Board in adoption of its annual calendar.

C. Special Meetings

1. A special meeting may be called by the Chair or by a majority of the Board.

2. A special meeting shall be held at the place specified in the notice and as provided in Government Code §54954.

3. Business at a special meeting shall be limited to the items specified in the special meeting notice.

4. Notice of a special meeting shall be given by the Clerk to the Board at least twenty-four (24) hours before the time of the meeting by delivering written notice either personally or by any other means to each member of the Board and to each local newspaper of general circulation, radio, and

television station requesting special meeting notice in writing. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed and shall be posted at least twenty-four hours before the meeting at a publicly accessible bulletin board, as required in Government Code §54956.

D. Adjourned Meetings

1. The Board may adjourn any regular, special, adjourned regular, or adjourned special meeting to a time and place specified in the order of adjournment. A copy of the order of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held, within twenty-four (24) hours after the time of the adjournment.

2. Unless stated otherwise, all references in these Rules to regular meetings and special meetings shall include adjourned regular meetings and adjourned special meetings.

E. Quorum

1. Four (4) Board members present and qualified to act shall constitute a quorum of the Board. A quorum shall be required for each meeting and for each item of business that the Board hears or considers or on which the Board receives information or takes action.

2. In the absence of a quorum, the Chair, the Vice Chair, any member of the Board, or, in their absence, the Clerk, shall adjourn the meeting in the manner described in section III.D., provided that 30 minutes shall have elapsed after the hour set for the meeting.

3. In the absence of a quorum as to a particular item of business before the Board due to a conflict of interest by one or more Board members, the item shall be continued until the next regular meeting or to a special meeting unless participation of one or more of the Board members with a conflict of interest is legally required for the action or decision to be made, in which case a quorum may be established and the quorum may hear, consider, and/or take action on the item as the Board deems appropriate. For purposes of this section III.E., the determination of when the participation of one or more Board members who have a conflict of interest as to a particular item of business is “legally required” and the manner of thereafter establishing a quorum shall be governed by Government Code §87101, 2 Cal. Code of Regs. §18708, and all other applicable laws, rules, and regulations.

F. Meetings Open to Public

All regular, special, adjourned regular, and adjourned special meetings of the Board and its committees shall be public; provided that the Board may hold a closed session as provided in Government Code §54956.6 (anticipated or pending litigation) during any regular, special, adjourned regular or adjourned special meeting, from which the public shall be excluded.

G. Attendance at Meetings

If any Board member cannot attend a meeting, he or she shall notify the Clerk as soon as possible, but in no event later than noon on the meeting day.

V. THE AGENDA AND SYNOPSIS

A. Agenda Preparation and Delivery

1. For all regular and special meetings, the Clerk shall cause to be prepared an agenda setting forth the time and place of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting. Items to be included on the agenda must be submitted to the Board no later than the date established by the Clerk.

2. Regular meeting agendas shall be made accessible to each Board member at least three days prior to the date of the meeting. Special meeting agendas shall be sent to each Board member as soon as practicable prior to the day of the meeting.

3. The Clerk shall include with the agenda, as applicable, a staff report containing pertinent facts, information and recommendations, as well as exhibits and any other pertinent material, for each item on the agenda.

4. If requested, the agenda shall be made available in appropriate alternative formats upon request by a person with a disability in compliance with the Americans with Disabilities Act of 1990.

B. Posting

At least 72 hours before each regular meeting, the Clerk or her/his representative shall post the agenda at a publicly accessible bulletin board, as required in Government Code §54954.2.

C. Right of Public to Address Board—Regular Meetings

The agenda for every regular meeting shall include an opportunity for members of the public to directly address the Board on any item on the agenda and any item of interest to the public within the Board's jurisdiction. If the item is not listed on the agenda, the public may address the Board under the agenda item called, "Public Comment – Matters Not on the Agenda." If the item is on the agenda, the public may address the item when the item is announced. No items may be added to the regular meeting agenda, no discussion shall be had and no action shall be taken on any item not appearing on the agenda, except as provided in subsection E., below.

D. Right of Public to Address Board—Special Meetings

The agenda for every special meeting shall include an opportunity for members of the public to directly address the Board on any item on the agenda during consideration of that item. No items may be added to the special meeting agenda. No action shall be taken and no discussion shall be had on any item not on the special meeting agenda.

E. Non-Agenda Items—Regular Meetings

1. Consideration Limited to Agenda Items

No action or discussion shall be taken on any item not appearing on a regular meeting posted agenda, except as provided below:

(a) Board members may respond briefly to statements made or questions posed by members of the public addressing the Board.

(b) Board members may, on their own initiative or in response to questions posed by a member of the public, ask a question for clarification, make a brief announcement, make a brief report on his or her own activities, or provide a reference to staff or other resources for factual information.

(c) The Board may take action to direct staff to report back on any matter or place a matter as an item of business on a future agenda.

2. Adding Items to a Regular Meeting Agenda

The Board may add to the posted regular meeting agenda and take action on any item of business under the conditions stated below:

(a) Upon a determination by a majority vote of the Board that an emergency situation exists. "Emergency situation" means a crippling disaster, a work stoppage, or other activity which severely impairs public health, safety or both.

(b) Upon a determination by a two-thirds vote of the Board, or, if less than two-thirds of the members are present, by a unanimous vote of those present, that there is a need to take immediate action and that the need for action came to the attention of the Board after the agenda was posted.

(c) The item was on the agenda for a prior meeting of the Board occurring not more than fifteen 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.

F. Minutes of the Meeting

Written minutes of the Board meeting shall be prepared by the Clerk and included with the agenda for the next regular meeting.

G. Approval of Meeting Minutes

The minutes of a Board meeting may be approved by consensus without reading or formal motion of the Board if the Clerk has previously furnished each member with a copy of the minutes as provided in subsection F., above. After minutes are approved, the Clerk and Board Chair will sign the official copy of the minutes, certifying the approval.

VI. ORDER OF BUSINESS

A. Regular Meetings

The order of business of all regular meetings of the Board shall be as follows:

1. Call to order at 5:30 p.m.;
2. Roll call;
3. Consent Calendar;
4. Discussion Calendar;

5. Communications – State Department of Finance, State Controller and County Auditor-Controller
6. Public Comment - Matters not on the Agenda;
7. Board Members Ideas, Questions, and Announcements; and
8. Adjournment.

Notwithstanding the order of business stated above, Board members may choose to hear items on the agenda out of order.

B. Regular Meetings - Change

The order of business may be changed at any time by order of the Chair.

C. RASA Agenda Items

The Clerk of the Board shall agendize under Discussion Calendar Staff Reports by the Redevelopment Agency Successor Agency for the following status reports items as available (references are to Health and Safety Code under AB 26):

1. Cash Flow Report
2. Payments for enforceable obligations [34177(a)]
3. Reserves required by statute [34177(b)]
4. Performance of obligations required pursuant to any enforceable obligation [34177(c)]
5. Status of development of all RDA properties under enforceable obligations [34177(i]
6. Disposal of assets and properties of the former RDA [34177(e)]
7. Enforcement of RDA rights for the benefit of taxing entities, including collection of loans, rents and other revenues [34177(f)]
8. Steps taken to wind down of affairs of the RDA [34177(h)]

VII. CONDUCT OF BUSINESS

A. Call to Order

At the hour appointed for the meeting, the Chair shall take the chair and shall immediately call the Board to order.

B. Roll Call

Before proceeding with the business of the Board, the roll of the members shall be called by the Clerk to the Board, and the names of those present shall be entered in the minutes.

C. Standards of Decorum of General Applicability

1. While the Board is in session, the members and persons in attendance shall preserve order and decorum, shall not, either by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board or disturb any member while speaking, and shall not refuse to obey the orders of the Board or its presiding officer. Boarders and persons in attendance shall be courteous at all times in their dealings with the public, staff and each other.

2. No question shall be asked a member of the Board except through the Chair.

3. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Board, or who disrupts the meeting of the Board may be barred by the Chair from further audience before the Board during that meeting, unless permission to continue is granted by a two-thirds vote of the Board members present and voting. Any person who, without authority of law, willfully disturbs or breaks up a Board meeting in violation of California Penal Code section 403 shall be subject to arrest in addition to expulsion from the meeting.

D. Conduct of Persons Addressing the Board

1. Each person desiring to address the Board shall, upon invitation of the Chair, step to the podium and may give his or her name, address, and group affiliation, if any, in an audible tone of voice for the record. All remarks shall be addressed to the Board as a body and not to any individual member, to staff, or to the public. The Chair may limit the amount of time allowed for each person to speak when the Chair determines time limits are necessary for the orderly conduct of the meeting and the limits are fairly applied.

2. When more than one person is to address the Board on a particular item, it shall be proper for the Chair to request each succeeding speaker to limit themselves, to the extent possible, to the presentation of new material to avoid repetition and unnecessary delay of the proceedings.

3. Written communications to the Board on matters to be addressed at a meeting should be submitted in sufficient time before the meeting day to permit careful consideration by the Redevelopment Agency Successor Agency staff and, when practicable, by each Board member.

4. Whenever any group of persons wishes to address the Board on the same subject matter, it shall be proper for the Chair to request that a spokesman be chosen by the group to address the Board and, in case additional matters are to be presented at the time by any member of the group, to limit the number of persons so addressing the Board, so as to avoid unnecessary repetition.

E. Conduct of Board Members

1. Each member of the Board desiring to speak shall address the Chair and, upon recognition by the Chair, shall address the matter before the Board. Board members shall avoid indecorous language and personal reflections upon the Board, its individual members, and the Redevelopment Agency Successor Agency staff.

2. A Board member shall not be interrupted when speaking unless it is to call the member to order, to raise a point of order, or for the purpose of explanation. If a member, while speaking, be called to order, or if a point of order is raised, he or she shall cease speaking until the question of order is resolved and the Chair again recognizes the member.

3. The Board member moving the adoption of an order of business shall have the privilege of closing the debate.

4. A motion to reconsider any action taken by the Board may be made only on the day such action was taken, made either immediately, during the same session, or at a recessed session. The motion must be made by one on the prevailing side, seconded by any member, and may be made at any time and shall have precedence over all other motions or while a member has the floor.

F. Length of Meeting

If a meeting continues in session to 10:30 P.M., the Chair shall make a motion to continue beyond 10:30 P.M. or adjourn the meeting.

VII. PROCEDURE FOR PUBLIC HEARINGS

A. Rules for Conducting Hearings

Whenever any action of the Board requires a public hearing, the provisions of this section shall govern. These rules shall not be applied to alter the substantive or procedural rights granted to any person under the law. The provisions of this section VII, however, shall prevail over any inconsistent provisions of these Rules.

B. Opening Hearing

At the time and place fixed in the notice of the hearing or by the Board, the Chair shall proceed to open the hearing by introducing the item of business which is the subject of the hearing. The Chair shall inform all parties of the nature of the proceedings and of their procedural rights contained in this section VII. Those persons wishing to testify at the hearing shall not be required to testify under oath or affirmation unless the Board or a person who may be adversely affected by the decision made on the issue being heard requests that all testimony in the hearing be under oath or affirmation. If such a request is made, the Clerk shall swear in all persons intending to testify during the hearing. The Clerk, unless objected to by the Board, may collectively swear in all persons intending to testify at any of the hearings scheduled at the Board meeting where testimony is to be under oath or affirmation.

C. Order

The Chair may then undertake to receive evidence in the matter in the following order:

- The Redevelopment Agency Successor Agency staff and witness(es).
- The applicant, proponent, appellant and his/her representative(s) and witness(es).
- Members of the public.
- Closing statement/rebuttal of the applicant, proponent, appellant and his/her representative(s).

The Chair, for good cause, may alter the order of presentation of evidence.

D. Questions

After presentation of evidence by any person, the Chair may entertain questions from members of the Board directed at the person presenting evidence.

E. Closing the Hearing

The hearing may be closed by motion or, absent objection, by the Chair upon completion of the presentation of evidence. The Board may thereafter take the matter under submission or proceed to render a decision.

F. Reopening the Hearing

The hearing may be reopened for purposes of accepting additional evidence upon motion of the Board.

G. Decision

1. At the conclusion of a hearing where written findings of fact have been proposed, the Board may act on the findings of fact and make its final decision.

2. At the conclusion of a hearing where written findings of fact have not been proposed, the action taken by the Board on the hearing matter shall be considered an intended decision, regardless of the form of the actual motion, which action is not final, effective, or appealable until written findings of fact in support of the decision have been prepared and adopted by the Board. The Chair shall announce the intended decision and direct Redevelopment Agency Successor Agency staff to prepare and submit written findings within the time determined by the Board. Once presented with the written findings of fact, the Board shall adopt the findings of fact if it determines them to be consistent with its decision. The decision on the issue shall then be final.

H. Evidence

Any relevant evidence will be admitted at the hearing if it is the type of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs regardless of the existence of common law or statute which might make improper the admission of the evidence over objection in civil actions. Unduly repetitious and irrelevant evidence shall be excluded by the Chair. Written staff reports and attachments submitted to the Board with the agenda material or at the hearing shall be deemed to be, and shall become, a part of the record of the hearing proceedings. A copy of the staff report and attachments shall be available in the meeting room for public inspection during the hearing.

I. Ex Parte Communications

After the hearing is opened and prior to the time that members of the public are called to present testimony or other evidence, each member of the Board shall place on the record the subject and substance of any written or oral ex parte communication concerning the subject matter of the hearing and the identity of the person, group, or entity with whom the communication took place, including but not limited to members of government agency staff, applicants, appellants, and members of the public. Members of the Board who conduct site visits pertaining to the subject of the hearing shall place on the record the date and time of the site visit.

J. Rights

Each party shall have the following rights:

- To introduce oral, documentary, and physical evidence;
- To ask questions of other parties and witnesses, by addressing the question through the Chair, on any matter relevant to the issues of the hearing;
- To represent himself or herself or to be represented by any one of his or her choice who is lawfully permitted to do so.

K. Time Limits

The Chair may impose reasonable time limits on any person addressing the Board, including applicants, proponents, and opponents, when the Chair determines time limits are necessary for the orderly conduct of the hearing and the limits are fairly applied.

L. Exhibits

Any person submitting architectural renderings, modes, conceptual drawings, or other graphic representation of a proposed project shall exclude any and all features of the project site not currently in existence nor reasonably expected to be on the site in the future. All the renderings, models, drawings, and representations of a project shall become a part of the record and shall remain in the custody of the Board; provided, however, that photographs or appropriate size, color, and clarity may be accepted at the discretion of the Board in lieu of the actual renderings, models, drawings, and other representations.

M. Continuing Body

The Board shall be a continuing body. No measure pending before the Board shall be abated or discontinued by reason of the expiration of the term of office, resignation, or removal of a Board member. No Board member shall be disqualified from participating in any decision on an item of business that was the subject of a hearing during the absence of that member if the member listens to the digital recording or reads the transcript of the hearing prior to participating in the decision on the item. The Board member shall state on the record that he/she listened to the digital recording or read the transcript of the hearing prior to participating in the decision.

N. Additional Rules

The Chair may establish other rules of procedure for the orderly and expeditious administration of hearings as may be necessary or convenient for the orderly conduct of the hearing.

O. Strict Compliance Not Necessary

The Board's failure to strictly comply with these administrative hearing rules of procedure shall not affect the validity of any proceedings taken.

VIII. VOTING

A. Majority Vote

1. All motions by the Board shall be carried by not less than four (4) affirmative votes of the Board.

2. A motion to amend these Rules of Procedure shall be carried by not less than five (5) affirmative votes.

3. In the event of a tie vote, the motion fails.

B. Abstention - Qualified Member - Majority Vote

1. An abstention shall be recorded when a Board member, although qualified to vote on a motion, states “abstain.”

2. An abstention shall not be considered for purposes of determining a majority vote. For purposes of determining whether a sufficient number of Board member are present to act on an item of business, however, an abstaining member who is otherwise qualified to vote shall be counted as present. For example, where four Board members are present and qualified to vote, a vote on a motion of 3 in favor and 1 abstain would be a majority vote, but the motion would fail because it did not receive four affirmative votes.

C. Conflict of Interest

No Board members shall make, participate in making or in any way attempt to use his or her official position to influence a decision on any issue when prohibited from so doing by law due to a conflict of interest.

D. Conduct During Consideration of Item by Disqualified Boarder

1. At the time the Chair calls an item from which a Board member is disqualified from participation under subsection C., above, the disqualified Board member shall announce the fact and the reason he or she is disqualified for the record in the manner described in 2 Cal. Code Regs. 18702.5 (b) and, except as provided in subsections 2. and 3., below, shall immediately leave the room for the duration of the item.

2. If the item from which the Board member is disqualified from participation under subsection C, above, is on the consent calendar, the Board member shall announce the fact and the reason for disqualification and recuse himself/herself from discussing and voting on the matter, but is not required to leave the room during the consent calendar.

3. A Board member who is disqualified from participation under subsection C, above, may speak to the item as a member of the general public if, after announcing the fact and the reason for disqualification and recusing him/herself from discussing and voting on the matter, speaks from the same area as members of the public. The Board member may also listen to the public discussion of the matter with the members of the public, pursuant to 2 Cal. Code of Regs. 18702.5 (d)(3).

E. Abstention - Conflict of Interest

A Board member disqualified from participation under subsection C, above, shall not be considered present at the meeting for the item(s) of business on which such member is disqualified.

F. Roll-Call Vote

All voting shall be by roll-call vote. Upon being called by the Clerk, each member of the Board who is present and qualified to vote shall state either “aye,” “no,” or “abstain.” Each response of “aye,” “no,” or “abstain” shall be entered into the record of the meeting by the Clerk.

IX. CLOSED SESSIONS

A. Closed Sessions Authorized

The Board may meet in closed session to confer with Legal Counsel regarding existing or anticipated litigation pursuant to Government Code §54956.9.

B. Agenda Requirements

Closed sessions shall be described on the agenda of the meeting for which they are scheduled as specified in Government Code §54954.5.

C. Announcing Closed Sessions

Prior to holding a closed session, the Board shall convene in open session and announce the item or items to be discussed and/or acted upon in closed session by referencing the item or items by their number on the agenda.

D. Reporting After Closed Session

The Board shall publicly report any action taken in closed session, and the vote or abstention of every member present as required by Government Code §54957.1.

E. Disclosure of Closed Session Content

No member of the Board, Redevelopment Agency Successor Agency staff, or any other person present during a closed session shall disclose to any person the content or substance of any discussion which took place during the closed session unless disclosure is authorized by a majority vote of the Board.

X. DISTRIBUTION OF MATERIALS

A. Board Meetings

Agendas and other writings distributed by any person to all or a majority of the Board in connection with a matter subject to discussion or consideration at a public meeting shall be made available for inspection and copying as public records. Writings prepared by Redevelopment Successor Agency staff or by a member of the Board which are distributed during a public meeting shall be available for public inspection at the meeting. If prepared by some other person, the writings shall be made available for public inspection after the meeting. In this case, a copy of the writing shall be delivered to the Board and Redevelopment Agency Successor Agency staff who will keep the copy with the record of the Board meeting and make a copy available for inspection and copying as required by law. These writings shall be made available in alternative formats upon request by a person with a disability in compliance with the Americans with Disabilities Act of 1990.

B. Facts and Circumstances Relating to Anticipated Litigation

Claims and records of statements threatening litigation made outside an open and public meeting shall be made available as a public record if distributed to all or a majority of the Board in

connection with a matter subject to discussion or consideration at a public meeting and if the writing is not otherwise exempt from public disclosure.

XI. VALIDITY OF ACTIONS

No action taken by the Board which is otherwise legally valid shall be voided or nullified by reason of a failure to follow these Rules of Procedure.

XII. CHANGES TO AND APPLICATION OF THE RULES

A. Amendments

These Rules of Procedure may be amended at any time; provided, that a minimum of one week's prior notice of the proposed change is given to each member of the Board and the motion to amend the Rules is carried by the minimum number of affirmative votes specified in section VIII.A.1.

B. Suspension

Any section of these Rules of Procedure may be temporarily suspended by the unanimous consent of all Board members present.

C. Roberts Rules of Order

All questions of order not addressed in these Rules and Procedures shall be determined in accordance with *Robert's Rules of Order*, except that if a substitute motion is adopted which completely supercedes the main motion, no additional vote on the main motion as substituted shall be necessary.

D. Copies

The Board and Redevelopment Agency Successor Agency staff shall furnish each member of the Board with one or more copies of these Rules, shall maintain a copy at the Board's meeting place, and shall maintain a supply for public purposes.