

# BYLAWS OF THE TUOLUMNE COUNTY COMMISSION ON HOMELESSNESS

(TCCOH)

PASSED 08/10/101

UPDATED \_\_\_/\_\_/\_\_\_

# **Table of Contents**

BYLAWS OF THE TUOLUMNE COUNTY COMMISSION ON HOMELESSNESS		
Ta	ble of Contents	2
	Introduction	3
	Background	3
	ARTICLE I - Name of Organization and its Objectives	4
	ARTICLE II - Responsibilities and Functions	4
	ARTICLE III - Membership	4
	ARTICLE IV - Vacancies	6
	ARTICLE V - Terms and Duties of Officers	7
	ARTICLE VI - Works Groups	9
	ARTICLE VII - Meetings & Quorums	10
	ARTICLE VIII Agendas & Voting	11
	ARTICLE IX - Amendments	12
	APPENDIX A - Rosenberg's Rules of Order	14
	APPENDIX B - Terminology	24

#### Introduction

People become homeless for many reasons. With the high cost of housing, a single crisis such as a medical bill, missed paycheck, expensive car repair, loss of a job, or death of a family member can cause a household to lose their home. Many in our community face challenges as foster children, run-away youth, families fleeing domestic violence, or individuals dealing with mental illness, substance abuse, or exiting prison and working to put their life back together.

In rural areas such as Tuolumne County, service providers often encounter clients in need of emergency housing and services who fall into these categories.

# **Background**

The Tuolumne County Homeless Advisory Committee was established by action of the *Tuolumne County Board of Supervisors* to create a *permanent*, *public*, *diverse*, and *capable* team to address the many facets of homelessness and create a channel for public participation. It was renamed with the passage of it's bylaws in 2021 to the Tuolumne County Commission on Homelessnes (TCCOH).

The commission is inspired by the work of Tuolumne County Homeless Advocate and Outreach Coordinator Kellae Brown, and in turn this commission recognizes her work in laying the foundation by bringing together an ambitious 75+ member coalition task force brought to bear on this issue. Created on February 16th, 2021 as one of the first major decisions by a new Board of Supervisors and with members appointed April 6th, 2021, began addressing the local element of what had become a growing crisis around California and the nation related to homelessness: causes, those at-risk, encampments, community issues, and more.

Addressing homelessness was identified as one of the 2021-2022 Tuolumne County Board of Supervisors strategic priorities during a time where the COVID-19 pandemic had driven many people into financial and housing peril.

Yet, homelessness is not a new issue. From the 2017 AHAR Report (Homelessness Report to Congress), for every 10,000 people in the country, 17 were estimated to be experiencing homelessness, or roughly 90 homeless persons for Tuolumne County. However, an official 2019 Point-In-Time (PIT) study in January found over **418** people were experiencing homeless here, and another informal study conducted in the summer of 2017 found **711.** Both may be significant underestimates.

For these reasons, finding the long-term and short-term solutions for this issue are of paramount importance to the commission, county, and our community.

See Tuolumne County 2019 Draft Plan to Address Homeless

# **ARTICLE I - Name of Organization and its Objectives**

- 1. Name The name of this organization shall be *Tuolumne County Commission on Homelessness*, hereinafter referred to as "*TCCOH*".
- 2. Area The area served is Tuolumne County, California.
- 3. **Status** All members appointed to the TCCOH are representatives to help address the issue of homelessness in Tuolumne County.
- 4. **Vision** The Vision of the TCCOH is that Tuolumne County has adequate safe, healthy, and affordable shelter and housing options for all of the people who live in Tuolumne County.
- 5. **Mission** The Mission of the TCCOH is to serve the County Board of Supervisors by advising it on policy and practice related to all services and programs that affect the County's residents currently or at risk of experiencing homelessness. The TCCOH will serve the BOS by:
  - a. Ensuring policy items coming to the Board are properly defined, reasonable alternatives vetted, and recommendations are clear.
  - b. Providing a forum for input on potentially controversial policy issues
  - c. Performing other duties relative to issues related to homelessness in Tuolumne County as may be assigned and approved by the Board of Supervisors and to be taken on by this commission.
  - d. Partnering with and reviewing proposals from Tuolumne County staff and community partners regarding homelessness.
- 6. Scope The TCCOH shall be the policy advisory commission to the County of Tuolumne Board of Supervisors and its scope shall be for all programs, decisions, and services which may be targeted at or particularly affect homeless populations in Tuolumne County including but not limited to protecting those at-risk of homelessness, providing services for those currently homeless, or recommending establishing policy to address community issues related to homelessness.

# **ARTICLE II - Responsibilities and Functions**

1. Study, review, evaluate, and make recommendations to the Tuolumne County Board of Supervisors and other relevant government and community agencies relative to any and all matters affecting or being caused by homeless, those at risk of homelessness, and transient populations in Tuolumne County, including but not limited to matters such as health, housing, employment, transportation, compliance, and community issues.

- 2. Identify the various services made available to homeless populations in Tuolumne County both governmental and non-governmental agencies, and to the extent feasible, act as a voluntary coordinating body for such agencies.
- Study and inform residents of Tuolumne County and the Board of Supervisors of pertinent proposed or enacted legislation and/or regulatory changes related to homelessness, and policies and programs pursued by other areas.
- 4. Perform other duties relative to issues related to homelessness in Tuolumne County as may be assigned and approved by the Board of Supervisors to be taken on by this commission.

# **ARTICLE III - Membership**

- 1. Members of the TCCOH shall be appointed or assigned by the BOS.
- 2. Membership of the TCCOH shall be residents of Tuolumne County, or a representative of an organization or agency that serves Tuolumne County. Staff of the County of Tuolumne shall be eligible for ex officio membership only.
- 3. Member terms shall be for two (2) years. Terms may be renewed without limit with formal application from the member and the approval of the Board of Supervisors.
- 4. Each sitting member of this commission shall have an equal vote unless they are ex-officio.
- 5. These bylaws shall reflect the most up-to-date alterations and intent of the Board of Supervisors, and uponBoard of Supervisor approval, amending these bylaws shall take effect immediately..
- 6. The TCCOH shall consist of twenty (20) members appointed by the Tuolumne County Board of Supervisors.
  - a. Individual membership, for a total of eight (8) members, shall include:
    - i. Two (2) sitting members of the Tuolumne County Board of Supervisors
    - ii. Five (5) representatives of the public, with one selected by each of the County Supervisors representing their respective districts
    - iii. Two (2) representative of the affected population, either currently experiencing or having recently experienced homelessness in Tuolumne County for at least 2 months within the past 10 years, preferably one self-identified male and one self-identified female.
  - b. Organizational membership for a total of twelve (12) shall be for an individual designated by the organization and sworn-in by the county, and include:

- Two (2) representatives from the Business sector from either representative business bodies (i.e. a Chamber of Commerce) or businesses which work to address or are affected by the issue of homeless
- ii. Two (2) representatives from the accredited Non-Profit sector which serve homeless populations or communities affected by homelessness
- iii. Two (2) representatives from the Faith sector defined as primarily religious organizations which interact with the issue of homelessness through charitable or service oriented work
- iv. One (1) representative from Amador Tuolumne Community Action Agency (ATCAA)
- v. Two (2) representatives from the City of Sonora
- vi. One (1) representative from the Chicken Ranch Rancheria Me-wuk Indians of California.
- vii. One (1) representative from the Tuolumne Band of Me-Wuk
- viii. One (1) representative from the Tuolumne County Superintendent of Schools office
- c. Ex-officio (non-voting) membership shall include:
  - The Tuolumne County Homeless Advocate and Outreach Coordinator, or designee, and to support at the recommendation of the Commission any helpful operational actions such as sending out documents, providing educational information, and recommending options
  - ii. One (1) representative from Tuolumne County Health and Human Services, or designee
  - iii. The Tuolumne County District Attorney, or designee
  - iv. One (1) representative from local law enforcement in Tuolumne County
  - v. One (1) representative from Adventist Health Sonora

#### 7. Member conduct

- a. It is the intent of this body to respect diverse temperaments, talents, and convictions, and to welcome disagreement as an opportunity to learn and compromise.
- b. However, if a member seeks to undermine, obstruct, or otherwise disrupt the work of the TCCOH, and has been officially warned and given reasonable time to

- correct, then it is the prerogative of this Commission to with a majority vote place an item onto New Business to allow for discussion and adoption of a recommendation to the Tuolumne County Board of Supervisors to remove and replace a member with a 2/3rds vote of TCCOH.
- c. The member whose removal is placed in issue shall be given prior notice of their proposed removal and a reasonable opportunity to appear and be heard at a meeting of the TCCOH
- d. Until a ruling is made by the Tuolumne County Board of Supervisors, the member shall be suspended from the TCCOH.

#### **ARTICLE IV - Vacancies**

- 1. A member may be removed from the Commission due to absences and their seat declared vacant by the TCCOH.
  - a. This shall be defined as absent for three (3) consecutive regular meetings without prior notification to the Chair or Secretary of the reasonable cause for the absence (such as inability to make the time, illness, etc) or being absent for more than six (6) meetings in a six (6) month period.
  - b. A request for removal shall be made in a written format from the TCCOH to the Board of Supervisors and Tuolumne County Board Clerk to declare the member's seat vacant and to appoint a replacement member.
- Vacancies shall be brought to the Board of Supervisors and notice of vacancy posted by the Tuolumne County Board Clerk. Vacancies shall also be advertised by the TCCOH using printed and digital means, and shall be directed to the Tuolumne County Board Clerk.
- 3. A voting member may request and be granted a temporary leave of absence by the TCCOH for personal reasons that will cause them to miss at least three (3) or more consecutive regular meetings.
- 4. A member may resign from the TCCOH prior to the end of their term by providing written notice (digital or paper) to the Tuolumne County Board Clerk with a copy or cc to the TCCOH Chair and Secretary. All resignations shall be brought to TCCOH agenda as a notice on the next regularly scheduled meeting.
- 5. Vacancy appointments shall be filled for the remainder of the unexpired term.

#### **ARTICLE V - Terms and Duties of Officers**

- 1. The ranking officers of the TCCOH shall be, in order, Chair, Vice-Chair, and Secretary. Officers shall have no additional authority over other commissioners aside from stated duties below but instead are positions of service.
- 2. Nominations for officers shall be an item of business on an annual basis. Any voting member of the TCCOH shall be eligible to serve in any officer position.
  - a. Nominations shall begin with a presentation on the duties and responsibilities for each position and then proceed to nominations and voting in descending rank order for each position.
  - b. Nomination motions must be made, seconded, and accepted by the member to be considered valid. There shall be no limit to how many nominations may be made for an office.
  - c. Each nominated candidate may present for up to 3 minutes.
  - d. Once nominations are closed, voting shall be done simultaneously on open ballots in a top three (3) rank-choice system with each voter's name clearly marked, and then publicly tallied for the minutes in compliance with the Brown Act.
    - Recognizing the temporary gubernatorial order regarding (such as COVID-19), members in attendance via phone shall be able to present their rank choice vote verbally after time is given for members to write it down.
  - e. An officer shall be elected by a majority vote.
  - f. For the first meeting of the TCCOH after the ratification of these bylaws, elections shall be held as soon as possible and no later than the following meeting unless tabled by a majority vote.
- 3. Terms of all officers are one (1) year. Officers may be elected to no more than four (4) consecutive years.

# 4. Duties of the Chair:

- To preside at all TCCOH meetings and have as their first priority the facilitation of discussion so that members are able to participate fully and deliberate agenda items
- b. To oversee preparation of agendas for all TCCOH meetings in consultation with the Tuolumne County Homeless Advocate and Outreach Coordinator and Vice-Chair, and to have final approval over said agenda.

- c. To monitor implementation of the adopted policies, plans, and actions of the TCCOH and assist as needed and appropriate.
- d. To appoint a temporary Secretary if they are absent
- e. To provide liaison with the Board of Supervisors and serve as the official spokesperson of the TCCOH, or designate a proxy
- f. To facilitate the implementation of TCCOH created *ad hoc* work groups as needed
- g. To be an ex-officio member of all standing and ad hoc work groups with the option of attending

#### 5. Duties of the Vice-Chair:

- a. To work closely with, support, and assist the Chair in performing their duties as required, and assume the duties of the Chair in their absence.
- b. To fulfill the role of parliamentarian as rule keeper, including being sufficiently knowledgeable of the Rules of Order, these bylaws, and Brown Act in order to ensure they are followed by members of the commission and the public; advising the Chair and TCCOH as to proper procedure in a neutral way; maintaining decorum amongst the membership to ensure the free flow of information, safety, and an atmosphere of respect and collaboration; and clearly distinguishing when they are speaking as a member of the TCCOH versus when they are speaking as a neutral arbiter of process.
  - i. In the case of the Vice-Chair standing in for the TCCOH Chair, the Secretary shall serve as parliamentarian and secretary.
- c. To keep track of time for agenda items and speakers to ensure items of business are kept within their given time frames.

#### 6. Duties of the Secretary:

- a. To ensure minutes are taken at all TCCOH meetings and submitted to the Tuolumne County Board Clerk after approval by the TCCOH
- to coordinate with the Homeless Advocate and Outreach Coordinator the providing of minutes and other materials to TCCOH members no later than four (4) business days before each meeting not to include weekends and major federal holidays.
- c. To maintain records of all business of the TCCOH including but not limited to an up-to-date membership list, current bylaws, meeting minutes and resolutions, and other documents as required and to ensure that the public shall have access to these documents in a digital format

- d. To record members' attendance and to assist the Chair in the implementation of Article IV; Section 1, and to notify members when they are approaching the absence limit.
- e. To assist the Chair and Vice-Chair as requested when correspondance is needed.
- f. To be responsible for coordinating implementation of Article IV; Section 2.
- g. To be an ex-officio member of all work groups with regards to receiving appropriate work group documentation.

# 7. Officer Vacancies

- a. Vacancies shall be temporarily filled at the next TCCOH meeting by nomination process for the remainder of the officer's term, unless postponed for cause.
- b. Vacancies in the office of Chair shall first be filled by the Vice-Chair. If not possible, then such vacancy shall be filled by appointment of the next highest ranking officer.
- c. Vacancies in other offices shall be filled by an elections process with confirmation of a majority of the TCCOH
- d. If no candidates are nominated or accept a position, the Chair has the discretion to appoint a willing member to temporarily serve in that role until the next nominations process

#### **ARTICLE VI - Committees**

- 1. Each TCCOH committee is formed by the TCCOH to address an important aspect of homelessness in Tuolumne County. Membership shall be determined by self-selection of TCCOH members and members of the public, with committee voting membership limited to fewer than TCCOH quorum.
- 2. Each committee shall be a place to:
  - a. Carry out work towards the mission, vision, and strategic plan of the TCCOH through the established purpose and goals for that committee
  - b. Research, create, and introduce proposals for the TCCOH to consider adopting through their liaison
  - c. Provide feedback on the current work and discussions of the TCCOH as requested

- Committees shall be organized and operate at the discretion of the designated Committee Chair who shall be a voting member of TCCOH selected by the committee members
- 4. Duties of the Committee Chair
  - a. To lead their assigned committee as Chair, and report back to the TCCOH on work, discussions, and feedback
  - b. To follow up on any deadlines set by the TCCOH for items sent to the committee
- 5. A committee will be either a standing committee, if ongoing in nature, or an ad-hoc committee, if less than one year in duration. An ad-hoc committee may be created by either the TCCOH or a standing committee, and are not subject to the Brown Act.

# **ARTICLE VII - Meetings & Quorums**

- The TCCOH shall conduct regularly scheduled public meetings at least once per month, and will meet if there is business except when that day is a Federal holiday, and then the meeting may be conducted on the following day. A future meeting may be cancelled only by a majority vote of the TCCOH.
  - a. It is the intent of the TCCOH that meetings shall last no more than two hours, but may be extended by a majority vote of the membership. If not extended, all items of business remaining shall be immediately tabled to the following meeting.
  - b. Regular meeting times will be determined by the TCCOH members.
- 2. Members may attend commission meetings via phone, video call, or (if applicable) in-person when legally permissible. In accordance with the Brown Act, remote attendance requires a specified, recorded location.
- 3. Additional Meetings
  - a. Special meetings may be called by the Chair at least seventy-two (72) hours prior to such meeting. Unless authorized at the previous meeting, a special meeting can only be done for business items that are time-sensitive and cannot wait until the next regularly scheduled meeting.
- 4. Quorum: A majority (50% + 1) of TCCOH non-vacant voting positions shall constitute a quorum. If a quorum does not exist, no action may be taken *except* to release, advertise, and distribute applications to join the TCCOH with approval from legal counsel. Discussion may still occur without action taken if there is not a quorum. Such member discussion is to be reported out at the next meeting with a quorum.
- Normal procedures in the TCCOH shall followed be at the discretion of the TCCOH Vice Chair as Parliamentarian, following Rosenberg's Rules of Order as attached in Appendix

- A. Where conflict arises, these bylaws shall be considered the governing rules of the day.
- 6. A specific bylaw may be temporarily suspended by a 2/3rds vote of the TCCOH for one item of business

# **ARTICLE VIII Conflict of Interest Policy**

- 1. This conflict of interest policy is designed to foster public confidence in the integrity of the TCCOH and to protect the County of Tuolumne's interest when contemplating recommendations and actions that might benefit the private interest of an insider.
- 2. Each TCCOH member shall complete AB 1234 ethics training from the Fair Political Practices Commission (FPPC) and Brown Act training, and provide proof of completion to the Secretary within a reasonable time frame of accepting appointment. This shall be done every two years.
- 3. Each member has a "Duty to Disclose" to the TCCOH all material facts regarding their interest (including relevant affiliations) which may constitute a conflict regarding a proposed action item. The interested person shall make that disclosure promptly upon learning of the proposed action item.
- 4. Recognizing that many members of TCCOH are actively involved in the issues of homelessness, for the purposes of TCCOH, a conflict of interest related to material benefit shall be for transactions or actions which *uniquely* or *predominantly* affect a single member and shall not apply to decisions of material benefit available broadly (e.g. recommending approval of a grant that any non-profit can apply for, not just TCCOH members).
- Procedures for Addressing a Conflict of Interest: If a conflict of interest is determined to exist by the member or Legal Counsel, the member shall recuse themselves from the discussion of and vote on the action item.. The minutes shall reflect any mentions of conflicts of interest.

# **ARTICLE IX Agendas & Voting**

- 1. Agenda sections shall include:
  - i. Call to order
  - ii. Roll Call
  - iii. Approval of previous meeting minutes

- iv. Public Comment Shall be limited to three (3) minutes for each member of the public. This may be reduced to two (2) minutes in special cases due to length of the agenda, number of speakers, etc. This shall be for comment for items *not* on the agenda.
- v. Reports (no action items)
  - 1. Officers: Chair, Vice-Chair, Secretary
  - 2. Standing Committees
  - 3. TCCOH Ad-Hoc Committees
- vi. Speakers
- vii. Unfinished business Motions or items returning from the previous meeting
- viii. New business Introduction of new items for consideration of the TCCOH
- ix. Announcements (include times, date, and location of next meeting)
- x. Adjournment
- 2. Any member of the TCCOH may submit items for consideration for New Business to the Chair 48 hours ahead of the publishing deadline for the agenda. All items requiring action shall have a one page writeup that shall include background, summary, and the requested action.
  - a. Should the chair choose to not agendize the item, the introducer may request 3 minutes in New Business to advocate for adding it to the next agenda. The Chair will explain their reason for not accepting the item. A vote will be called requiring a simple majority to add it.
- 3. The standard time limit for an item of business shall be 20 minutes, and may be extended by majority vote of the TCCOH for as much time and as many times as needed. After 30 minutes, any member may "call to end discussion and vote", "send it to the appropriate committee" or to "table the item" until the next meeting with a majority vote.
  - a. Motions to end discussion in less than 20 minutes shall be allowed with a 2/3rds vote of the TCCOH, when discussion has ended, or at the recommendation of the Chair with a majority vote.
  - b. The standard time limit for discussion on any motion shall be 5 minutes unless similarly extended by a majority vote of the membership.

- 1. Call to Order at 9:00AM
- 2. Roll Call :Dana Baker, Kelsey Stone, Jeannette Lambert, Christine Welch, LeeAnn Hatton, Colette Such, Mary Rose Rutikanga, Cathie Peacock, Supervisor Kathleen Haff, Supervisor Jaron Brendon, Whitney Hawkins, Rebecca Espino and Kellae Brown, Joe Bors, Shelly Muniz, Hazel Mitchell, Nancy Scott, Rick Breeze-Martin and Lori Severson.

3. Request for volunteer notetaker- Chair Tina Welch requested that someone take notes for today's Not approved yet meeting, Kelsey Stone volunteered.

- 4. Consideration of Minutes of the meetings of 4/15/21 Approved, 5/3/21 Approved, 6/10/21 Correction made: Corrected spelling on supervisor Jaron Bradon, Christina Welch, Dana Baker and change numbering. With edits Collete such made a motion shelly second unanimous Yes.
- 5. Public comment None

#### **REPORTS**

- 6. Ad Hoc Committee
- By-Laws sub-committee report -Supervisor Jaron Brandon stated all edits were completed from prior meeting and he is hoping for final approval today

#### **SPEAKERS**

7. Homeless Coordinator update on Camp Hope- Kellae Brown went out two weeks ago and handed out fire extinguishers and the campers very grateful. Heroin and fentanyl are running heavy through the camps right now concerns for overdosing. Thirty people are out of the camp and in stable housing fifteen people are still left at camp hope. There are concerns with neighbors shooting off guns too scar them law enforcement is aware. Final Notice for Camper to leave property is August 9th, 2021

#### **UNFINISHED BUSINESS**

- 8. Election of Officers: Appoint Secretary Lori Severson nominate Kelsey Stone and Colette Such 2<sup>nd</sup> and a unanimous vote was yes.
- 9. Finalize bylaws
  - a. Finish review and discussion of bylaws, Supervisor Jaron Branson agreed to provide edits and corrections
    - i. Article 5, 6, 7 and 8 all passed
    - ii. Article 9 to decrease items minutes to 20 Supervisor Kathleen Haff motioned and Dana Baker 2nd and unanimous vote was yes some no votes
    - iii. Supervisor Kathleen Haff motioned to make the meeting no more then 2 hours and Joe Bors 2<sup>nd</sup> the motion, unanimous vote of yes.
    - iv. Cathie Peacock motion to add the Brown act training and the AB1234 Ethics training to the By Laws and provide certificate to secretary, Hazel 2<sup>nd</sup> the motion, unanimous vote yes. Secretary will send out reminders.
  - b. Vote to accept and forward to the Board of Supervisors (BoS) for approval-yes
  - Request BoS to ratify acting incumbents as Board Officers-This includes Chair as Christina Welch, Vis-Chair Dana Baker and Secretary Kelsey Stone.

#### **NEW BUSINESS**

10. Review and discussion of issues for possible action of forming committees

11. Rick Breeze-Martin and Tom Crosby to advocate for items not agenized this month [5 min.]

{attachment}

Rick made a motion to agendice

Tina Welch adjourned meeting at 11:07 am

4. Voting shall be conducted in accordance with the Brown Act and at the discretion of the Chair. It may include but is not limited to calls for unanimous consent, raising of hands, roll call voting, and open ballots.

#### **ARTICLE X - Amendments**

- 1. These bylaws may be amended by affirmative vote of 2/3rds of the TCCOH membership at a regular meeting, provided that notice of the proposed amendment(s) shall have been given to all members at least one (1) regularly scheduled meeting prior to the meeting at which the amendment(s) will be considered.
- 2. Upon approval by the TCCOH, the amendment(s) shall be submitted to the Board of Supervisors for final approval.

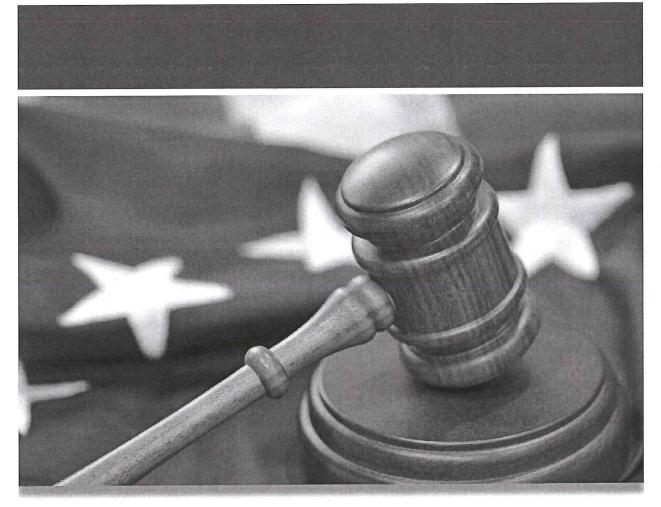
Signature of TCOOH Chair	Christine M. Welch	<u> 8   12   2021</u>
Signature of the Board of Supervisors Chair	Contaple	08 112 12021
BYLAWS APPROVED.	08 / 10 /2021	
BYLAWS AMENDED:		

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

HEATHER D. RYAN Board Clerk

Bv:

**APPENDIX A - Rosenberg's Rules of Order** 



# Rosenberg's Rules of Order

**REVISED 2011** 

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



# MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

#### VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

#### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and automony of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

© 2011 League of California Cities. All rights reserved.

# ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

# Table of Contents

About the Authorii
Introduction2
Establishing a Quorum2
The Role of the Chair2
The Basic Format for an Agenda Item Discussion2
Motions in General3
The Three Basic Motions3
Multiple Motions Before the Body4
To Debate or Not to Debate4
Majority and Super-Majority Votes5
Counting Votes5
The Motion to Reconsider6
Courtesy and Decorum7
Sussial Notes About Dublic Imput

#### Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — Robert's Rules of Order — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then Robert's Rules of Order is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of Rosenberg's Rules of Order.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, \*Rosenberg's Rules\* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted \*Rosenberg's Rules\* in lieu of \*Robert's Rules\* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

- Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
- Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
- 4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

#### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

#### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

#### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

- 1. The chair can ask the maker of the motion to repeat it;
- 2. The chair can repeat the motion; or
- The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

#### Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

- Inviting the members of the body to make a motion, for example, "A motion at this time would be in order."
- Suggesting a motion to the members of the body, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
- 3. Making the motion. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

#### The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

#### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the chair would then move to consider the main motion (the first motion) as amended. If the motion to amend failed, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if amended, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

#### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

#### Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds yote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

#### **Counting Votes**

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

How does this work in practice? Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote? Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention not to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

#### The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



#### Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

#### Special Notes About Public Input

The rules outlined above will help make meetings very publicfriendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.





1400 K Street, Sacramento, CA 95814 (916) 658-8200 | Fax (916) 658-8240 www.cacities.org

To order additional copies of this publication, call (916) 658-8200.

\$10
© 2011 League of California Cities. All rights reserved.

Printed on recycled paper.

# **APPENDIX B - Terminology**

- Amador Tuolumne Community Action Agency (ATCAA) Created in 1981 as a public, nonprofit entity (community action agency) through a joint powers agreement between the two counties of Amador and Tuolumne, vested with the responsibility of improving the lives of residents in the foothill region.
- At-Risk of Homelessness People who are not experiencing homelessness, but whose current economic and/or housing situation is precarious or does not meet public health and safety standards.

#### Case Law

- Jones v. City of Los Angeles 444 F.3d 1118 (9th Cir. 2006) The Eighth Amendment prohibits a city from punishing involuntary sitting, lying, or sleeping on public sidewalks that is an unavoidable consequence of being human and homeless without shelter in the city.
- Martin v. City of Boise 920 F.3d 584 (9th Cir. 2019) Formerly Bell v. City of Boise, this case has had a significant impact across the United States, particularly in the western states. The United States Court of Appeals for the Ninth Circuit ruled that it is cruel and unusual punishment to criminalize the simple act of sleeping outside on public property when no alternative adequate shelter exists. This has led to dozens of cities repealing or no longer enforcing their anti-camping laws.
- Case Management A collaborative and client-centered approach to service provision for persons experiencing homelessness. In this approach, a case worker assesses the needs of the client (and potentially their families) and when appropriate, arranges, coordinates and advocates for delivery and access to a range of programs and services to address the individual's needs.
- Center for a Non-Violent Community (CNVC) The Center For A Non-Violent Community is a name change for Mountain Women's Resource Center as of December 2009. The new name more accurately reflects the range of services and programs we provide to the people we serve including men, teens and children. CNVC was incorporated in 1997 as the Mountain Women's Resource Center. With a staff of 5, 12 volunteers, an emergency shelter donated by the City of Sonora, and a \$300,000 annual budget, domestic violence and sexual assault services were provided for Tuolumne County.
- Central Sierra Continuum of Care (CSCoC) Serves as the Continuum of Care (CoC) for the counties of Amador, Calaveras, Mariposa and Tuolumne in California's Central Sierra foothill region. CSCoC seeks to prevent, reduce, and end homelessness through effective and coordinated community-wide efforts and services.

- Purpose: To coordinate and plan services and initiatives surrounding homelessness, ensuring that knowledge is shared, relationships are built, and common goals are reached. The CoC is also responsible for obtaining federal funding for local programs.
   See current funding information here.
- Structure: A board consisting of various leaders of homeless service providers oversees CSCoC. General meetings are held monthly. See meeting schedule here. All are welcome.
- Coming Out The process of coming to terms with one's sexual orientation and/or gender identity and disclosing it to others. Others typically assume heterosexuality and fixed gender states that fit into the binary of female and male; therefore, coming out is an ongoing process.
- Concurrent Disorders (Dual Diagnosis) Describes a condition in which a person has both a mental illness and a substance use problem.
- Coordinated assessment A standardized approach to assessing a person's current situation, the acuity of their needs and the services they currently receive and may require in the future. It takes into account the background factors that contribute to risk and resilience, changes in acuity, and the role of friends, family, caregivers, community and environmental factors.
- Day and Hygiene Centers Day and Hygiene Centers provide a place to rest during the day and a place to tend to basic needs like using the restroom, showering and doing laundry. These may be mobile or permanent facilities.
- Discharge Planning Preparing someone to move from an institutional setting (child welfare system, criminal justice system, hospital etc) into a non-institutional setting either independently or with certain supports in place.
- Diversion Diversion services offer people experiencing homelessness one-time financial assistance or services to bypass shelter and move directly to housing. Diversion is offered to people who are homeless but have not yet or have just entered the shelter system. These programs offer financial assistance and/or case management to find creative solutions to the difficulties a person faces. Diversion can help people reunite with family, mediate with a landlord, or pay rent for a short time. A person successfully exits a diversion program when she uses one-time assistance to bypass shelter and move directly to housing.
- Emergency Response Providing emergency supports like shelter, food and day programs while someone is experiencing homelessness.
- Emergency Sheltered Staying in overnight emergency shelters designed for people who are experiencing homelessness.

- Enforcement Interventions that seek to strengthen community safety by responding to the crimes and community disorder issues.
- Episodically Homeless Refers to those who move in and out of homelessness
- Eviction Prevention Refers to any strategy or program, usually geared at renters that is designed to keep individuals and families in their home and that helps them avoid homelessness.
- Family and Natural Supports Include family, friends and community. By providing young people with family and natural supports that align with 'place-based' supports (ex. schools), we reduce the probability that a young person will leave their community in search of supports and become mired in homelessness.
- Family Reconnection (and reunification) Client-driven case-management approach that seeks to identify and nurture opportunities to strengthen relationships and resolve conflicts between young people who leave home and their caregivers.
- Fetal Alcohol Spectrum Disorder (FASD) An umbrella term used to describe the range of disabilities and diagnoses that result from drinking alcohol during pregnancy.
- FTM A person who was assigned female at birth, but identifies as male. Also known as trans man or transgender man. FTM is the acronym for Female-to-Male.
- Full Service Partnership (FSP) Provides a combination of subsidized permanent housing and multidisciplinary team—based services with a focus on rehabilitation and recovery.
- Gender Identity Gender identity is a person's subjective experience of their own gender. It is a deep internal feeling of whether they are female, male, genderqueer or anywhere else along the gender spectrum. A person's gender identity may be the same as or differ from the sex assigned to them at birth.
- Give Someone A Chance (GSAC) A nonprofit 501(c)(3) whose mission is to bring dignity to individuals in need, and improve the lives of the homeless and marginalized through mobile showers, transportation, and sustainable solutions by means of outreach services. Our core offerings expand access to government and private programs through fact finding and referrals that positively impact the lives of the homeless and, as a consequence, all residents of Tuolumne County.
- Harm Reduction Refers to policies, programs and practices aimed at reducing the risks and negative effects associated with substance use and addictive behaviors for the individual, the community and society as a whole.
- Health Promotion According to World Health Organization, health promotion is defined as the process of enabling people to increase control over and to improve their health.

- Homecare and Continuing Care Refers to a wide range of inpatient and outpatient services that may be offered in the home, in the community or in a hospital or medical setting.
- Homeless For the purposes of this document, "homeless populations" shall be considered synonymous with the terms "homeless people," "people without housing," "unsheltered" or "people without homes." It may also include those at risk of homelessness.
  - Hidden Homelessness Refers specifically to persons who live temporarily with others without the guarantee of continued residency or immediate prospects for accessing permanent housing.

# Housing

- Transitional Housing Refers to a supportive, yet temporary type of accommodation that is meant to bridge the gap from homelessness to permanent housing by offering structure, supervision, support, life skills, education, etc.
- Permanent Supportive Housing (PSH) Permanent Supportive Housing pairs affordable housing with comprehensive supportive services. Residents receive housing and services permanently. Permanent Supportive Housing serves primarily single adults who are chronically homeless and have a disabling medical condition. A person successfully exits PSH when they leave the permanent supportive housing unit for another permanent home and also when they maintain a permanent housing unit and continue to receive supportive services
- Scattered Site Housing Housing that is provided at individual locations, usually in the private rental market, as opposed to an affordable housing building or project.
- Housing First A recovery-oriented approach to ending homelessness that centers on quickly moving people experiencing homelessness into independent and permanent housing. It is followed by provision of additional supports and services as needed.
- Infant/Child Enrichment Services (ICES) A public benefit, non-profit corporation created in 1983 to provide a variety of child care and parenting support services to families in Tuolumne and Mariposa counties. The ICES vision is that all parents in the community have access to quality child care and parenting education.
- Informal Economy Economic activities that fall outside the formal labor market.
   Generally, refers to production, distribution and consumption of goods and services that are not accounted for in formal measurements of the economy.
- Lambert Center The Lambert Center opened in 1998 and provides help and referral to people experiencing homelessness that may be related to mental illness and/or

- addictions. The Center was named for David Lambert who, in his late adolescence, was diagnosed with a mental illness and later died from the consequences of the illness.
- Nancy's Hope Thrift Store Founded by Nancy Scott, Nancy's Hope is a thrift store business which provides numerous services to low-income populations and families.
- NIMBY (Not In My Backyard) Describes when residents of a neighbourhood designate
  a new development (e.g. shelter, affordable housing, group home) or change in
  occupancy of an existing development as inappropriate or unwanted for their local area.
- Panhandling A subsistence strategy that refers to begging for money, food and other items. The activity is considered to be part of the informal economy and is commonly associated with homelessness.
- Point-in-Time (PiT) counts provide a "snapshot" of the number of people experiencing homelessness on a specific date (usually one day but occasionally up to a week) in a community.
- Positive Behavior Intervention and Support (PBIS) An evidence-based three-tiered framework to improve and integrate all of the data, systems, and practices affecting student outcomes every day.
- <u>Poverty</u> There is a lack of international consensus on the definition of poverty. Poverty
  is measured in the United States by comparing a person's or family's income to a set
  poverty threshold or minimum amount of income needed to cover basic needs. People
  whose income falls under their threshold are considered poor.
  - The U.S. Census Bureau is the government agency in charge of measuring poverty. To do so, it uses two main measures, the official poverty measure and the Supplemental Poverty Measure, both of which are described in this FAQ.
- Prevalence Counts Provide an alternative to the PiT counts and are often used in some small and rural communities. They determine how many people were homeless over a set period in time.
- Primary Prevention Refers to working upstream to reduce risks of homelessness for individuals and families. Typically involves universal interventions directed at whole communities.

#### Propositions

Prop 63 Mental Health Services Act (MHSA) - The MHSA was passed by California voters in 2004 and is funded by a one percent income tax on personal income in excess of \$1 million per year, also called the "millionaire's tax." MHSA addresses a broad continuum of prevention, early intervention, and service needs and the necessary infrastructure, technology, and training elements that effectively support the public behavioral health system.  <u>Trauma Informed Care</u> – Trauma-Informed Care (TIC) is an approach in the human service field that assumes that an individual is more likely than not to have a history of trauma. Trauma-Informed Care recognizes the presence of trauma symptoms and acknowledges the role trauma may play in an individual's life- including service staff.

On an organizational or systemic level, Trauma-Informed Care changes organizational culture to emphasize respecting and appropriately responding to the effects of trauma at all levels.

- Queer A term that has been reclaimed by LGBTQ2S people as a self-identity for those who do not identify with binary terms that describe sexual, gender, and political identities.
- Self-Care the process of maintaining and promoting one's health, wellbeing and development to meet the everyday challenges and stressors.
- Service Coordination describes inter- or intra-organizational efforts to support individuals across a range of services.
- Severe Housing Needs when a household spends more than 50% of its pre-tax income on housing costs.
- Severe Mental Illness defined as a serious and persistent mental or emotional disorder (e.g. schizophrenia, mood-disorders, schizo-affective disorders) that interrupts people's abilities to carry out a range of daily life activities such as self-care, interpersonal relationships, maintaining housing, employment or stay in school.
- Sex Trade It is broad and encompasses a variety of activities including escort services, street-level sex workers, pornography, exotic dancing, massage, internet work, phone sex operators and third-party support (drivers, managers, bartenders etc.).
- Sexual Identity How a person identifies to whom they are sexually and romantically attracted (e.g., lesbian, gay, bisexual, heterosexual, etc.)

#### Shelter

- Permitted Village/Encampment Permitted villages offer outdoor, temporary accommodations for people who are living unsheltered in conditions that threaten their health and safety. Villages offer tiny houses like living structures, community kitchens, hygiene services and case management to clients that have lived outside for extended periods of time or for whom traditional shelter may not be a good fit.
- Basic Shelter: Basic shelters tend to have limited hours and provide services focused on basic needs and respite from being outdoors, like mats on the floor and a restroom. A person successfully exits a shelter program when they have left the shelter to move to a permanent home.

- Enhanced Shelter: Enhanced shelters have extended or 24/7 hour service and provide many services such as meals, hygiene services, storage, and staffing to support leaving shelter for permanent housing. A person successfully exits a shelter program when they have left the shelter to move to a permanent home.
- Social Enterprise Revenue-generating businesses that focus on creating socially related goods.
- Soft Skills Refers the range of skills that help someone obtain and maintain employment such as resume preparation and job search. It also refers to "life skills" training such as shopping, cooking and managing money.
- Structural Factors Are economic and societal issues that affect opportunities and social environments for individuals.
- Substance Use Refers to all types of drug and alcohol use.
- Substance Use Prevention Interventions that seek to delay the onset of substance use, or to avoid substance use problems before they occur.
- Systems Failures Occur when other systems of care and support fail, requiring vulnerable people to turn to the homelessness sector, when other mainstream services could have prevented this need.
- Tertiary prevention Refers to strategies intended to slow the progression of and treat a condition. It also refers to rehabilitation efforts to reduce the recurrence of the problem.
- Trauma An event outside the range of usual human experiences that would be markedly distressing to almost anyone and cause victimization.
- Transgender A term used to describe people whose gender identity does not match
  with the sex they were assigned at birth. Transgender is also used as an umbrella term
  and can encompass those who identify as gender queer and gender fluid and whose
  gender identities challenge gender norms.
- Transition When a transgender individual begins to live life in the gender with which they identify, rather than the sex they were assigned at birth.
- Wrap-Around Refers to a service delivery model that is a team-based, collaborative case management approach.
- Written For the purposes of these bylaws, requirements in writing shall include digital correspondence over email or equivalent software.