

# **Board Strategic Development Committee Meeting and Special Board of Directors Meeting**

Date: Tuesday, September 8, 2020

Time: Scheduled to begin at 5:30 p.m.

Location: Virtual Meeting (online)

# AGENDA

## BOARD STRATEGIC DEVELOPMENT COMMITTEE MEETING AND SPECIAL SMUD BOARD OF DIRECTORS MEETING

Tuesday, September 8, 2020  
Scheduled to begin at 5:30 p.m.

Zoom Webinar Link: [Join SMUD Strategic Development Committee Meeting Here](#)

Webinar ID: 161 564 7932

Password: 014030

Phone Dial-in Number: 1-669-254-5252

In accordance with the Governor's Executive Order N-29-20 and the Emergency Board Meeting Procedures adopted by the SMUD Board of Directors, the regular Board meeting and other public meetings are closed to the public to align with state, local, and federal guidelines and social distancing recommendations for the containment of the coronavirus.

Live video streams and indexed archives of meetings are available at:  
[http://smud.granicus.com/ViewPublisher.php?view\\_id=16](http://smud.granicus.com/ViewPublisher.php?view_id=16)

Members of the public may register to provide verbal comments at an upcoming Board or Committee meeting by emailing a request to speak to [PublicComment@smud.org](mailto:PublicComment@smud.org). Please include the date of the meeting, name, and topic or agenda item the requestor wishes to speak on. The request may also be submitted while the meeting is in progress during the standard time for the agenda item or topic. **Pre-registration is strongly encouraged by no later than 3:00 p.m. on the day of the meeting.**

Members of the public may provide written public comments on a specific agenda item or on items not on the agenda (general public comment) by submitting comments via e-mail. Comments may be submitted to [PublicComment@smud.org](mailto:PublicComment@smud.org) and will be placed into the record of the meeting.

Members of the public that are listening to or watching the live stream of a Committee meeting and wish to comment on a specific agenda item as it is being heard may submit their comments, limited to 250 words or less, to [PublicComment@smud.org](mailto:PublicComment@smud.org), noting the agenda item number in the subject line. The Committee Chair may read comments for items on the agenda into the record, in her discretion, based upon such factors as the length of the agenda or the number of e-mail comments received. General public comment for items not on the agenda will not be read into the record but will be provided to the Board and placed into the record of the Board meeting if it is received within two hours after the meeting ends.

This Committee meeting is noticed as a joint meeting with the Board of Directors for compliance with the Brown Act. In order to preserve the function of the Committee as advisory to the Board, members of the Board may attend and participate in the discussions, but no Board action will be taken. The Policy Committee will review, discuss and provide the Committee's recommendation on the following:

## **DISCUSSION ITEMS**

1. Eric Douglas  
LEADING RESOURCES, INC. Approve proposed revisions to **Governance Process GP-4, Agenda Planning.**  
Presentation: 5 minutes  
Discussion: 7 minutes
2. Eric Douglas  
LEADING RESOURCES, INC. Adopt **Governance Process GP-16, Board and Committee Agendas.**  
Presentation: 5 minutes  
Discussion: 8 minutes
3. Eric Douglas  
LEADING RESOURCES, INC. Approve proposed revisions to **Governance Process GP-9, Board Committee Chairs.**  
Presentation: 10 minutes  
Discussion: 10 minutes
4. Eric Douglas  
LEADING RESOURCES, INC. Approve proposed revisions to the **Meeting Procedures of the SMUD Board of Directors.**  
Presentation: 5 minutes  
Discussion: 10 minutes

## **INFORMATIONAL ITEMS**

5. Public Comment
6. Nancy Bui-Thompson Summary of Committee Direction.  
Discussion: 1 minute

*Pursuant to Resolution No. 20-06-08 adopted on June 18, 2020, Emergency Board Meeting Procedures are in effect:*

*Members of the public may make either a general public comment or comment on a specific agenda item by submitting comments via email. Comments may be submitted to [PublicComment@smud.org](mailto:PublicComment@smud.org). Comments will be provided to the Board and placed into the record of the Committee meeting if it is received within two hours after the meeting ends.*

*Members of the public that are listening or watching the live stream of a Board meeting and wish to comment on a specific agenda item as it is being heard, may submit their comments, limited to 250 words or less, to [PublicComment@smud.org](mailto:PublicComment@smud.org). The Board Chair may read the comments into the record, in her discretion, based upon such factors as the length of the agenda or the number of email comments received. Comments will be provided to the Board and placed into the record of the Committee meeting if it is received within two hours after the meeting ends.*

*Members of the public may register to provide verbal comments at an upcoming Board or Committee meeting by emailing a request to speak to [PublicComment@smud.org](mailto:PublicComment@smud.org). Please include the date of the meeting, name, and topic or agenda item the requestor wishes to speak on. The request may also be*

*submitted while the meeting is in progress during the standard time for the agenda item or topic.*  
***Pre-registration is strongly encouraged by no later than 3:00 p.m. on the day of the meeting.***

*ADA Accessibility Procedures: Upon request, SMUD will generally provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that they can participate equally in this virtual meeting. If you need a reasonable auxiliary aid or service for effective communication to participate, please email [Toni.Stelling@smud.org](mailto:Toni.Stelling@smud.org), or contact by phone at (916) 732-7143, no later than 48 hours before this virtual meeting.*



SSS No.  BOD 2020-024
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## BOARD AGENDA ITEM STAFFING SUMMARY SHEET

Committee Meeting & Date Strategic Development September 8, 2020
Board Meeting Date September 17, 2020

TO				TO				
1.	Gary King	6.		2.	Paul Lau	7.		
3.	Frankie McDermott	8.		4.		9.	<b>Legal</b>	
5.		10.		<b>CEO &amp; General Manager</b>				
<b>Consent Calendar</b>	<b>Yes</b>	<b>X</b>	<b>No</b> <i>If no, schedule a dry run presentation.</i>	<b>Budgeted</b>	<b>X</b>	<b>Yes</b>	<b>No</b> <i>(If no, explain in Cost/Budgeted section.)</i>	
FROM (IPR) Eric Douglas / Donna Lofton			DEPARTMENT Board			MAIL STOP B302	EXT. 5079	DATE SENT 8/28/2020

**NARRATIVE:**

**Requested Action:** Approve proposed revisions to **Governance Process GP-4, Agenda Planning.**

**Summary:** The Board conducted a holistic review of this policy. This discussion reflects changes that were suggested from that review.

**Board Policy:** GP-2 Governance Focus states the Board will discuss and evaluate its performance.  
*(Number & Title)*

**Benefits:** Having this discussion will give the Board members an opportunity to review, edit, and update language in this policy.

**Cost/Budgeted:** N/A

**Alternatives:** Table this discussion for a later time.

**Affected Parties:** Board of Directors

**Coordination:** Donna Lofton, Special Assistant to the Board and Eric Douglas, Board Consultant

**Presenter:** Eric Douglas, Board Consultant

SUBJECT  Revisions to GP-4 Agenda Planning	ITEM NO. (FOR LEGAL USE ONLY)
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**DRAFT SMUD BOARD  
POLICY**

Category: <b>Governance Process</b>	Title: <b><u>AGENDA PLANNING WORK PLAN</u></b>
Date of Adoption: <b>December 19, 2002</b>	Policy Number: <b>GP-4</b>
Revision Date: <b>October 16, 2003</b>	Resolution No. <b>02-12-14</b>
Revision Date: <b>June 3, 2004</b>	Resolution No. <b>03-10-14</b>
Revision Date: <b>March 20, 2008</b>	Resolution No. <b>04-06-07</b>
Revision Date: <b>October 16, 2008</b>	Resolution No. <b>08-03-07</b>
Revision Date: <b>October 16, 2008</b>	Resolution No. <b>08-10-09</b>
Revision Date: <b>March 5, 2009</b>	Resolution No. <b>09-03-06</b>
Revision Date: <b>February 3, 2011</b>	Resolution No. <b>11-02-02</b>
Revision Date: <b>January 16, 2014</b>	Resolution No. <b>14-01-05</b>
Revision Date: <b>July 17, 2014</b>	Resolution No. <b>14-07-03</b>

To accomplish its strategic leadership consistent with Board policies, the Board will develop and follow an annual work plan that ensures the Board: (i) focuses on the results the Board wants the organization to achieve; (ii) defines the conditions of SMUD that it considers acceptable and unacceptable; (iii) meets its other obligations as stated by law or policy; and (iv) continually improves its performance through education, feedback, and deliberation.

Specifically:

- a) The Board will develop in December of each year a list of topics and issues that it wishes to explore in the coming year and maintain a work plan to guide SMUD staff in preparing the agendas for regular board meetings and standing committee meetings.

~~b) Members of the Board, the General Manager, and his or her designees may place matters on Board agendas. At least two weeks prior to placing an item on the agenda, a board member shall notify the Board President (or committee chairs, in~~

~~the case of standing committee meetings) or both, as appropriate. When a Board member invites people to speak at a Board or committee meeting, the Board member shall notify the Board President or committee chair, as appropriate.~~

~~Items may be placed on the agenda on either the consent calendar or the discussion calendar. An item placed on the consent calendar may be moved from the consent calendar to the discussion calendar at the request of any Board member during a Board meeting prior to the vote to approve the agenda.~~

d)b) The Board President shall ensure that the Board's agendas meet the goals of the annual work plan.

~~e) The Board Secretary's office, under the direction of the General Manager and the Board President, shall prepare and issue an agenda for each regular meeting of the Board. The Executive Management team, under the direction of the General Manager and in coordination with the standing committee chairs, shall prepare and issue an agenda for each standing committee meeting.~~

**Monitoring Method: Board Report**  
**Frequency: Annual**





SSS No.
BOD 2020-026

## BOARD AGENDA ITEM STAFFING SUMMARY SHEET

Committee Meeting & Date Strategic Development September 8, 2020
Board Meeting Date September 17, 2020

TO				TO					
1.	Gary King	6.		2.	Paul Lau	7.			
3.	Frankie McDermott	8.		4.		9.	<b>Legal</b>		
5.		10.		<b>CEO &amp; General Manager</b>					
<b>Consent Calendar</b>	<b>Yes</b>	<b>X</b>	<b>No</b> <i>If no, schedule a dry run presentation.</i>	<b>Budgeted</b>	<b>X</b>	<b>Yes</b>	<b>No</b> <i>(If no, explain in Cost/Budgeted section.)</i>		
FROM (IPR) Eric Douglas / Donna Lofton				DEPARTMENT Board			MAIL STOP B302	EXT. 5079	DATE SENT 8/28/2020

**NARRATIVE:**

**Requested Action:** Allow the Board's Consultant, Eric Douglas, to conduct a discussion of a new GP for Board and Committee Agendas to define in one place how Board and committee meeting agendas are established.

**Summary:** The Board conducted a holistic review several of its policies. This discussion reflects changes that were suggested from that review.

**Board Policy:** GP-2 Governance Focus states the Board will discuss and evaluate its performance.  
*(Number & Title)*

**Benefits:** Having this discussion will give the Board members an opportunity to consider adding a new governance policy.

**Cost/Budgeted:** N/A

**Alternatives:** Table this discussion for a later time.

**Affected Parties:** Board of Directors

**Coordination:** Donna Lofton, Special Assistant to the Board and Eric Douglas, Board Consultant

**Presenter:** Eric Douglas, Board Consultant

## DRAFT SMUD BOARD POLICY

Category: <b>Governance Process</b>	Title: <b>BOARD and COMMITTEE AGENDAS</b>
Date of Adoption:	Policy Number: <b>GP-X</b>
Revision Date:	Resolution No.

In order to conduct its business efficiently and effectively, the Board of Directors will follow an orderly process for establishing its Board and committee agendas.

As a general rule, items scheduled for Board action, including items requested by a Board member, shall first be presented to a standing committee for review. *(Note: From Meeting Procedures Rule 1.9 and duplicated in GP-8, Board Committee Principles)*

Board Agendas:

- a) Board agendas shall be posted on the SMUD website at [www.smud.org](http://www.smud.org) least 72 hours prior to a regular Board meeting and at least 24 hours before a special Board meeting. *(New language from Laura Lewis)*
- b) Only members of the Board and the CEO/General Manager and his or her designees may place items on the Board agenda. *(Note: From meeting procedures Rule 1.9, page 7)*
- c) Items for placement on the agenda fall into the following categories:
  - Items generated by SMUD management;
  - Items placed on the agenda by a Board member;
  - Presentations by outside persons or agencies that have received approval for placement on an agenda from the Board President (see Board meeting procedures for details). *(From MP Rule 1.9)*
- d) A Board member shall notify the Board President at least two weeks prior to placing an item on the agenda. ~~*(or committee chairs, in the case of standing committee meetings) or both, as appropriate.*~~ *(From GP-4)*

*(Note: "c" above differs from Rule 1.9j in meeting procedures, which says that "Board member items for the regular Board meeting agenda will be provided to the Board office, CEO and General Manager's Office, or General Counsel's Office by 5 p.m. on the Wednesday of the week prior to the regular Board meeting." Need to choose one.)*

- e) When a Board member invites people to speak at a Board meeting, the Board member shall notify the Board President. *(From GP-4)*

- f) Items may be placed on the Board agenda on either the consent calendar or the discussion calendar. An item placed on the consent calendar may be moved from the consent calendar to the discussion calendar at the request of any Board member, prior to a motion and second on the consent calendar. *(From GP-4)*
- g) A Board member may propose at the beginning of the meeting to pull an item from the agenda. Upon a motion and a second, the Board may vote to approve the agenda as revised. *(New language to address this circumstance)*
- h) Matters not on the agenda for a regular meeting will not be considered by the Board at that meeting except: (1) upon determination by a majority of the Board that an emergency situation exists, severely impairing public health and/or safety; or (2) upon a determination by a two-thirds vote of the Board or by a unanimous vote if less than two-thirds of the members are present, that the need to take action arose subsequent to the agenda being posted; or (3) as otherwise permitted under the Ralph M. Brown Act of the California Government Code. *(From MP Rule 1.9)*
- i) Whenever an item has been approved for consideration by the Board under paragraph (h) of this rule, the Board President will read, upon introducing the item for Board consideration, a brief summary which shall include the subject title, a short explanation of the subject matter, and, if any, the recommendation. *(From MP Rule 1.9)*
- j) Matters on the agenda for regular meetings which have not been considered and acted upon at such meetings or continued to a subsequent meeting will be deemed continued to the following regular meeting until they can be relisted as a regular item. *(From MP Rule 1.9)*
- k) Whenever the Board fails to take action on an item on the Board's agenda, the Board will set a date for reconsideration of the item. If for any reason the Board fails to set such a date, the Board Secretary will list all such items as a "pending item" on the action item section of the next regular agenda for which the Board Secretary is accepting items. *(From MP Rule 1.9)*

#### Committee Agendas:

- a) Committee agendas shall be posted on the SMUD website at [www.smud.org](http://www.smud.org) least 72 hours prior to the committee meeting. *(New language from Laura Lewis)*
- b) Items may be placed on a committee agenda either by a decision by the full Board, the Board president, a Board member, or by the CEO/General Manager and his or her designees. *(From MP Page 11)*
- c) A Board member shall notify the committee chair at least two weeks prior to placing an item on a committee agenda. ~~Board President (or committee chairs, in the case of standing committee meetings) or both, as appropriate~~ *(From GP-4)*

*(Note: "b" above differs from Rule 2.1. b in meeting procedures, which says:*

*“Board member items for Committee agendas will be provided to the General Counsel’s Office, CEO and General Manager’s Office, or Board Office by Wednesday of the week prior to the scheduled Committee meeting. Need to choose one.”*

- d) When a Board member invites people to speak at a committee meeting, the Board member shall notify the committee chair. *(From GP-4)*
- e) Members of the public may request the opportunity to be listed on a committee agenda for purposes of making a presentation at a committee meeting on matters within SMUD’s jurisdiction. The committee chair will review all complete presentation requests and may, at his or her discretion, direct the responsible staff to list the presentation on the committee’s agenda. *(See Board meeting procedures for details). (From MP Page 13)*

Issuance of Agendas:

- a) The Board Secretary’s office, under the direction of the CEO/General Manager and the Board President, shall prepare and issue an agenda for each regular meeting and special meeting of the Board. *(From GP-4)*
- b) The Executive Management team, under the direction of the CEO/General Manager and in coordination with the standing committee chairs, shall prepare and issue an agenda for each standing committee meeting. *(From GP-4e) (Note: differs slightly from Rule 2.1a in meeting procedures, which says: “The responsible SMUD Executive(s) in consultation with the Board Secretary’s office will prepare and issue an agenda for each Committee meeting.”)*
- c) Proposed Board agendas will be reviewed by the Board President and proposed committee agendas will be reviewed by the committee chair prior to the development of the relevant public notices. *(From MP Page 11 and GP-9g)*

**Monitoring Method: Board Report**  
**Frequency: Annual**



SSS No.
BOD 2020-023

## BOARD AGENDA ITEM STAFFING SUMMARY SHEET

Committee Meeting & Date Strategic Development September 8, 2020
Board Meeting Date September 17, 2020

TO				TO				
1.	Gary King	6.		7.		8.		
2.	Paul Lau	9.		<b>Legal</b>				
3.	Frankie McDermott	10.		<b>CEO &amp; General Manager</b>				
4.								
5.								
<b>Consent Calendar</b>	<b>Yes</b>	X	<b>No</b> <i>If no, schedule a dry run presentation.</i>	<b>Budgeted</b>	X	<b>Yes</b>	<b>No</b> <i>(If no, explain in Cost/Budgeted section.)</i>	
FROM (IPR) Eric Douglas / Donna Lofton			DEPARTMENT Board			MAIL STOP B302	EXT. 5079	DATE SENT 8/1/2020

**NARRATIVE:**

**Requested Action:** Approve proposed revisions to **Governance Process GP-9, Board Committee Chairs.**

**Summary:** The Board conducted a holistic review of this policy. This discussion reflects changes that were suggested from that review.

**Board Policy:** GP-2 Governance Focus states the Board will discuss and evaluate its performance.  
*(Number & Title)*

**Benefits:** Having this discussion will give the Board members an opportunity to review, edit, and update language in the GP-9 Board Committee Chairs policy.

**Cost/Budgeted:** N/A

**Alternatives:** Table this discussion for a later time.

**Affected Parties:** Board of Directors

**Coordination:** Donna Lofton, Special Assistant to the Board and Eric Douglas, Board Consultant

**Presenter:** Eric Douglas, Board Consultant

## DRAFT SMUD BOARD POLICY

Category: <b>Governance Process</b>	Title: <b>Board Committee Chairs</b>
Date of Adoption: <b>December 19, 2002</b>	Policy Number: <b>GP-9</b>
Revision Date: <b>October 16, 2003</b>	Resolution No. <b>02-12-14</b>
Revision Date: <b>June 3, 2004</b>	Resolution No. <b>03-10-14</b>
Revision Date: <b>January 12, 2006</b>	Resolution No. <b>04-06-07</b>
	Resolution No. <b>06-01-06</b>

The committee chairs shall preside over and facilitate committee meetings.

Specifically:

- a) Standing committee chairs shall approve the annual calendar of committee meetings.
- b) ~~Standing committee meetings are generally scheduled monthly or as determined by the committee chair in consultation with the Board President. (Moved from meeting procedures)~~
- c) Committee chairs shall re-schedule and cancel meetings, in consultation with the Board President and Board Office.
- ~~e)d)~~ Committee chairs shall ensure that committee meetings focus on those issues which, according to Board policy, belong to the Board to decide.
- ~~e)e)~~ Committee chairs shall ensure that discussion is fair, open and thorough, but also timely, orderly, and kept to the point.
- ~~e)f)~~ Standing committee chairs shall present the committee results to the Board at the Board meeting following the committee meeting, as necessary.
- ~~f)g)~~ ~~Committee chairs shall schedule and cancel meetings.~~
- g) Standing committee chairs shall review the committee agenda prior to circulation of the public notice of the meeting.



**Monitoring Method: Board Report**  
**Frequency: Annual**

DRAFT



SSS No.
BOD 2020-025

## BOARD AGENDA ITEM STAFFING SUMMARY SHEET

Committee Meeting & Date Strategic Development September 8, 2020
Board Meeting Date September 17, 2020

TO				TO				
1.	Gary King	6.						
2.	Paul Lau	7.						
3.	Frankie McDermott	8.						
4.		9.		<b>Legal</b>				
5.		10.		<b>CEO &amp; General Manager</b>				
<b>Consent Calendar</b>	Yes	X	<i>No If no, schedule a dry run presentation.</i>	<b>Budgeted</b>	X	Yes		<b>No</b> (If no, explain in Cost/Budgeted section.)
FROM (IPR) Eric Douglas / Donna Lofton			DEPARTMENT Board			MAIL STOP B302	EXT. 5079	DATE SENT 8/28/2020

**NARRATIVE:**

**Requested Action:** Allow the Board’s Consultant, Eric Douglas, to conduct discussion of possible revisions to the Board Meeting Procedures.

**Summary:** The Board conducted a holistic review several of its policies. This discussion reflects changes that were suggested from that review.

**Board Policy:** GP-2 Governance Focus states the Board will discuss and evaluate its performance.  
*(Number & Title)*

**Benefits:** Having this discussion will give the Board members an opportunity to review, edit, and update language in the Meeting Procedures.

**Cost/Budgeted:** N/A

**Alternatives:** Table this discussion for a later time.

**Affected Parties:** Board of Directors

**Coordination:** Donna Lofton, Special Assistant to the Board and Eric Douglas, Board Consultant

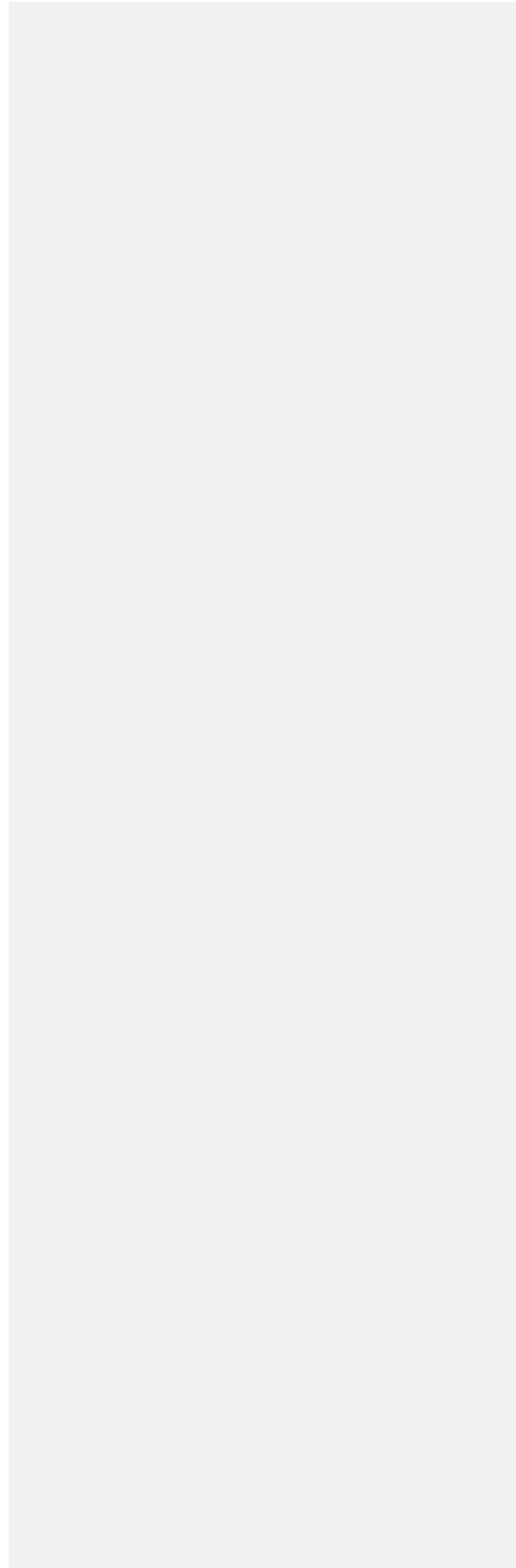
**Presenter:** Eric Douglas, Board Consultant

# **SMUD Board of Directors**

## **DRAFT Meeting Procedures**

Suggested updates to 2019 edition

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DRAFT

## INTRODUCTION

### Welcome Statement

Welcome to the Board of Directors meeting. These procedures are designed to assist the community in understanding how the Sacramento Municipal Utility District (SMUD) Board of Directors conducts its meetings. Copies of the Meeting Procedures are available upon request through the office of the SMUD Board Secretary or on the internet at [www.smud.org](http://www.smud.org).

### Authority

The Board of Directors governs SMUD and is its policy-making body. The Board appoints a Chief Executive Officer and General Manager responsible for SMUD's operations.

### Board Tenure

The Board of Directors is comprised of seven members elected by ward to represent different geographic areas of the Sacramento region. The Directors serve four-year terms which are staggered.

### Board Governance Policies

The Board of Directors operates under a set of governance policies. The governance policies define the Board's purpose and how it operates; SMUD's vision and strategic direction; and its links and delegations to staff. Copies of the Board governance policies are available upon request through the office of the SMUD Board Secretary or on the internet at [www.smud.org](http://www.smud.org).

These meeting procedures complement the Board's policies, but do not supersede them. If there is an inconsistency between any of the Board's policies and these meeting procedures, the Board's policies control.

## CHAPTER I – BOARD MEETINGS

### Rule 1.0 Time and Place

(a) Regular Board meetings occur the third Thursday of the month except that the regular meeting in December occurs the second Thursday of the month. Unless otherwise designated on the Board meeting agenda, Regular meetings begin at 6:00 p.m. except that the regular meetings in January, April, July, and October begin at 9:00 a.m.

All regular meetings are held in the SMUD Auditorium at 6201 S Street, Sacramento, California, unless otherwise designated on the Board meeting agenda.

(b) In the event that the Thursday Board meeting falls on a legal holiday, unless otherwise determined by the Board President, that meeting will be held on the next business day following the holiday and begin at the time specified for that Board meeting.

(c) Any meeting or session of the Board may be adjourned for cause, in good faith, at any time, or from time-to-time, when necessary for the expeditious transaction of business.

(d) All meetings of the Board, including regular, special and emergency meetings, are called in accordance with the Ralph M. Brown Act, California Government Code Section 54950, *et seq.*

(e) Board members may participate in Board meetings by teleconferencing under the following conditions: (i) a quorum of the Board members are personally in attendance at the meeting; (ii) the teleconferencing Board member is unavailable to personally attend due to illness or is outside the boundaries of SMUD; (iii) the teleconferencing location is accessible to the public; and (iv) all other requirements of the Ralph M. Brown Act of the California Government Code are met.

(f) Members of the public may audio or video record Board meetings provided that they do not block aisles, exits or interfere with public sight lines.

#### **Rule 1.1 Parliamentary Procedures**

In all cases not provided for by these meeting procedures, or by SMUD ordinance or resolution, parliamentary procedures will be in accordance with Robert's Rules of Order (current edition). The Board Secretary will act as parliamentarian to the Board.

#### **Rule 1.2 Order of Business**

Unless special circumstance apply, the regular order of business at each regular Board meeting is:

- (a) Call to Order
- (b) Pledge to the Flag
- (c) Roll Call
- (d) Cable Announcement
- (e) Customer Education Message
- (f) Approval of the Agenda



- (g) Approval of the Minutes
- (h) Committee Chair Reports
- (i) Statements from the Public (at the time the agenda item is considered)
- (j) Consent Calendar
- (k) Discussion Calendar
- (l) Public Comments (non-agenda items)
- (m) Directors' Reports
- (n) President's Report
- (o) CEO's Report
- (p) Adjournment

**Rule 1.3 Quorum**

(a) Four members of the Board constitute a quorum for a regular, special or emergency Board meeting. No business will be acted upon until a quorum is present. No business will be conducted when the number of Board members is reduced below a quorum with the exception of information items. The presiding member of the Board meeting will note for the record when a Board member arrives late to a Board meeting or departs before adjournment.

(b) Whenever two-thirds of the Board membership or two-thirds vote is required for approval of a matter, at least five members or five votes will be required to approve the matter.

**Rule 1.4 Presiding Officer and Selection of Officers**

(a) The President of the Board will preside over Board meetings. In the absence of the Board President, the Vice-President of the Board will preside at meetings. In the absence of both the Board President and the Vice-President, the members of the Board attending the meeting will choose a president pro tem who will preside at the meeting and will be determined as the first order of business.

(b) The Board President and Vice-President will serve one-year terms and will be selected through a nomination process which will be conducted in December of each year. If no successor is named by the conclusion of the officer's term, the officer shall continue in office until a successor is named.

**Commented [LR1]:** This rule is duplicative of GP-5; I recommend cutting this section from meeting procedures.

## Rule 1.5 Public Participation

(a) Members of the public may attend any meeting of the Board of Directors except for closed sessions of the Board as determined by the Ralph M. Brown Act of the California Government Code. Members of the public are required to switch pagers, cellular phones and similar electronic devices to a silent or off mode during Board meetings.

(b) Members of the public may address the Board at a Board meeting on agenda items prior to or during the Board's consideration of that item, and on items of interest not on the agenda which are within SMUD's jurisdiction, ~~except that no - public comment will be taken on the form or content of the Board agenda itself except during the general public comment period.~~

~~(b) Pursuant to Rule 1.9(f) of these Procedures, only members of the Board, the CEO and General Manager, and the CEO and General Manager's designees may place items on the Board agenda. Accordingly, no public comment will be taken on the form or content of the agenda except during the general public comment period.~~

**Commented [LR2]:** Suggest removing this language because the language of Rule 1.9 would move to new "Agendas" GP

(c) To facilitate the SMUD Board's conduct of business, members of the public that wish to address the Board will have up to three (3) minutes during general public comment period and up to three (3) minutes on any individual agenda item on which the Board will take action. The Consent Calendar is considered a single item, and speakers are subject to the three (3) minute limit for the entire Consent Calendar. Items listed on the agenda but on which no Board action will be taken, including without limitation, Committee reports, Directors' reports, and the CEO's report shall be addressed in the general public comment period, and will be subject to the three (3) minute limitation. In addition to the above time limits, the total time allotted to any individual speaker shall not exceed nine (9) minutes for an entire Board meeting.

(d) Notwithstanding the foregoing, the Board President may, in his or her discretion, and based upon factors such as the length of the agenda, the substance of the agenda, the number of public comment speaker cards submitted, and whether the Board is in danger of losing a quorum, depart from the above referenced time limits for individual speakers, establish a time limit for particular issues, set a cumulative time limit, or otherwise regulate public comment. Speaking times may be extended at the discretion of the Board President. Speakers will be limited to the time allocated by the Board President and will not be allowed to accept time from other members of the public in attendance at the meeting.

(e) Public speakers are expected to exercise decorum when addressing the Board.

(f) Speakers are to direct their comments to the Board. The public comment periods are not intended to be "Question and Answer" periods or conversations

with the SMUD Board or SMUD staff. For non-agenda items, the Board members may not engage in an active discussion of the matter and are limited to making a brief statement, asking clarifying questions or directing staff to follow up on a matter.

(g) Any person desiring to address the Board on an agenda item shall file a request to speak form with a Security Officer present at the meeting prior to the time the matter is called. The speaker shall designate on the request to speak form whether the speaker intends to address the Board on an item on the agenda or on a non-agenda item. Public speakers wishing to distribute written materials to the Board must hand the materials to the Security Officer who will distribute the written materials to the Board and staff. Distributed materials will be made a part of the record and will be available to the public for inspection, unless otherwise confidential. Public speakers speaking during the public comment period and on items on the agenda will not be allowed to use signs, posters, videos, taped recordings or overheads in making their public comments.

(h) In the event that any Board meeting is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting infeasible, the Board President, unless there is an objection by a majority of the Board members present, may order the person, group or groups of persons willfully interrupting the meeting to leave the meeting or be removed from the meeting. In such case, the Board President will:

- (1) Notify the person, group, or groups of persons that they are in non-compliance with meeting procedures;
- (2) Request that they comply; and
- (3) Inform them of the consequence of non-compliance

(i) At least fourteen (14) days in advance of a scheduled Board meeting, members of the public may request the opportunity to be listed on the agenda for purposes of making a presentation at a Board meeting on matters within the SMUD's jurisdiction. Presentation requests must be initiated in writing and submitted to the Board President through the Board office. Requests must state the following information:

- (1) Subject matter;
- (2) Presenter's name, address and telephone number;
- (3) Any action(s) which the requestor wishes the Board to take;
- (4) Amount of time requested, not to exceed 10 minutes;
- (5) Desired Board meeting date.

The Board President will review all complete presentation requests and, may at his or her discretion, direct the Secretary of the Board to list the presentation on the Board's agenda. If the Board President denies a presentation request, the requesting party may address the Board at a meeting on a matter within SMUD's jurisdiction, subject to the three (3) minute time limitation.

**Commented [LR3]:** Suggest making a reference to this process in new Agendas GP, but leaving all of this detailed language in Meeting Procedures.

(j) Members of the public are prohibited from bringing firearms, knives or other weapons of any kind, as well as bio-waste or bio-hazards, into the Board meeting room or any SMUD building.

(k) SMUD reserves the right to inspect packages, backpacks, purses, and similar containers prior to allowing members of the public entrance to Board meetings.

#### **Rule 1.6 Approval of Board Minutes**

The Board Secretary will provide a copy of the minutes of each regular meeting to each member of the Board with the next regular meeting agenda packet. The Board Secretary will provide a copy of the minutes of each special meeting at which Board action is taken to each member of the Board with the next month's regular meeting agenda packet. The minutes of the preceding meeting will not be read at any Board meeting unless a member of the Board requests it, but the Board President will inquire of the Board members whether there are corrections to the minutes. After any corrections have been made, the Board President will call for a motion to approve the minutes.

#### **Rule 1.7 Preservation of Minutes**

The minutes of the Board will be maintained by the Board Secretary as a corporate record. The minutes of each meeting will be signed by the Secretary and by the officer who presided at the Board meeting. The Secretary is charged with the custody of all papers, books and documents of the Board and will make the same available for public inspection at all reasonable times in accordance with the California Public Records Act.

#### **Rule 1.8 Taping and Web Streaming of Meetings**

The Board Secretary will arrange to have regular Board meetings video-recorded and cablecast on Metro Cable Channel 14, except for closed sessions. SMUD will store video-recordings of Board meetings for a period of four (4) years. Video of the regular Board meetings will be streamed live and, together with the Board agenda, will be archived on the SMUD website for a one-year period.

## **Rule 1.9 Agenda**

(a) The Secretary's office, under the direction of the CEO and General Manager, will prepare and issue an agenda for each Board meeting.

(b) Matters not on the agenda for a regular meeting will not be considered by the Board at that meeting except: (1) upon determination by a majority of the Board that an emergency situation exists, severely impairing public health and/or safety; or (2) upon a determination by a two-thirds vote of the Board or by a unanimous vote if less than two-thirds of the members are present, that the need to take action arose subsequent to the agenda being posted; or (3) as otherwise permitted under the Ralph M. Brown Act of the California Government Code.

(c) Matters on the agenda for regular meetings which have not been considered and acted upon at such meetings or continued to a subsequent meeting will be deemed continued to the following regular meeting until they can be relisted as a regular item under paragraph (a) of this rule.

(d) Whenever the Board fails to take action on an item on the Board's agenda, the Board will set a date for reconsideration of the item. If for any reason the Board fails to set such a date, the Board Secretary will list all such items as a "pending item" on the action item section of the next regular agenda for which the Board Secretary is accepting items.

(e) Whenever an item has been approved for consideration by the Board under paragraph (b) of this rule, the Board President will read, upon introducing the item for Board consideration, a brief summary which shall include the subject title, a short explanation of the subject matter, and, if any, the recommendation.

(f) The following persons are authorized to place matters on the regular agenda of the Board:

- (1) Members of the Board;
- (2) The CEO and General Manager, and his or her designees.

(g) Requests for placement of items on the Board's regular agenda may be placed on the Board's agenda or, if more appropriate, placed on the agenda of a Board Committee meeting (see Rule 1.9(a) and Rule 2.2(a)).

(h) Items for placement on the agenda fall into the following categories:

- (1) Items generated by SMUD management;
- (2) Presentations by outside persons or agencies that have received approval for placement on an agenda from the Board President;
- (3) Items placed on the agenda by a Board member.

(i) It is the policy of the Board that, as a general rule, items scheduled for Board action (including items requested by a Board member) should first be presented to a Board Committee for review.

(j) Board member items for the regular Board meeting agenda will be provided to the Board office, CEO and General Manager's Office, or General Counsel's Office by 5 p.m. on the Wednesday of the week prior to the regular Board meeting.

(k) Board agendas will be placed on the SMUD website in advance of the Board meeting.

**Commented [LR4]:** Suggest removing most of the language from here and incorporating into new GP on Agendas

#### **Rule 1.10 Addressing the Board President and Recognition to Speak**

(a) When any Board member is about to speak, he or she will seek recognition to speak from the Board President; and when two or more members address the Board President at the same time, the Board President will determine the speaking order. Once the Board President has recognized the right of the Board member to speak, the Board President will protect the speaker from disturbance or interference.

(b) The Board President will not recognize a member to speak again, except to answer questions, until all other Board members have had an opportunity to be heard.

(c) All members will have an opportunity to speak before the Board President enters debate on a regular item.

#### **Rule 1.11 Procedure Regarding Motions**

(a) **Motions in General:** A resolution, or any other action of the Board, may be proposed by any member including the Board President, by a motion to adopt. Such a motion, if seconded by a member, including the Board President, will be on the floor and must be considered; if not seconded, the motion is lost for lack of a second, and will be so declared by the Board President.

(b) **Amend a Motion:** A motion on the floor (with a second) may be amended at any time before adoption or rejection by an amendatory motion made by any member including the Board President.

An amendatory motion may be in the form of a substitute motion so that it replaces the original motion and can be adopted by a single vote, or it may be phrased so as to amend the original motion; if the substitute motion fails to carry, the original motion will then be voted upon; if the amendment is separately voted

upon and is not adopted, the original motion will then be voted upon; if the amendment is adopted, the original motion as amended will then be voted upon.

(c) **Withdraw a Motion:** A motion may be withdrawn by the maker at any time before adoption or rejection with the consent of the second. The second to a motion may be withdrawn by the seconding member at any time before adoption or rejection of the motion; the motion will then be lost for lack of a second and so declared by the Board President unless seconded by another member.

(d) **Motion to Call the Question:** The purpose of a motion to call the question is to close debate and to vote immediately on a motion. After a motion has been seconded, any member may discuss or comment on the subject of the motion. When no member wishes to discuss or comment further, the Board President will call for a vote on the motion. At any time after a motion has been seconded, any member who has the floor, including the Board President, may move to call for the question. The Board President will then state, "the question has been called for." If four members, one of whom may be the Board President, then concur, the Board President will call for a vote on the motion. If less than four members concur, discussion of the motion will then continue until the question is again called for or discussion terminates and a vote is called for by the Board President.

(e) **Motion to Table:** The purpose of this motion is to terminate further consideration of the subject under discussion. At any time after a motion has been seconded, any member, including the Board President, may move to table the motion. If the tabling motion is seconded, the Board President will call for a vote on the tabling motion. If the tabling motion is adopted, the original motion will remain on the floor but may not again be considered at the meeting at which the tabling motion was adopted except following the adoption of a motion to remove the original motion from the table. The original motion may be considered and voted upon at the next regular meeting of the Board unless again tabled. If not considered at such meeting, it will be deemed lost. If the tabling motion is not adopted, consideration of the original motion will continue under these rules. For the purposes of this section, if the Board recesses the meeting at which a motion has been tabled, the reconvened meeting will be considered a separate meeting and the original motion may be considered and voted upon.

(f) **Motion to Reconsider a Vote:** A motion to reconsider the vote may be made by any member who voted with the prevailing side. No question can be twice reconsidered unless it was amended after its first consideration. A motion to reconsider the vote may be made only at the meeting at which the original vote was taken or, if the Board recesses such meeting, at the reconvened meeting.

### **Rule 1.12 Roll Call**

- (a) The Chief Legal Officer and General Counsel will conduct a roll call at the beginning of each publicly noticed Board and Committee meeting.
- (b) The roll need not be called in voting upon a motion except where specifically required by law or requested by a member. If the roll is not called, Board members will cast their votes electronically.
- (c) Each roll call of the Board will be in ward order, except that the Board President will be called last.

### **Rule 1.13 Overruling the Board President**

A decision of the Board President with respect to the interpretation, applicability or enforcement of these rules may be overruled by majority vote of the Board.

### **Rule 1.14 Suspension of Rules**

Any permanent rule of the Board may be suspended temporarily by a majority of the Board, provided that the temporary suspension will apply only to the matter under immediate consideration, and in no case will it extend beyond an adjournment.

### **Rule 1.15 Amendment of Board Meeting Procedures**

These meeting procedures may be amended by a majority vote of the Board.

## **CHAPTER II - COMMITTEES**

### **Rule 2.0 Time and Place**

- (a) Standing Committee meetings are generally scheduled monthly or as determined by the Committee chair in consultation with the Board President.
- (b) Whenever a standing Committee meeting is also noticed as a special Board Meeting, it shall be conducted as a Committee meeting and members of the Board that are not assigned to the Committee may attend and participate in the discussions, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, no Board action will be taken at a Committee meeting.
- (c) Board members may participate at Committee meetings by teleconferencing under the following conditions: (i) a quorum of the Committee members are personally in attendance at the meeting; (ii) the teleconferencing Board member

**Commented [LR5]:** Suggest this be incorporated into GP-9, role of Committee Chairs



is unavailable to personally attend due to illness or is outside the boundaries of SMUD; (iii) the teleconferencing location is accessible to the public; and (iv) all other requirements of the Ralph M. Brown Act of the California Government Code are met.

(d) Members of the public may audio or video record Committee meetings provided that they do not block aisles, exits or interfere with public sight lines.

### **Rule 2.1 Committee Agenda**

(a) The responsible SMUD Executive(s) in consultation with the Board Secretary's office will prepare and issue an agenda for each Committee meeting.

(b) Items may be placed on a Committee agenda either by a decision by the full Board, the Board President, a Board member, or by the CEO and General Manager or his or her designee. Board member items for Committee agendas will be provided to the General Counsel's Office, CEO and General Manager's Office, or Board Office by Wednesday of the week prior to the scheduled Committee meeting.

(c) The proposed agenda will be reviewed with the Committee Chair prior to the development of the Committee notice. Committee agendas will be placed on the SMUD website at least twenty-four (24) hours in advance of the Committee meeting.

**Commented [LR6]:** Suggest removing most of this language from Meeting Procedures and put in new Agendas GP

### **Rule 2.2 Purpose and Quorum**

(a) Board Committees assist the Board by gaining education, considering alternatives and implications, preparing policy alternatives, and making recommendations to the full Board. As a general rule, matters to be considered by the Board will first be referred to a Committee.

(b) Two members of the Board will constitute a quorum for a Committee meeting. Where the number of Board members is reduced below a quorum during a Committee meeting, the Committee may continue to conduct business. Where a Committee lacks a quorum, the Board President, Board Vice-President or Committee Chair, in that order, may appoint a non-committee Board member to serve on the Committee for that meeting.

### **Rule 2.3 Preparation and Preservation of Minutes**

(a) Minutes of each Committee meeting will be prepared by the responsible Executive and reviewed by the Board Secretary. The presiding officer of the Committee will sign the minutes indicating approval of the minutes.

(b) The minutes of Committee meetings will be maintained by the Board Secretary as a corporate record.

#### **Rule 2.4 Taping and Web Streaming of Committee Meetings**

Committee meetings will be audio recorded and will be audio streamed live to the public and archived on the SMUD website for one (1) year. The audio recordings of Committee meetings will be maintained for a period of four (4) years.

#### **Rule 2.5 Public Participation**

(a) Members of the public may attend any Committee meeting of the Board. Members of the public are required to switch pagers, cellular phones and similar electronic devices to a silent or off mode during Committee meetings.

(b) Members of the public may address the Committee at a meeting on agenda items prior to or during the Committee's consideration of that item.

(c) Pursuant to Rule 2.1(b) of these Procedures, items may only be placed on a Committee agenda either by a decision by the full Board, the Board President, a Board member, or by the CEO and General Manager or his or her designee. Accordingly, no public comment will be taken on the form or content of the agenda.

(d) Speakers will have up to three (3) minutes to address the Committee on items on the agenda; provided, however, the total time allotted to any individual speaker shall not exceed nine (9) minutes. The Board President may, in his or her discretion, and based upon factors such as the length of the agenda, the substance of the agenda, the number of public comment speaker cards submitted, and whether the Board is in danger of losing a quorum, depart from the above referenced time limits for individual speakers, establish a time limit for particular issues, set a cumulative time limit, or otherwise regulate public comment. Speaking times may be extended at the discretion of the Committee Chair. Speakers will be limited to the time allocated by the Chair and will not be allowed to accept time from other members of the public in attendance at the meeting.

(e) Public speakers are expected to exercise decorum when addressing the Committee.

(f) Speakers are to direct their comments to the Committee. The public comment periods are not intended to be "Question and Answer" periods or conversations with the SMUD Board or SMUD staff.

(g) Any person desiring to address the Committee on an agenda item shall file a request to speak form with the Security Officer present at the meeting prior to the

time the matter is called. The speaker shall designate on the request to speak form whether the speaker intends to address the Committee on an item on the agenda or on a non-agenda item. Public speakers wishing to distribute written materials to the Committee must hand the materials to the Security Officer who will distribute the written materials to the Committee and staff. Distributed materials will be made a part of the record and will be available to the public for inspection, unless otherwise confidential. Public speakers speaking will not be allowed to use signs, posters, videos, taped recordings or overheads in making their public comments.

(h) In the event that any Committee meeting is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting infeasible, the Committee Chair, unless there is an objection by a majority of the Committee members present, may order the person, group or groups of persons willfully interrupting the meeting to leave the meeting or be removed from the meeting. In such case, the Committee Chair will:

- (1) Notify the person, group, or groups of persons that they are in non-compliance with meeting procedures;
- (2) Request that they comply; and
- (3) Inform them of the consequence of non-compliance

(i) At least fourteen (14) days in advance of a Committee meeting, members of the public may request the opportunity to be listed on the agenda for purposes of making a presentation at a Committee meeting on matters within SMUD's jurisdiction. Presentation requests must be initiated in writing by any individual and submitted to the Committee Chair through the Board of Director's office. Requests must state the following information:

- (1) Subject matter;
- (2) Presenter's name, address and telephone number;
- (3) Any action(s) which the requestor wishes SMUD to take;
- (4) Amount of time requested, not to exceed 10 minutes;
- (5) Desired Committee meeting date.

The Committee Chair will review all complete presentation requests and, may at his or her discretion, direct the responsible staff to list the presentation on the Committee's agenda. If the Committee Chair denies a presentation request, the requesting party may address the Committee at a regular meeting subject to the three (3) minute time limitation.

**Commented [LR7]:** Suggest referencing this process in Agendas GP, but leaving the details here

j) Members of the public are prohibited from bringing firearms, knives or other weapons of any kind, as well as bio-waste or bio-hazards, into the Board meeting room or any SMUD building.

(k) SMUD reserves the right to inspect packages, backpacks, purses, and similar containers prior to allowing members of the public entrance to Committee meetings.

### **CHAPTER III – HEARINGS**

#### **Rule 3.0 Hearings – General Procedures**

(a) Hearings required by law will be held in compliance with the Municipal Utility District Act (California Public Utilities Code § 11501, *et seq.*) or other relevant statute, ordinance, or regulation. Unless otherwise required by applicable law, the procedures set forth in this Rule 3.0 shall apply to all SMUD Board hearings that do not involve a change in rates or rate structure.

(b) Any individual wishing to address the Board shall fill out a request to speak form and file the form with the Security Officer in attendance at the meeting. Public speakers wishing to distribute written materials to the Board must hand the materials to the Security Officer who will distribute the written materials to the Board and staff. Distributed materials will be made a part of the record and will be available to the public for inspection, unless otherwise confidential.

(c) Speakers will be called in an order determined by the Board President.

(d) Individuals will not be allowed to accept time from other individuals.

(e) Individuals may speak up to three (3) minutes. The Board President may, in his or her discretion and based upon factors such as the length of the agenda, the number of public comment speaker cards submitted, and whether the Board is in danger of losing a quorum, depart from the above referenced time limits for individual speakers, establish a time limit for particular issues, set a cumulative time limit, or otherwise regulate public comment. Speaking times may be extended at the discretion of the Board President.

(f) The Board will consider any written testimony or reports of reasonable length submitted by the public in advance of the hearing.

(g) All exhibits, including documentary materials, will be retained by the Board Secretary as part of the record of the hearings and will be available and will be available to the public for inspection.

### **Rule 3.1 Hearings – Rate Process**

All rate hearings shall be conducted pursuant to the procedures set forth in Ordinance 15-1, attached hereto.

## **CHAPTER IV – CUSTOMER APPEALS OF DISPUTED BILLS**

### **Rule 4.0 Disputed Bill Appeals Procedure**

(a) Section 12823 of the Municipal Utility District Act (California Public Utilities Code § 11501, *et seq.*) establishes the rights of customers regarding disputed bills. For purposes of clarification, these procedures do not apply to the nonpayment of charges and fees by customers that do not dispute the accuracy of a bill.

(b) The following procedures shall govern the process by which a customer may file an appeal with the Board of Directors following an adverse determination by a SMUD Management Hearing Officer (Hearing Officer) under Section 12823(c) of the Municipal Utility District Act:

(i) Following the SMUD Management Hearing, the Hearing Officer will mail his/her decision to the customer. Included in the mailing of the decision will be an appeal form and instructions on how the customer may appeal the decision to the Board of Directors. Under Rule and Regulation 10, Customer Services may include a request for payment of a deposit as evidence of good faith if such a deposit was not requested previously.

(ii) If the customer does not file an appeal form, the Hearing Officer's decision will be final. If the customer files an appeal form with Customer Services it must be received within ten (10) business days of the date of the Hearing Officer's letter or the customer's appeal will be rejected as untimely and the Hearing Officer's decision will be deemed final. Customer Services will notify the customer that the appeal is untimely. If the customer files an appeal form within 10 business days of the date of the Hearing Officer's letter, the appeal is considered timely. The appeal and appropriate documentation shall be forwarded to the appropriate SMUD Executive for processing, with a copy to the Board Office.

(iii) The Executive shall review the appeal, gather information and provide appropriate documentation to the Board Member for the ward in which the appealing customer resides (service address for the account in question).

(iv) The Board Member for the ward in which the appealing customer resides (service address for the account in question) shall review the information and may elect to contact the customer for additional information.

(v) Once the Board Member's review is complete, the appeal, including the recommendation (if any) of the Board Member, will be placed on the agenda of the Board of Directors for an upcoming meeting of the Board of Directors. The Board Office will notify the customer in writing of the date that the appeal will be heard so that the customer may appear and be heard if he/she so desires.

(vi) The appeal shall be heard by the Board of Directors, and a final decision on the appeal shall be rendered by the Board of Directors. Customer Services shall notify the customer in writing of the Board's decision.

(vii) The Board's decision represents final agency action.

DRAFT

**ORDINANCE NO. 15-1**

**WHEREAS**, the Board-appointed citizens' Rate Advisory Committee conducted a thorough review of the Sacramento Municipal Utility District's rates and, on September 27, 1991, submitted its Report and Recommendation to the Board of Directors concerning General Policy Frameworks for Rate-setting; and

**WHEREAS**, on December 19, 1991 the Board adopted Ordinance No. 91-1 to establish certain procedures that govern its rate-making process; and

**WHEREAS**, this Board has thoroughly reviewed its rate-making process and hereby determines it to be necessary and appropriate to amend the provisions of Ordinance No. 91-1 to clarify and update its rate-making process; NOW, THEREFORE:

**BE IT ENACTED BY THE BOARD OF DIRECTORS  
OF SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

**Section 1.** The following definitions are applicable for this Ordinance:

- (a) "Board" means the Sacramento Municipal Utility District Board of Directors.
- (b) "Business Day" means any day except Saturday, Sunday, or a legal holiday observed by SMUD.
- (c) "Code" means the California Public Utilities Code.
- (d) "Report" means the proposals in the General Manager's Report and Recommendation on Rates and Services, including any addenda or errata.

**Section 2.** The following procedures are hereby adopted for considering rate changes and conducting hearings thereon:

- (a) These procedures shall be in addition to the procedures outlined in Sections 14401 through 14403.5 of the Code; provided, that in the event of any inconsistency between the procedures adopted herein and the Code, the Code shall govern.
- (b) After the General Manager has released the Report, the public may have access, upon reasonable notice, to SMUD staff's supporting information and documents (excluding confidential information and other information protected from disclosure by law).
- (c) For any change to SMUD rates and charges that intends to increase or decrease revenue, the following requirements shall apply:

i. Public Workshops. No sooner than twenty (20) calendar days following release of the Report, the General Manager or his/her designees shall conduct at least two (2) public workshops.

ii. Public Hearings. No sooner than fourteen (14) calendar days following completion of the first two (2) public workshops, the Board shall conduct one or more public hearings on the proposed change in accordance with the requirements of the Code.

(d) For any change to SMUD rates and charges that does not intend to increase or decrease revenues, the following requirements apply:

i. Public Workshops. No sooner than ten (10) calendar days following release of the Report, the General Manager or his/her designees shall conduct at least two (2) public workshops.

ii. Public Hearings. No sooner than ten (10) calendar days following completion of the first two (2) public workshops, the Board shall conduct one or more public hearings on the proposed change in accordance with the requirements of the Code.

(e) Notwithstanding paragraphs (c) and (d), when unanticipated events cause a sudden and significant change in SMUD's financial condition requiring an immediate response to make changes to rates and charges, the Board shall conduct at least one public hearing on the proposed change no sooner than ten (10) calendar days following release of the Report in accordance with the requirements of the Code.

(f) Public Workshop Procedures. The public workshops shall serve as a forum for the public to question staff as to the recommended rate or rate structure, prior to the public hearing. During the public workshops, members of the public may ask questions and/or provide non-duplicative comments directly relevant to the Report. All workshops shall be recorded and transcribed. The General Manager or his/her designees may, in his/her discretion, set time limits for individual speakers, establish a time limit for particular issues, set a cumulative time limit, or otherwise regulate public comment.

(g) Public Hearing Procedures. During a public hearing, members of the public may provide non-duplicative testimony for up to three (3) minutes and shall have a full and fair opportunity to present comments, recommendations and alternatives for the Board's consideration. Speaking times may be extended at the discretion of the Board President. The Board President may, in his/her discretion, and based upon factors such as the number of public comment speaker cards submitted, depart from the above referenced time limit for individual speakers, set a cumulative time limit, or otherwise regulate public comment.

i. Members of the public that wish to address the Board with alternatives to the rate changes proposed in the Report and that desire additional time for public comment shall notify SMUD in writing at least ten (10) calendar days prior to



the public hearing(s). Such notice shall include the amount of time requested. The Board President may, in his/her discretion, grant additional time up to, but no more than, a total of twenty (20) minutes.

ii. Members of the public desiring to submit written materials are requested to do so at least five (5) business days prior to the public hearing(s).

iii. Notwithstanding any provision in this paragraph (g), the public hearing(s) shall be conducted in accordance with the Board's Meeting Procedures.

iv. The public hearing(s) shall be recorded and transcribed.

(h) Members of the public may submit questions related to the Report in writing at any time after release of the Report up until five (5) business days prior to the public hearing. To the extent practicable, SMUD staff shall respond to such questions in writing within five (5) business days of receipt. Questions received after 5:00 p.m. shall be deemed to have been received on the next business day. SMUD staff will provide notice in the event that complex questions require additional time.

(i) Written documents, including alternative rate proposals, made by members of the public that are directly relevant to the Report and submitted to SMUD shall be made available to the public on SMUD's web site.

(j) Once the public hearing(s) have concluded, the Board shall make available for public review and comment for a period of at least ten (10) calendar days a draft resolution containing its proposed rate decision and the basis for the decision. However, if the Report proposes changes to rates due to circumstances in paragraph (e), the public review and comment period is at least five (5) calendar days.

(k) Following completion of the public comment period, the Board may approve the proposed resolution. However, if the Board proposes any material modifications (i.e., modifications which change customer rates or billings) in the proposed resolution, such resolution as modified shall be made available for public review and comment for a period of at least ten (10) calendar days in normal circumstances; and at least five (5) calendar days if a change to rates is proposed due to circumstances in paragraph (e). The Board shall permit public testimony on the modified resolution prior to any Board action thereon. The final approved resolution shall contain the rate decision and basis for the decision.

(l) Written notices, questions, comments, and other materials submitted by members of the public to SMUD shall be delivered in person, by mail, by facsimile, or by electronic mail.

**Section 3.** This Ordinance, to the extent it is inconsistent with any prior SMUD resolutions or ordinances, supersedes and repeals such inconsistent resolutions and ordinances.

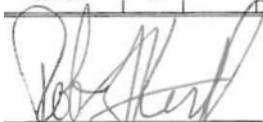
**Section 4.** Board rate decisions are promulgated pursuant to Code Sections 11883 and 11885 and such decisions are only reviewable pursuant to Section 14402 of the Code. Nothing contained herein is intended to change, modify, or provide any additional remedies at law or inequity to persons seeking to challenge a rate decision.

**Section 5.** This Ordinance supersedes Ordinance No. 91-1 and shall take effect upon completion of publication as required by Section 11910 of the Code.

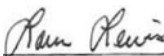
I hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Sacramento Municipal Utility District's Board of Directors on the 5<sup>th</sup> day of March 2015, and was duly adopted on the 19<sup>th</sup> of March 2015 at a regular meeting of the Sacramento Municipal Utility District's Board of Directors.

Adopted: March 19, 2015 by the SMUD Board of Directors

INTRODUCED DIRECTOR SHIROMA				
SECONDED DIRECTOR TAYLOR				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
KERTH	X			
BUI-THOMPSON	X			
TAYLOR	X			
FISHMAN	X			
SHIROMA	X			
TAMAYO	X			
SLATON	X			

  
\_\_\_\_\_  
Rob Kerth  
President  
Board of Directors  
Sacramento Municipal Utility District

Attested:

  
\_\_\_\_\_  
Laura Lewis  
Secretary





SSS No.
BOD 2020-003

## BOARD AGENDA ITEM STAFFING SUMMARY SHEET

Committee Meeting & Date STRATEGIC DEVELOPMENT 2020
Board Meeting Date N/A

TO				TO					
1.	Gary King	6.		2.	Paul Lau	7.			
3.	Frankie McDermott	8.		4.		9.	Legal		
5.		10.	CEO & General Manager						
<b>Consent Calendar</b>	<b>Yes</b>	<b>x</b>	<b>No</b> <i>If no, schedule a dry run presentation.</i>	<b>Budgeted</b>	<b>Yes</b>	<b>No</b> <i>(If no, explain in Cost/Budgeted section.)</i>			
FROM (IPR) Nancy Bui-Thompson / Donna Lofton				DEPARTMENT Board Office			MAIL STOP B307	EXT. 5079	DATE SENT 12/23/19

**NARRATIVE:**

**Requested Action:** Provide a summary of committee direction from the Board to Staff.

**Summary:** During a Board discussion at the January 2017 Policy Committee, the Board requested having an on-going opportunity to do a wrap up period at the end of each committee meeting to summarize various Board member suggestions and requests that were made at the meeting in an effort to make clear the will of the Board. The Committee Chair will summarize Board member requests that come out of the committee presentations for this meeting.

**Board Policy:** GP-4 Agenda Planning states the Board will focus on the results the Board wants the organization to achieve.  
*(Number & Title)*

**Benefits:** Having an agendized opportunity to summarize the Board's requests and suggestions that arise during the committee meeting will help clarify what the will of the Board.

**Cost/Budgeted:** N/A

**Alternatives:** Not summarize the Board's requests at this meeting.

**Affected Parties:** Board of Directors and Executive Staff

**Coordination:** Donna Lofton, Special Assistant to the Board

**Presenter:** Nancy Bui-Thompson, Strategic Development Committee Chair

**Additional Links:**