

BYLAWS OF THE BOARD OF FAIR
CAMPAIGN AND POLITICAL PRACTICES
**ADOPTING AND ESTABLISHING RULES
FOR THE CONDUCT OF ITS MEETINGS,
PROCEEDINGS AND BUSINESS**

WHEREAS, the Board of Fair Campaign and Political Practices has found it necessary and desirable to adopt Rules of Order for the conduct of its business, now therefore,

BE IT RESOLVED BY THE Board of Fair Campaign and Political Practices of the City of San José that the Board does hereby adopt Rules of Order for the conduct of its business, as follows:

RULES OF ORDER

ARTICLE I
GENERAL PROVISIONS

Section 100. DEFINITIONS. As used in these rules, unless the context clearly indicates otherwise:

- (a) “Board” means the Board of Fair Campaign and Political Practices;
- (b) “Brown Act” means the Ralph M. Brown Act, California Government Code Sections 54950 et seq., as amended.

Section 101. GENERAL. The name of the Board, the number of its members, the members’ qualifications, and their appointment, removal and terms of office shall be prescribed by San José Municipal Code Chapter 2.08.

Section 102. OFFICE. San José City Hall, 200 E. Santa Clara Street, San José , California, is designated as the office of the Board.

Section 103. REGULAR MEETING PLACE. Except as the Board may from time to time provide an alternate location, the regular meeting place of the Board shall be in San José City Hall, 200 E. Santa Clara Street, San José , California in a room to be designated on the meeting agenda. If a meeting cannot be held at the regular meeting place of the Board or other City property, meetings may be held at any place designated by the Chairperson.

Section 104. RECORDS. All books, records, papers, tapes and minutes of the Board meetings shall be maintained in the Office of the City Clerk, San José City Hall, 200 E. Santa Clara Street.

Section 105. FORMER BOARD MEMBERS. Former Board Members shall be treated as members of the public. Emeritus members shall not be allowed.

ARTICLE II
OFFICERS
CHAIR AND VICE CHAIR

Section 200. ELECTION. The Chair and Vice Chair of the Board shall be elected by the Board from its membership by signed ballot vote or by oral vote at a Board meeting.

Section 201. TERMS OF OFFICE. The Chair and Vice Chair shall be elected for terms of one (1) year commencing at the end of the first regular meeting in March, and continuing to the end of the first regular meeting in March of the succeeding year. Elections of the Chair and Vice Chair shall be conducted at the first regular meeting of the Board in March. The Chair and Vice Chair shall serve at the pleasure of the Board during the term of office and may be removed from office by the Board at any time for any reason. Any action to remove the Chair or Vice Chair must be placed on the Board agenda in accordance with the requirements of the Brown Act, as amended, and the City of San José Consolidated Open Government and Ethics Resolution, as amended.

Section 202. VACANCIES IN OFFICE. The office of the Chair or Vice Chair shall become vacant before the expiration of his or her term of office upon the happening of any of the events set forth in sub-sections (A) and (B) of Section 2.08.050 of the City of San José Municipal Code, or upon such officer's absence pursuant to Section 2.08.060, unless excused by the Rules and Open Government Committee. If the Chair or Vice Chair should cease to be a member of the Board, or if for any other reason the office of the Chair or Vice Chair should become vacant prior to the expiration of the term of office, the Board shall elect a successor to the office of Chair or Vice Chair for the unexpired portion of the term.

Section 203. CHAIR, POWERS AND DUTIES. The Chair shall have the following powers and duties:

- (a) The Chair shall preside at all meetings of the Board.
- (b) The Chair shall conduct meetings in accordance with the San José Municipal Code, the approved Bylaws, Council Policy 0-4 (Consolidated Policy Governing Boards and Boards), Council Policy 0-37 (Code of Conduct for Public Meetings in the Council Chambers and Committee Rooms), and Robert Rules of Order. It is the responsibility of the Chair to make sure that matters before the Board are dealt with in an orderly, efficient manner.
- (c) The Chair shall: (1) consult on procedural matters in the processing of complaints and investigations; (2) conduct hearings; and (3) serve as the sole contact with the public and media in accordance with City Council Resolution No. 77879 (Regulations and Procedures for Investigations and Hearings).
- (d) The Chair shall sign all written resolutions of the Board and all minutes of all meetings of the Board which are approved by the Board.
- (e) The Chair shall perform all other duties which may be required by the City of San José Municipal Code, by ordinance of the City of San José, or by order of the Board consistent with the Municipal Code and the ordinances of the City of San José.

Section 204. VICE CHAIR, POWERS AND DUTIES. The Vice Chair shall have the following powers and duties:

- (a) In the event of and during the absence of the Chair, he or she shall preside as Chair at all meetings or hearings of the Board and shall have and perform all other powers and duties of the Chair; and
- (b) He or she shall perform all duties which may be required of the Vice Chair by the City Charter, by ordinance or Council Policy of the City of San José , or by order of the Board consistent with the Charter, ordinances and policies of the City of San José .

ARTICLE III
OFFICERS
CHAIR PRO TEMPORE

Section 300. In the event of vacancies in offices of the Chair and Vice Chair, or in the event of the absence of the Chair and Vice Chair, at the time of any meeting, the Board may elect one of its members Chair Pro Tempore to preside over such meeting during such vacancies or absences. The Chair Pro Tempore shall have all the powers and duties of the Chair during such meeting.

ARTICLE IV
SECRETARY

Section 400. APPOINTMENT. The Secretary shall be the City staff person designated to serve as such by the City Administration.

Section 401. POWERS AND DUTIES. The Secretary shall have the following powers and duties:

- (a) The Secretary shall attend all meetings of the Board and shall record or keep minutes of all that transpires;
- (b) The Secretary shall attest all minutes of the meetings of the Board;
- (c) The Secretary shall preserve, and be custodian of, all books, records, papers and tapes of the Board. Whenever necessary he or she shall certify true copies of Board documents; and
- (d) The Secretary shall provide to the Board agendas and agenda packets, and submit Board letters, communications and recommendations to the Council.
- (e) The Secretary shall perform all duties required of him or her by these rules and regulations, Council Policy 0-4 (Consolidated Policy Governing Boards and Boards), City Council Resolution No. 77879 (Regulations and Procedures for Investigations and Hearings), and/or required of him or her by resolution and/or order of the Board consistent with the City of San José Municipal Code and ordinances of the City of San José .

ARTICLE V
MEETINGS

Section 500. GENERAL. Except as otherwise provided by this article, meetings of the Board shall be open and public and shall comply with the requirements of the Brown Act and the City Council's Consolidated Open Government and Ethics Resolution.

Section 501. REGULAR MEETINGS. Regular meetings of the Board shall be at the time and place designated by the Board in coordination with the City Administration. If the time scheduled for a regular meeting falls on a City Holiday, the regular meeting shall be held on the next succeeding business day.

Section 502. SPECIAL MEETINGS. A special meeting may be called at any time by the Chair of the Board, or by a majority of its membership, in accordance with the Brown Act and the additional rules of procedure as described in the City Council's Consolidated Open Government and Ethics Resolution. The agenda shall specify the time and place of the special meeting and the business to be transacted; no other business shall be considered by the Board at the special meeting.

Section 503. ADJOURNMENT – ADJOURNED MEETINGS. The Board may adjourn any regular, adjourned regular, special or adjourned meeting to a time and place specified in the order of adjournment; a majority of members present, even though less than a quorum may so adjourn. If all members are absent from a regular or adjourned regular meeting, the Secretary of the Board may declare the meeting adjourned to a stated time and place; and he shall cause a written notice of the adjournment to be given in the manner provided in Section 502 for special meetings. A copy of the order or notice of adjournment shall be posted conspicuously on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment.

When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Section 504. CONTINUANCE. A convened meeting, or any meeting ordered or noticed to be held, may by order or notice of continuance, be continued or recontinued to any subsequent meeting of the Board in the same manner and to the same extent set forth in Section 503 for the adjournment of meetings; provided, if a hearing is continued to a time less than twenty-four (24) hours after the time specified in the notice or order of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting which orders or declares the continuance.

ARTICLE VI
MEETING AGENDA AND PROCEDURE

Section 600. AGENDA. The Secretary in consultation with the Chair shall provide for an agenda. No discussion may be held of any item that is not on the agenda. The Secretary shall prepare and distribute the agenda for the Board.

Section 601. QUORUM. Three (3) members, being a majority of the total number of seats of the Board, whether filled or vacant, shall constitute a quorum to transact business. Less than a quorum may adjourn the meeting or adjourn the meeting to a stated time.


Section 602. VOTING. At least a quorum must vote on any item requiring a vote. No action shall be taken by the Board except by affirmative vote of at least a quorum in accordance with Section 12.04.060 of the City of San José Municipal Code.

Section 603. MANNER AND RECORDATION OF VOTES. Voting by members of the Board shall be by "ayes" and "noes," and the result of each vote shall be entered by the Secretary in the record of the Board proceedings. Upon the request of any Board member, a roll call vote shall be taken on any matter upon which a vote is called, and each vote shall be recorded by the Secretary to the record of the Board proceedings.

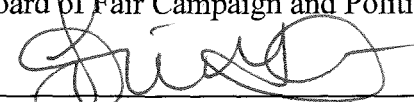
Section 604. ORDER OF BUSINESS. At regular meetings of the Board the order of business shall be conducted in accordance with the requirements of the Brown Act and the City Council's Consolidated Open Government and Ethics Resolution. The order of business may be changed at any meeting by the Board.

ADOPTED this 9th day of November, 2016, by the following vote:

AYES: SMITH, GONZALES, PEACOCK, VEMULAPALLI
NOES: NONE
ABSTAINED: NONE
ABSENT: NONE


ADRIAN GONZALES, Vice Chair
Board of Fair Campaign and Political Practices

ATTEST:
Board of Fair Campaign and Political Practices Secretary


TONI TABER, CMC
City Clerk