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RAPID CITY PUBLIC LIBRARY BOARD OF TRUSTEES
LIBRARY BOARD BYLAWS & RULES

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STATUTORY PROVISIONS – SOUTH DAKOTA CODIFIED LAWS

§ 14-2-35. Board of public library trustees--Appointment and terms of members.

Any public library established under subdivision § 14-2-29(1) shall be governed by a board of public library trustees. The governing body shall appoint five competent citizens broadly representative of the population of the local governmental unit. One of the citizens shall be appointed for one year, two for two years, and two for three years and annually thereafter reappointments or new appointments shall be for a term of three years or to complete an unexpired term. In addition to the five appointees, the governing body may appoint one of its own members to serve as a full voting member of the public library board of trustees during that member's term of office.

§ 14-2-36. Contract with established library--Annual appointment of additional trustees--Number proportional to contributed funds.

If a governing body contracts with an established public library under subdivision 14-2-29(2), it may annually appoint additional members to the contracted public library board of public library trustees; provided, that the number of trustees appointed shall be in proportion to its part of the total funds made available during each year by both parties for the provision of public library services, for the purchase of public library materials, and for the provision and maintenance of public library quarters.

§ 14-2-40. Duties of trustees.

Each board of public library trustees shall:

- 1) Appoint a librarian to serve at the pleasure of the board. Any paid librarian shall receive any employee benefits provided all other employees of the local governmental unit and shall be compensated at rates determined by the governing body's compensation schedule, if such schedule exists. If no such schedule exists, the salary shall be set by the local governing body;
- 2) Adopt bylaws for the conduct of their business and adopt policies for the selection of public library materials, the governance of the library, and the use of public library services and materials;
- 3) Prepare and submit an annual budget request to its governing body;
- 4) Adopt a final annual budget within those funds certified to it as being appropriated in the annual budget of its governing body;
- 5) Meet at least once during each quarter of the year;
- 6) Prepare and submit an annual report to its governing body and to the South Dakota State Library on such forms as may be provided by the State Library.

§ 14-2-41. Powers of trustees.

Each board of public library trustees may:

- 1) Accept any gift, grant, devise, or bequest made or offered by any person, private agency, agency of state government, the federal government, or any of its agencies, for library purposes. Each donation shall be administered in accordance with its terms.
- 2) Establish a special public library gift fund. The moneys in such fund shall be derived from all or any part of any gift, bequest, or devise, including the interest thereon. Such gift fund shall be a separate and continuing fund and no moneys in such fund shall revert to the general fund of any local governmental unit;

- 3) Enter into an interstate library agreement pursuant to § 14-7-12, Article VI;
- 4) Establish a collection of public library materials to be loaned on a pay basis and make reasonable charge for use thereof;
- 5) Enter into any contracts for the provision of or for the improvement of public library services.

§ 14-2-42. Duties of librarians.

Each librarian shall:

- 1) Serve as secretary to the board of public library trustees and keep all its records;
- 2) Prepare such reports, budgets, and other documents as are required by the board of public library trustees or are required of the board by its governing body;
- 3) Appoint such staff as are necessary to operate the public library within its budgetary limitations. Library employees shall receive any employee benefits provided all other employees of the local governmental unit and shall be compensated at rates determined by the governing body's compensation schedule. If no such schedule exists, the salary shall be set by the library board;
- 4) Select and purchase all public library materials for use by the library in its provision of public library services within policies established by the board of public library trustees;
- 5) Publish and enforce the policies of the board of public library trustees;
- 6) Execute all contracts and agreements approved by the board of public library trustees;
- 7) Keep an accurate account of the financial transactions of the public library; and
- 8) Carry out any other activities authorized by law that the board of public library trustees consider appropriate in the development, improvement, and provision of public library services.

§ 14-2-47. Expenditures for public library services, materials and facilities.

A governing body may appropriate funds for the provision of public library services, for the purchase of public library materials, and for the provision and maintenance of quarters for the public library.

BYLAWS OF THE RAPID CITY PUBLIC LIBRARIES BOARD OF TRUSTEES

ARTICLE I: MEMBERS

1. The membership of the Board shall consist of six persons who are appointed by the mayor of Rapid City. One appointment will be a voting member of the Rapid City Council and will serve as liaison between the Council and the Board and shall have a term as determined by the Mayor.
2. The standard term for the remaining five members shall be three years. The terms of the Board shall be staggered so that one-third of the Trustees ~~is-are~~ appointed at each annual meeting.
3. New appointments will be seated at the annual meeting unless an appointment for a partial term is necessary.
4. The Library Director of the Rapid City Public Libraries shall be an ~~ex-officio~~-non-voting member of said Board of Trustees.
5. A board member may be appointed by Pennington County pursuant to SDCL 14-2-36.

ARTICLE II: MEETINGS

1. Regular meetings of the Rapid City Public Libraries Board of Trustees shall be held monthly at a time and location determined by the current membership.
2. The annual meeting will be held each January.
3. All Rapid City Public Libraries Board of Trustees' meetings shall be open to the public, except as herein provided.
4. ~~An executive or closed meeting shall be held only upon a majority vote of the members of such body present and voting. Any action arising out of the executive or closed session shall be made in an open meeting. Executive or closed meetings are permitted for the purposes allowed by law. The Board may go into executive or closed session only for one or more of the permissible purposes listed in SDCL §1-25-2.1. The motion to go into executive/closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on SDCL §1-25-2 shall also state the name or citation of the law that renders the information to be discussed privileged or confidential.~~
- 4.5. Special meetings may be called by the ~~e~~Chair, or upon request of two members ~~for the transaction of business stated in the call for meeting, to consider only such matters as shall be mentioned in the call for such hearing, by written notice thereof given to each Board member.~~
- 5.6. Attendance at meetings is essential for the welfare of the library. If a member is not able to attend a scheduled meeting, including committee meetings, that member will notify the ~~e~~Chair of the Board and the library business office to be excused from that meeting. After the second unexcused absence during a calendar year, the ~~chair~~Chair of the Board will contact the member involved for clarity. After three unexcused absences during a calendar year, the ~~chair~~Chair of the Board will bring the matter to the attention of the Mayor. It is expected a minimum number of meetings will be missed and any concern of attendance shall be discussed between the ~~chair~~Chair and member, and ~~at the~~Secretary.

ARTICLE III: OFFICERS

1. The officers shall be chosen from among the Trustees at the annual meeting.
2. The Library Director, or designee, shall serve as Secretary to the Board.

Commented [TD1]: Consolidated from Motion to go into Closed Session section of Board Rules.

Commented [TD2]: Consolidated from Special Meeting section of Board Rules

3. Chair: The ~~chair~~Chair shall preside at all meetings, appoint all committees, authorize call for any special meetings, and perform the duties of a presiding officer.
4. Vice-Chair: In the absence, disability or under the direction of the chair, the ~~vice-chair~~Vice-Chair shall be vested with all the powers and perform all the duties of the Chair~~chair~~, and shall have such additional powers and perform such additional duties as shall be ordered by the Board of Trustees.
5. Secretary: The ~~secretary~~Secretary shall keep an accurate record of all proceedings of Board meetings; shall issue notices of all regular and special meetings; shall have custody of the minutes and other records of the Board; and shall notify the Mayor of Rapid City of any vacancies on the ~~Rapid City Public Libraries~~ Board of Trustees.
6. Foundation Board Liaison: The Board shall appoint one representative to serve as Liaison to the Rapid City Library Foundation Board to represent the library's interests and needs to the Foundation, and to report Foundation information back to the Board.

ARTICLE IV: COMMITTEES

The Board, to accomplish a specific task within a limited time frame, may create ad hoc or special committees. The Board may appoint standing committees.

ARTICLE V: QUORUM

A quorum for the transaction of business shall consist of four members of the Board.

ARTICLE VI: AMENDMENTS

These bylaws may be amended at any regular meeting of the Board with a quorum present, by affirmative vote of two-thirds of the members present, provided the amendment was stated in the call for the meeting.

RULES OF THE RAPID CITY PUBLIC LIBRARIES BOARD OF TRUSTEES

AGENDAS

1. **Order of Business.** Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall normally be as follows:
 - a. Roll Call and Determination of Quorum
 - b. Additions or Corrections to the Agenda
 - c. Introduction of Staff
 - d. Public Comment
 - i. A time for the members of the public to discuss or express concerns to the Board on any issue, not limited to items on the agenda. Action will not be taken at the meeting on any issue not on the agenda, except by placement on the agenda by unanimous vote of the Board members present. [The Chair may impose a three](#) minute time limit per speaker.
 - e. Bid Awards
 - f. Consent Calendar Items
 - i. Items are placed on the Consent Calendar for final action to be taken on all items by a single vote; any item may be removed from the Consent Calendar by the Director, a Board member, or a citizen, for separate consideration.
 1. Items on the Consent Calendar include Minutes, and Financial Report and Bill List
 2. Request by Board members for removal of items
 3. Vote on remaining consent items
 4. Discussion and vote by Board on items removed from agenda
 - ii. End of Consent Calendar
 - g. Administrative Reports
 - h. Finance Committee Items
 - i. Building Committee Items
 - j. Policy Committee Items
 - k. Items from Board Members/Liaison Reports
 - l. Adjourn

Once a proposed agenda has been adopted, a two-thirds vote is required to change the agenda.

~~2.—Proposed Agenda.~~ The Secretary shall prepare a proposed agenda for each meeting. A copy of all items shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as background information on the subject as is available and feasible to reproduce. Each member shall receive a copy of the proposed agenda and the agenda package electronically via email and it shall be available for public inspection at www.rcgov.org/library.

~~2.—Adoption of the Agenda.~~ As its first order of business at each meeting, the Board shall discuss and revise the proposed agenda and adopt an agenda for the meeting. The Board may by majority vote add items to or subtract items from the proposed agenda, except that the Board may not add items to the agenda of a special meeting. If items are proposed to be added to the

~~agenda, the Board may, by majority vote, require that written copies of particular documents connected with the items be made available.~~

3.2. Consent calendar recommendations by standing committees. Each standing committee may report an uncontested action out of committee with the recommendation that it be placed on the consent calendar. As used in this rule, an "uncontested action" is any action which receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present.

~~**3. Consent calendar placement, objections.** Any action certified by the committee chair as having received no dissenting votes in the committee may be placed on the consent calendar. Upon objection of any member to the placement or retention of any matter on the consent calendar, it shall be removed from the consent calendar and be placed on the agenda.~~

~~**3. Continued items consent calendar.** If, after compilation of the agenda and before the regular meeting of the Board, it is known that items will need to be continued, those items shall be placed together under an item bearing the heading "continued items consent calendar." Upon objection of any member to the placement or retention of any matter on the consent calendar, it shall be removed from the consent calendar for discussion purposes.~~

4.3. Consent calendar. A matter requiring a two-thirds vote of the members may not be voted on the consent calendar.

CONDUCT OF MEETINGS

- 1. Consent calendar items - questions, voting.** Items on the consent calendar are not debatable. The presiding officer shall allow a reasonable time for questions from the members. Immediately before voting on the first item on the consent calendar, the presiding officer shall call to the attention of the members the fact that the next roll call will be the roll call on the items on the consent calendar. Approval of the consent calendar by a majority of the members of the Board is considered final disposition of all matters on the consent calendar.
- 2. Public address to the Board.** Any individual or group who wishes to address the Board shall make a request to be on the agenda on forms provided. Each speaker ~~will~~ may be limited to three (3) minutes per individual with a maximum of ten (10) minutes per side (pro and con), unless otherwise ordered by the ~~B~~oard by a majority vote. The Board retains the right to determine not to hear public testimony and may designate the specified times on the agenda for public input.
- 3. Regular meetings.** The regular meetings of the Board shall be on the second Monday of each month, at the downtown public library or at an alternate location designated by the Board, at such hour as the Board shall fix from time to time. If a regular meeting day falls upon a holiday observed by the City, the regular meeting shall be held on the business day ~~prior~~ after to the regular meeting unless another time is set by the Board.
- ~~**3. Special meetings.** Special meetings of the Board may be called by the chair Chair or by any two members at any time, to consider only such matters as shall be mentioned in the call for such~~

hearing, by written notice thereof given to each member then on the board. Upon demand for such call, library staff shall give the notice above specified.

Commented [TD3]: Combined with Article II, item 5 of the Bylaws

4. **Open to public - addressing.** The meetings of the Board shall be open to the public except such executive sessions as may be allowed by law. No person shall interfere in any way with the deliberation of the Board at such meetings. No person not a member of the Board shall address or deliver any remarks to the Board at such meetings without first asking for and receiving the privilege of so doing. Questions may, however, be directed by the Board to staff or a member of the public through the presiding officer at any time.

Commented [TD4]: Moved from section about those who may address the Board.

4. ~~**Recess.** The Board may recess a meeting to a later time, in which event the recessed meeting shall be considered as part of the first meeting.~~

4. ~~**Quorum.** Four of the trustees shall constitute a quorum for the transaction of all business. If a quorum is not present, the members in attendance may set a special meeting for any pending business and may compel the absent members to attend the special meeting.~~

Commented [TD5]: Redundant; defined in the Bylaws.

5. **Minutes.** Full and accurate minutes of the ~~board~~ Board proceedings shall be kept, which shall include a summary of the discussion and issues raised by the members. These minutes shall be open to inspection by the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Board, the entire Board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes ~~if the Board approves.~~

PUBLIC HEARINGS

~~0. **Public hearings.** Public hearings required by law or deemed advisable by the Board shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups or persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meeting laws, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.~~

~~0. **Notice.** All notice and other requirements of the open meetings law applicable to Board meetings shall also apply to public hearings at which a majority of the Board is present; such a hearing is considered to be a part of a regular or special meeting of the Board. These requirements also apply to hearings conducted by appointed or elected committees of Board members, if a majority of the Board is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement.~~

~~0. **Conduct of the hearing.** At the time appointed for the hearing, the chair or his or her designee shall call the hearing to order and preside over it. When the allotted time expires, or earlier, if~~

no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

RULES OF ORDER

~~— **Questions of order.** Only members of the Board may raise a point of order. The presiding officer shall decide all questions of order, subject to a motion of appeal. No member may speak more than once on an appeal without the consent of a majority of the members present. The presiding officer may speak without relinquishing the chair.~~

~~1. — **Recognition of members for remarks.** When a member desires to speak, that member shall respectfully address the presiding officer. When the presiding officer recognizes the member, that member is entitled to the floor. The member first to address the presiding officer shall speak first, subject to the right of the maker of a motion to speak first. If two or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.~~

~~1. — **Time allowed for a member to speak.** Each member may speak on the pending subject before any member speaks twice. No member may speak more than twice or longer than five minutes on the same subject without the consent of a majority of the members present. However, a member may speak an additional ten minutes if the time is yielded by individual members of the board. In computing the time allowed for argument, the time consumed in asking questions is considered. If a member consents to the question, the time consumed by the answer is taken out of the time allowed to the person answering the question.~~

~~1. — **Questions of other members.** If a member wishes to ask a question of another member, that member shall courteously do so through the presiding officer and with the consent of the member to whom the question is addressed. Any question addressed to a member shall relate to a question before the Board and shall be concisely asked for the sole purpose of obtaining information. No question may reflect upon the character or conduct of any official, contain argument or debate, or inquire about the course a member proposes to follow.~~

~~1. — **Those permitted to speak to the body.** No person other than a member may speak upon any subject before the Board once public testimony has been closed and final action is being considered unless a member makes a motion to allow another person to speak and the members present unanimously consent. Questions may, however, be directed by the Board to staff or a member of the public through the presiding officer at any time.~~

~~2.1. **Preservation of decorum.** The presiding officer shall preserve order and decorum and, in the case of disturbance or disorderly conduct, may order the disruptive or disorderly person(s) to leave the room and may halt the room until the person(s) complies.~~

~~2. — **Call to order.** If a member is called to order, that member shall remain silent until the presiding officer determines whether the member is in order. The decision of the presiding officer is subject to a motion of appeal.~~

Commented [TD6]: Moved to Open to Public – Addressing, as identified above.

3-2. Cellular telephones prohibited. Cellular telephones may not be used while the Board is in session, except that a member may use a cellular telephone upon majority vote of the members present.

4-3. Duty to vote. Conflict of interest. All members of the Board present at a meeting shall cast their vote. No member may abstain unless he or she has a conflict of interest that prevents their impartiality or that results from their having a direct or indirect personal financial interest in the outcome. The basis for the conflict of interest shall be stated on the record.

~~5-3. Changing votes. If the yeas and nays have been taken on any question, no member may change a vote after the decision is announced from the chair, unless by unanimous consent of the Board.~~

6-4. Entertainment of motions. No motion may be entertained and debated until it is seconded. Following the second of a debatable motion, the presiding officer shall first recognize the member making the motion. Any member, except the presiding officer, may make a motion.

~~6-5. Restatement and reading of motions. When a motion is made and seconded, it shall be restated by the presiding officer.~~

7-5. Withdrawal of motions. After a motion is stated by the presiding officer, it may not be withdrawn except by withdrawal by the motion maker and a majority vote of the members present. ~~without unanimous consent of the members present.~~

Commented [CC7]: Better matches with Roberts Rules.

~~7-6. Priority of motions. When a question is under debate, no motion may be made except the following motions which have precedence in the order listed:~~

- ~~0) To adjourn;~~
- ~~0) To recess;~~
- ~~0) To table;~~
- ~~0) To end debate and vote on the previous question;~~
- ~~0) To defer indefinitely;~~
- ~~0) To defer to a day certain;~~
- ~~0) To refer to committee;~~
- ~~0) To amend.~~

~~7-7. The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:~~

- ~~The maker of the motion is entitled to speak first;~~
- ~~To the extent possible, the debate shall alternate between proponents and opponents of the measure.~~

~~7-8. Priority of motion for adjournment. A motion for adjournment is always in order, unless the roll is being called or the previous question has been ordered, and shall be decided without debate.~~

~~7-9. Motions to table.~~

- a.—~~Application and non-debatability of motions to table.~~ A motion to lay on the table shall be decided without debate. No member may make introductory remarks prior to making a motion to lay on the table.
- a.—~~Scope of motions to table.~~ A motion to table may be made so as to apply either to the main question or to a proposed amendment or to the motion and all pending amendments, and the motion shall clearly state to which it is intended to apply.
- a.—~~Motion to take from the table.~~ Whenever any motion or action is tabled, it requires a majority vote of the members to take it from the table. The motion to take from the table is debatable. A motion tabled at a Board meeting may be taken from the table at any subsequent Board meeting.

~~7.—Motion for the previous question.~~ A motion to close debate and vote on the previous question shall be decided immediately by a majority of the members present and without debate. The motion shall clearly indicate the question to which it applies. No member may make introductory remarks prior to making a motion to call the previous question. The effect of adopting a motion to call the previous question is to close debate, to prevent the moving of amendments or other subsidiary motions, and to bring to vote immediately the question to be voted upon. The effect of defeating a motion to call the previous question is to allow continuation of debate on the question before the body.

~~7.—Priority of vote after call of the previous question.~~ After a motion to call the previous question has prevailed, it is not in order to move a recess or to move to adjourn, prior to a decision of the question before the body.

~~7.—Dilatory motions to defer or refer.~~ If a motion to defer to a day certain, to defer indefinitely or to refer to committee is decided in the negative, such motion is not again in order at the same stage of consideration of the motion or proposition.

8-6. Motion to postpone as final action. A motion to defer indefinitely requires the vote of a majority of the members.

~~8.—Division of the question.~~ Any member may call for a division of the question. The presiding officer shall divide the question if it contains questions so distinct that, one being taken away, the rest may stand as a separate proposition.

~~8.—Notice of intention to reconsider.~~ Notice of intention to move for reconsideration shall be made before the Board proceeds to the next item of business. If any member fails to give notice of intention to reconsider, the vote on a question shall be deemed to have been moved for reconsideration and such motion for reconsideration to have been tabled. The effect of giving notice of intention to reconsider is to hold in abeyance the finality of the vote.

~~8.—Motions to reconsider.~~ Having given notice of intent to reconsider, the member giving notice may move to reconsider the question not later than the next regular Board meeting. Any motion to reconsider shall be made and takes precedence over all other motions except to recess or to adjourn. No motion to reconsider the same question may be made twice without unanimous consent. Every motion to reconsider shall be decided by a majority vote

of the members on a roll call vote. No question may be reconsidered except the final disposition of policies or resolutions and the override of vetoes.

~~8. **Failure to make timely motion for reconsideration.** If any member has given notice of intent to move for reconsideration and does not move for reconsideration before the stated deadline, the presiding officer shall immediately state that any member voting on the prevailing side may move for reconsideration.~~

~~8. **Germaneness of amendments.** No motion to amend is in order unless it is germane to the subject as expressed in the title of the policy or resolution.~~

~~8. **Order of questions.** All questions, other than privileged questions shall be put in the order they are moved.~~

~~8. **Limitations on number of motions to amend and substitute motions.** When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment is in order. It is also in order to offer a further amendment as a substitute, but such substitute is not subject to amendment.~~

9.7. Motion to rescind or repeal. The Board may vote at any time to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

~~9. **Motion to go into closed executive session.** The Board may go into executive or closed session only for one or more of the permissible purposes listed in SDCL §1-25-2.1. The motion to go into executive/closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on SDCL §1-25-2 shall also state the name or citation of the law that renders the information to be discussed privileged or confidential.~~

Commented [TD8]: Consolidated with Bylaws.

10.8. Authorization of the Director and Board Chair to hire or promote. The Director, with prior consent of the Board Chair, may hire or promote employees at the rate deemed appropriate under the circumstances, up to the compensation scale step allowed by City policy. If such a hiring occurs, the Board Chairperson shall promptly provide notice to the Board. If the Board Chairperson does not approve Director's request to hire a new employee at the proposed rate, the Director may bring the request to the Board for its approval of the hire.

If Director desires to hire a new employee above the allowable step of the applicable compensation scale, the Board must provide specific approval of the hire. In such a case, the Director shall make any job offer contingent upon Board approval.

All decisions to hire new employees shall comply with all applicable agreements, union contracts, policies, and laws.

11.9. Authorization of the Director to sign contracts. The Board delegates to the Director the ability to sign contracts and purchase orders as identified in South Dakota Codified Laws 5-18A-11(3), City Ordinance §3.04.030 and City Ordinance §3.04.090, provided those contracts are within the scope of the budget.

AMENDMENT OF RULES

1. **Rule adoption.** A motion to adopt the rules of the Board shall be decided by a majority of the members, subject to debate.
2. **Rule amendment.** No rule may be amended without the concurrence of a two-thirds majority of the members, subject to debate. The final vote on any amendment may not be taken at the same meeting it was offered. The Board may not amend provisions of the rules imposed by law or state regulation.
3. **Rule suspension.** A rule may be temporarily suspended at a meeting of the Board by a two-thirds vote of the members. The Board may not suspend provisions of the rules imposed by law or state regulation, and any suspension shall expire at the end of the meeting.
4. **Proceedings governed by Roberts Rules of Order.** The latest revision of Roberts Rules of Order governs the proceedings of the Board in all cases not covered by these rules, state law, or policies.