

**DRAFT**

**Calaveras  
County  
Board of  
Supervisors**

**Board Rules of Procedure**



Adopted Date:



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**RULES OF PROCEDURE**

**OF THE BOARD OF SUPERVISORS**

**CALAVERAS COUNTY, CALIFORNIA**

**I. PURPOSE**

The purpose of these Rules of Procedure (“Rules”) is to foster understanding and respect for the democratic process, facilitate compliance with applicable laws, encourage public participation, provide guidance on decorum, and enhance effective and efficient management of Board meetings.

**II. GENERAL**

**Rule 1. Applicability of Rules**

These rules are adopted pursuant to Government Code §25003, which allows the board to make and enforce rules and regulations necessary for the government of the board, the preservation of order, and the transaction of business. The rules shall apply to the Board of Supervisors of the Calaveras County whether sitting as the Board of Supervisors of the County or as the governing board of any other district, commission, authority or board.

These rules are intended to expedite the transaction of business of the Board in an orderly fashion, and are deemed to be procedural only. The failure to strictly observe application of the rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with the law. Except as otherwise provide by law, these rules, or any one of them, may be suspended by a majority of the Board.

These rules supersede and replace all rules of procedure previously adopted by the Board.

**Rule 2. Definitions**

In interpreting these Rules:

- a) “Board” refers to the Board of Supervisors of Calaveras County, whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority or board
- b) “Board member” refers to a member of the Board
- c) “Chair” and “Vice Chair” refers to the Board members elected to those respective offices
- d) “Clerk” refers to the Clerk of the Board of Calaveras County
- e) “County Administrative Officer” refers to the County Administrative Officer of Calaveras County

**III. MEETINGS**

**Rule 3. Regular Meetings and Annual Calendar**

Regular meetings generally shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month; and on the 5<sup>th</sup> Tuesday of any month that contains a fifth Tuesday. Generally, meeting scheduled for the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays will begin at 9:00 a.m. meetings on the 5<sup>th</sup> Tuesday will begin at 6:00 p.m. If there is a Closed Session scheduled and noticed, the Board may open the meeting earlier and immediately convene to Closed Session.

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Regular meetings shall be held at the Board of Supervisors Chambers at 891 Mountain Ranch Road, San Andreas, California, unless the time, date and location are changed and so noticed.

An annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings. Any regular meeting may be canceled by a majority vote of the Board.

### **Rule 4. Special Meetings, Budget Hearings, Workshops and Planning Meetings**

Special meetings may be called at any time by the Chair, or by a majority of the members. Upon the call of a special meeting, the Clerk will prepare and distribute, at least 24 hours before the time of the special meeting, written notice to each member and to a local newspaper of general circulation. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings (Government Code §54956).

Budget Hearings, Workshops, Study Sessions and Planning Meetings may be called by the Chair or by a majority of the Board at times and locations in accordance with the law and specified notice provisions.

### **Rule 5. Emergency Meetings**

Emergency meetings may be called by the Chair or by a majority of the Board, in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. Upon the call of an emergency meeting, the Clerk shall give notice of the meeting, and comply with posting requirements (Government Code §54956.5).

### **Rule 6. Closed Sessions**

Closed sessions of the Board can be called by the Chair or by a majority of the Board, for those purposes allowed by law (Government Code §54956.7).

Prior to holding any closed session, the Chair shall announce the session in an open meeting, and shall provide an opportunity for public comment on items on the closed session agenda. During the closed session the Board may consider only those items on the agenda. At the conclusion of the closed session the Board shall report, in an open meeting, as required by law, action taken (Government Code §54957.1).

## **IV. ELECTIONS, POWERS, AND DUTIES OF THE CHAIR, VICE-CHAIR, AND CHAIR PRO-TEMPORE**

### **Rule 7. Annual Selection of Chair, Vice Chair, and Chair Pro-Tempore**

At its first regular meeting, after January 1 of each year, the Board shall nominate and elect from its membership a Chair and Vice Chair and a Chair Pro-Tempore. The Chair shall call the meeting to order and the first order of business shall be the election of officers for the ensuing calendar year. The Chair, Vice Chair, and Chair Pro-Tempore shall serve until the election of their successors.

### **Rule 8. Powers of Chair and Vice-Chair and Chair Pro-Tempore**

The Chair shall serve as presiding officer of the Board, rule on questions of procedure, appoint members to committees and special assignments, and execute official Board records and documents presented by the County Administrative Officer/Clerk. In the absence or unavailability of the Chair, the Vice-Chair shall call the meeting to order and serve as presiding officer. The Vice-Chair shall have and exercise all powers and duties of

the Chair for meetings over which he or she is called to preside and at ceremonial and official functions, which the Chair cannot attend.

If both the Chair and the Vice-Chair are absent or unable to participate, the Chair Pro-Tempore shall call the meeting to order, serve as the presiding officer, and shall have and exercise all power and duties of the Chair for the meeting over which he or she is called to preside and at ceremonial and official functions, which the Chair or Vice Chair cannot attend.

**V. AGENDAS AND AGENDA MATERIALS**

**Rule 9. Meeting Agenda**

At least 72 hours before a regular meeting, the Clerk shall post an agenda. The agenda shall consist of a brief statement of each item to be considered by the Board (Government Code §54950). The agenda shall indicate the time and location of the meeting and shall be posted as required by law.

**Rule 10. Addendums/Supplemental Agenda Items**

The Clerk shall prepare, post, and distribute all addendums/supplemental agendas when there has been an item added, continued, deleted, and/or modified since the distribution of the initial meeting agenda.

**Rule 11. Use of Clerk of the Board Required Agenda Form**

All Departments/Agencies shall use agenda forms, as prescribed by the Clerk, when submitting items to be placed on the Board's agenda for consideration. The Clerk shall make prescribed forms available at <http://intranet/IntranetHome/Departments/Administration/AdministrationFormsandDocuments/tabid/119/FolderID/320/Default.aspx>. Without amendment to these Rules, the County Administrative Officer may change agenda forms.

**Rule 12. Department/Agency Agenda Responsibilities**

When submitting an item for consideration by the Board, it is the responsibility of the originating Department /Agency to provide all required information, and to meet all timelines established by the County Administrative Officer and Clerk. Originating Departments/Agencies shall submit sufficient copies to meet the distribution and processing requirements of the Clerk.

**Rule 13. Review and Filing of Agenda Items**

All agenda items require review by the County Administrative Officer's Office prior to their placement on the agenda. Any agenda item that requires legal review must be also be reviewed in advance by County Counsel.

Agenda items are to be submitted to the County Administrative Officer's Office complete, with all back-up materials, and in accordance with all requirements and instructions as established by the County Administrative Officer.

The County Administrative Officer and/or County Counsel may ask for additional information, clarification, and may determine not to place any item on the agenda that is not complete or is not submitted in accordance with instructions. Without amendment to these Rules, agenda submittal instructions may be amended or additional requirements imposed to ensure appropriate review and Brown Act compliance.

**Rule 14. Supplemental Correspondence and Information Prior to Board Meeting and During the Board Meeting**

- a) After Initial Agenda Distribution and Prior to the Meeting Rule - Agenda materials distributed, via mail, email, or hand delivered by the public to a majority of the Board, that is distributed or redistributed to another County employee, must be forwarded to the Clerk for public review.
- b) At the Meeting Rule - Documents, including PowerPoint handouts, distributed to Board members by County employees or Board members themselves at the meeting, shall be kept to a minimum. When necessary to distribute materials at the meeting, 20 copies shall be provided to the Clerk for distribution to: Board members, County Administrative Officer, County Counsel, and the Clerk, with remaining copies available for distribution to the general public. If large numbers of the public are anticipated to attend the Board Meeting on a matter and new information will be distributed to the Board members, then the number of copies should be increased to anticipate the number needed for the public.

Any supplemental correspondence or written information related to an agenda item which is provided to three or more Board members, shall be concurrently filed with the Clerk and made a part of the official record. This Rule shall not apply to attorney-client privileged communications.

Sufficient copies of supplemental correspondence and information should be delivered to the Clerk and the Clerk shall make the appropriate distribution to the Board, County Administrative Officer and County Counsel.

**Rule 15. County Counsel Approval as to Form and Legal Review**

Agenda items which require County Counsel's approval shall be reviewed and approved, prior to inclusion on the agenda.

**VI. CONDUCT OF BUSINESS**

**Rule 16. Order of Business**

The Board shall conduct business in the order specified in the posted agenda or as modified at the discretion of the Chair. Without amending these Rules, the Board may modify or amend the Order of Business for Regular meetings, which shall be attached to these Rules as Appendix A.

**Rule 17. Board Member; Notification of Absence**

If any Board member is unable to attend a meeting of the Board, all reasonable efforts shall be made to notify the Chair, County Administrative Officer, and the Clerk, as soon as possible to ensure there are sufficient members present to consider all agenda items.

**Rule 18. Quorum and Action**

Three members of the Board shall constitute a quorum sufficient to transact business. In the absence of a quorum, the remaining members or the Clerk may adjourn the meeting to another date and time in accordance with Government Code §54944 and shall post a Notice of Adjournment.

**Rule 19. Matters Not on the Agenda/Emergency Items**

No action shall be taken on any item not appearing on the posted agenda except:



- a) Upon a majority vote of the Board that an emergency situation exists as defined in Government Code §54956.5;
- b) Upon a determination by a four-fifths (4/5) vote of the Board, or if less than four-fifths (4/5) of the members are present, a unanimous vote of those members present, that 1) there is a need to take immediate action, and 2) the issue arose subsequent to the agenda being posted.

Any requests to hear a matter not on the agenda or emergency item shall be communicated to the Chair, County Administrative Officer, County Counsel and Clerk as soon as the need becomes known.

**Rule 20. Consent/Regular Agenda Items**

Agenda items on the Consent Agenda are routine in nature, consistent with adopted Board policy, and do not require individual consideration. The Consent Agenda will be enacted by one motion for approval of the recommended actions. There will be no separate discussion of these items prior to the time the Board votes on the motion unless any member of the Board requests removal of a specific item from the Consent Agenda for separate discussion and action. Any Board member may ask the Clerk to record a “no” or “abstention” vote on any Consent Calendar item.

Members of the public are invited to comment on items on the Consent Agenda and generally will be provided 5 minutes total for their comments. Time limits are at the discretion of the Chair, and may be reduced or extended.

Agenda items on the Regular Agenda require separate discussion and/or action and may include, but are not limited to changes in policy, items that require the Board to consider options and provide direction, requests for new or unbudgeted positions, introductions or adoption of a proposed Ordinance, Public Hearings, and other matters as required by law.

Members of the public are invited to comment on items on the Regular Agenda and generally will be provided 5 minutes per item for their comments. Time limits are at the discretion of the Chair, and may be reduced or extended.

**Rule 21. Public Hearings**

Upon receipt of a request by a Department/Agency or Board member for a public hearing, the County Administrative Officer or Clerk may set the hearing without action of the Board unless the Board is required by law to schedule the hearing. In that event, the matter shall be placed on the Consent Calendar to set the hearing.

Subject to the Chair’s right to maintain order, any person wishing to speak at a public hearing shall be heard. Except for rebuttal allowed an applicant, or the appellant in the case of an appeal, each speaker shall speak only once.

Each speaker’s presentation at a public hearing shall be relevant and to the point, and shall be as brief as possible; visual and other materials may be used as appropriate. In non-appeal public hearings, public comments will be limited to five (5) minutes per person, subject to the discretion of the Chair.

When speakers use or submit to the Board visual or other materials, such materials shall become part of the file and identified and maintained as such. When CDs, DVDs, thumb drives, USB memory sticks, or other

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portable electronic media (e-media) are submitted to the Board, at least one hard-copy of the information stored on the e-media must be provided to the Clerk prior to the meeting. Speakers with lengthy presentations are encouraged to submit them in writing.

The closing of a public hearing signifies the point after which the Board will no longer accept or consider any additional communication on the matter that was the subject of the hearing. As used in this Rule, "communication" includes oral communication; written communication such as documents, letters, and photographs; and any type of electronic communication, including e-mails, e-mail attachments, graphic images, spread sheets, text messages, and social media messages.

Should the Board close a public hearing and continue its deliberations to a subsequent meeting, or announce a tentative decision, by motion or other proceedings, and defer its action on a final decision to a subsequent meeting to allow preparation of appropriate findings and/or conditions of approval, any written or electronic communication received by a Board member or the Clerk after the close of the hearing on the matter that was the subject of the hearing shall be placed in a separate file kept by the Clerk and labeled to indicate it was received after the close of the hearing. Late written and electronic communication shall not be given to Board members, nor should Board members retain copies.

Should County staff determine that communication received after the close of a public hearing should be considered by the Board prior to its rendering a final decision on the matter that was the subject of the hearing, county staff shall recommend to the Board that the hearing be reopened. If the Board concurs, the Board shall reopen the hearing, following appropriate notice, for the limited purpose of receiving testimony and evidence on the new information.

### **Rule 22. Appeals Hearing**

Appeals Hearings shall be conducted in the sequence and time limits set forth below, subject to the discretion of the Chair who may, in the interest of time, fairness, and the efficient conduct of business, limit or waive time limits.

- a) Staff Presentation and Board questions of staff;
- b) Presentation by appellant(s);
- c) Presentations by members of the public shall be limited to five (5) minutes for each person;
- d) Summation and rebuttal by appellant(s) – fifteen (15) minutes for each appellant;
- e) Staff summation and rebuttal;
- f) Surrebuttal by member of the public;
- g) Close of the Appeal Hearing;
- h) Board discussion, questions, and action.

## **VII. PROCEDURE AND VOTING**

### **Rule 23. Order and Decorum**

The Chair shall preserve order and decorum and shall decide all questions of order and procedure subject to an appeal to the Board. The nature of any appeal shall be briefly stated and the Chair shall have the right to state the reason for his or her decision.

A Board member wishing to speak shall refrain until he or she has been recognized by the Chair. While a member is speaking, members shall be respectful and shall not engage in or entertain private discussions.

Consistent with the purpose of the Rules, members are encouraged to use a formal style, including appropriate titles, in addressing the public, staff and each other. All members shall lead by example and shall refrain from the use of profanity, emotional outbursts, and personal attacks on one another, staff, and the public.

**Rule 24. Commitment to Civility**

To assure civility in its public meetings, staff and the public are also encouraged to engage in respectful dialog that supports freedom of speech and values diversity of opinion. To achieve compliance with these Rules, members, staff, and the public are encouraged to:

- Create an atmosphere of respect and civility where elected officials, County staff, and the public are free to express their ideas;
- Establish and maintain a cordial and respectful atmosphere during discussions;
- Foster dialogue free of personal attacks;
- Listen with an open mind to all information, including dissenting points of view, regarding issues presented to the Board;
- Recognize it is sometimes difficult to speak at Board meetings, and out of respect for each person's feelings, allow them to have their say without comment.

**Rule 25. Use of Electronic devices and documents**

The use of electronic documents, via tablets or other electronic means, is encouraged as a means of reducing the production and distribution of paper documents, and thereby decreasing costs.

Any member of the public may view the same electronic documents on line at <http://www.bos.calaverasgov.us/BoardMeetings.aspx> or may view the documents in paper form in the Clerk of the Board's Office.

The Board shall refrain from emailing, texting, using social media, or otherwise engaging in electronic communications in the Board Chambers on matters that are listed on the Board agenda.

**Rule 26. Motions – General**

Any motion for action shall require a second before being acknowledged by the Chair. The Clerk shall enter into the minutes the motion and the names of the moving and seconding members. After a motion is stated by the Chair, it shall be open for debate but may be withdrawn by the maker at any time before a decision is made or an amendment adopted. A motion may be amended with the consent of the moving and seconding members at any time before a decision is made or an amendment adopted unless another motion is pending. The Clerk shall enter into the minutes the vote of each member on each motion.

**Rule 27. Voting**

It shall take at least three affirmative votes of the Board to pass any motion (Govt. Code §25005), except where supermajority four-fifths (4/5) votes or unanimous votes are required by law. Appendix B contains a list

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of common items that require a four-fifths (4/5) vote. Appendix B may be up-dated without amending these Rules.

A supervisor who is absent from all or a part of: (1) a public hearing, (2) an item that requires findings, or (3) an item that is quasi-judicial in nature, may subsequently vote on the matter if the supervisor has reviewed all evidence received during his/her absence, listened to the Clerk's recording or read a true and complete transcript of the proceedings, and so states on the record.

### **Rule 28. Abstention Votes**

- a) Based on Conflict of Interest. An "abstain" voted based on a stated conflict of interest of the voting Board member shall not be counted as part of the quorum voting on the issue.
- b) Not Based on Conflict of Interest. An "abstain" vote not based on a stated conflict of interest of the voting Board member shall be counted as part of the quorum voting on the issue and shall be counted as a concurrence with the majority vote. If there is a tie vote, the "abstain" vote of the voting Board member shall be counted as part of the quorum voting on the issue but will not be counted as either a concurrence or opposition with the majority vote and shall be recorded only as an "abstain" vote.

### **Rule 29. Roll Call Votes**

The roll need not be called in voting upon a motion except where specifically required by law or requested by a Board member or the Chair. Each roll call vote shall be made in an order determined by the Clerk or directed by the Chair but generally shall first include: the maker of the motion; the member who seconded the motion; the balance of the members present in order of District, with the Chair called last, unless the Chair made, or seconded, the motion.

### **Rule 30. Conflicts of Interest**

Any member with a disqualifying conflict of interest must, in compliance with the Political Reform Act:

- a) Publically state the nature of the conflict in sufficient detail to be understood by the public;
- b) Recuse himself/herself from discussing and voting on item; and
- c) Leave the room until after the discussion, vote, and other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar.

The member may be allowed to address the Board as a member of the public. Disclosure of a conflict shall be noted in the official Board minutes. The member must also comply with all other applicable conflicts of interest laws.

Members may not have a financial interest in a contract approved or considered by the Board. In these cases disclosure and recusal does not remove the conflict and such a contract is considered void (Government Code §1090). The member is encouraged to discuss possible conflicts with County Counsel prior to the meeting.

### **Rule 31. Motion to Reconsider**

Any Board member who votes in the majority on a question, as well as any Board member who was absent, is eligible to make a motion to reconsider. A motion to reconsider shall be in order during the meeting at which the action to be reconsidered took place provided members of the public in attendance during the original

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action are still present in the Board chamber. In all other cases, motions for reconsideration must be placed on a future agenda for action. A motion to reconsider shall require a majority vote.

**Rule 32. Substitute Motion**

A substitute motion is an amendment where a recommended action or resolution is rejected and another is inserted in its place. The motion to substitute, if adopted by majority vote, does away entirely with the original motion. The vote shall then be taken on the motion that was substituted. A substitute motion is appropriate if amendments become involved or a recommended action requires considerable changes. A substitute motion may not be made when an amendment is pending.

**Rule 33. Ordinances**

Ordinances (other than zoning ordinances or any other ordinance that can only be adopted after a noticed public hearing) are introduced at one meeting (first reading), then generally placed on the agenda for adoption at a subsequent meeting.

- The first reading will become the primary meeting at which: (1) the title of the ordinance will be read; (2) the Board will typically consider a motion to waive the reading of the text of the ordinance and to introduce the ordinance by title only; (3) members of the public shall have an opportunity to address the ordinance; (4) the ordinance shall be introduced by a motion and majority vote of the Board.
- At the second reading: (1) the ordinance may be placed on the Consent Calendar for adoption; (2) if pulled from the Consent Calendar for separate action, the title of the ordinance may be read; (3) a motion to adopt the ordinance may be made; (4) a majority vote by roll call will adopt the ordinance.
- Pursuant to Government Code §25123, ordinances shall generally become effective 30 days from the date of final passage.

Zoning ordinances are publicly noticed and may be adopted by majority roll call at one hearing. Other ordinance hearing procedures may be used as required by law.

**VIII. DUTIES OF COUNTY STAFF DURING BOARD MEETINGS**

**Rule 34. County Administrative Officer**

The County Administrative Officer shall be present during Board meetings and shall provide such information as necessary to assist the Board members in their deliberation and decision making. The County Administrative Officer may delegate this responsibility to the Assistant County Administrative Officer.

**Rule 35. County Counsel**

County Counsel shall be present during Board meetings, and shall serve as advisor to the Board on appropriate rules to comply with legal requirements. All questions of law shall be referred to County Counsel for his or her opinion. County Counsel may delegate this responsibility.

**Rule 36. Clerk of the Board**

The Clerk shall be present during all meetings for the purpose of taking and maintaining the minutes of the meeting; presenting and receiving correspondence, records, documents, claims, reports, or petitions; preserving all records; marking or attesting all resolutions and ordinances; imparting information on Board documents of public record; and otherwise fulfilling all duties imposed by law or required by the Board.

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The Clerk shall record or cause to record all regular meetings of the Board by audio or visual means or both. Regular meetings may also be broadcast or webcast.

### **Rule 37. Sheriff**

The Sheriff, or a representative of the Sheriff's Office, may at the discretion of the Chair or a majority of Board members, be in attendance at meeting of the Board, for the purpose of maintaining order and upholding the law.

### **Rule 38. Department and Agency Directors**

Department and Agency Directors, or a designee, having any matter on the agenda for consideration by the Board, whether consent or regular, shall be available for the purpose of providing information to the Board and shall also attend any Board meeting when requested to do so by a Board member or the County Administrative Officer.

## **IX. COMMITTEES**

### **Rule 39. Board Committees/Assignments and Reporting Requirements**

The Clerk shall maintain a list of Board Committees and Assignments. The list of appointments shall be adopted by the Board in January.

All members who are assigned to special projects, committees, and separate boards or commissions shall provide regular reports to the full Board regarding their activity in connection with the special projects, committees, and separate boards or commissions.(Government Code §53234, et. seq.).

Committee members shall call board committee meetings as needed provided they are held in conformance with the law. The County Administrative Officer's Office and County Counsel shall serve as support staff to all Board committees. Other department heads and/or staff may also support as requested by the committee.

### **Rule 40. Standing Committees**

Standing committees are those which have continuing jurisdiction over a particular subject matter or whose meeting schedule is fixed by resolution or action of the Board. Even if comprised of less than a quorum of the Board, a standing committee is subject to the Brown Act.

The Chair shall appoint members to each standing committee. Generally, appointments shall occur at the Board's first regular meeting in January. All standing committees shall be appointed for the calendar year, and the members shall continue as committee members until their successors have been appointed.

### **Rule 41. Ad-Hoc Committees**

Ad-Hoc committees are not subject to the Brown Act. They may be formed by the Chair or Board action, shall be solely composed of members of the board, less than a quorum of the board, shall serve a limited or single purpose, for a limited time, and shall be dissolved once the specific task assigned is completed.

Ad-Hoc Committees are encouraged to conclude their business at the end of each calendar year. The Clerk will maintain a current index of Ad-Hoc Committees and their purpose.

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**X. OTHER**

**Rule 42. Board Member Referrals to Staff**

Individual Board member referrals and projects that are anticipated to involve significant staff time (in excess of four hours) or other resource commitment and/or are a departure from established county or departmental policy require Board approval prior to starting work. Board members are encouraged to discuss referrals which may require significant resources with the Chair and CAO.

Board approval shall be obtained through majority action of the board, on an agenda item in which the scope and resource needs of the referral or project are identified.

**Rule 43. Action Summaries and Recordings of Meetings**

The Clerk shall prepare and distribute Action Summaries (“minutes”) of Board meetings. The minutes shall consist of the brief statement of each item posted on the agenda and supplemental agenda plus all motions, resolutions and ordinance numbers related thereto, all votes recorded thereon, and the final action taken by the Board. The minutes shall be made available internally and to the public and shall be placed on the Internet.

The Clerk shall maintain the official audio record of each Board meeting permanently and will make these recordings ~~tapes~~ available for listening by the public at a charge established and approved by the Board. The Clerk shall also maintain the official audio/video record of any meeting broadcasted. These audio/video records will also be made available to the public for viewing on the County website at <http://www.bos.calaverasgov.us/BoardofSupervisors.aspx>.

**XI. PARTICIPATION OF THE PUBLIC**

**Rule 44. Public Comment / Time Limits**

Members of the public have the right to address the Board on any item within the subject matter jurisdiction of the Board (Government Code §54954.3). Members of the public shall direct their comments to the Chair who may, at his or her discretion, request a response from staff. Time limitations are at the discretion of the Chair, and may be reduced or extended.

Public comments on items on the agenda will be heard prior to the Board taking action on the item.

Under the Public Comments portion of the meeting, members of the public will be allowed to address the Board regarding any item **not on the agenda**. No action may be taken on items not on the agenda unless authorized by law.

**Rule 45. Written Comments**

In the event that anyone desiring to comment before the Board wants to present more information to the Board than may be accomplished within the time limits established, such person shall be permitted to present the information to the Board in writing on or before the time of hearings unless there are other statutory time periods for providing written comments applicable due to the nature of the hearing. Written comments shall be submitted to the Clerk. A minimum of 20 copies of written comments are requested.

**Rule 46. Orderly Conduct**

Each person who addresses the Board shall not make personal, impertinent, slanderous or profane remarks to any member of the Board, staff or general public. Any person who makes such remarks, or who utters loud threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Board meeting shall, at the discretion of the Board Chair, or a majority of the Board be barred from further audience before the Board during that Board meeting (Government Code § 54957.9).

If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the media who have not participated in the disturbance must be allowed to continue to attend the meeting. The Chair may re-admit any person(s) provided their re-admission will not disrupt the continued orderly conduct of business. The Chair may also call a recess and reconvene when order has been restored.

**Rule 47. Security and Prohibition of Banners/Signs or other Hazardous Objects**

The Board has the power to implement security measures in the Board Chambers and in alternate locations where the Board may meet. Signs, posters, banners or other hazardous objects which could impair the safety of individuals in the event of an emergency may be prohibited. Any large object/container that may be deemed a hazardous object which could impair the safety of individuals in the event of an emergency may be also be prohibited. All permitted items shall be placed at the direction of the Board Chair or the Board Chair's designee.

**XII. Appendix A. Order of Agenda**

Generally, business at Regular meetings shall be transacted in the following order. Business may be reordered by the Chair or by a majority of members. Without amending these Rules, the Board may modify or amend the Agenda Order.

- I. Call to Order Convene to Closed Session (if Closed Session Scheduled)
- II. Reconvene and Report from Closed Session
- III. Pledge of Allegiance
- IV. Public Comment – Items not on the Agenda
- V. Consent Calendar
- VI. Regular Calendar
- VII. Report from Board Members on Board related activities and attendance
- VIII. Adjournment



**XIII. APPENDIX B. 4/5ths and Unanimous Vote Requirements**

Subject	Vote	Code	Description
Off Agenda Action	Unanimous	Gov Code §54954.2(b)(2)	To consider an item not on the Agenda, the Board must make findings that the need to take action arose after the Agenda was posted. The vote requires at least four votes of the Board if two-thirds of the members are present. If less than two-thirds are present, it requires a unanimous vote.
Airport	4/5	Gov Code §26021	Property acquisition for airport purchases by purchase, condemnation or lease; resolution for County aid.
Airport	4/5	Gov Code §26026	Contribute money to the United States for the acquisition or improvement by the United States or any of its authorized agencies of airports in the county.
Bonds		Gov. Code §§26880, 26885, 26946, 29917, 53595.20, 53345.8; Sts. & Hwys Code §§9132, 5227, 10355, 9534.5; Ed. Code §15145; Pub. Util. Code §§99100, 99102, 99118, 99119	There are many special voting requirements and other processes required for bonds. Please check with counsel.
Bridges	4/5	Pub. Contract §20405(c)	Modify the plans, specifications and working details of bridge construction contracts.
Budget	4/5	Gov Code §29088	Changes to proposed budget after budget hearing but prior to final budget
Budget	4/5	Gov Code §29125	The following transfers and revisions to the adopted appropriations require a 4/5 vote: (1) between funds; or (2) transfers from appropriation for contingencies.
Budget	4/5	Gov Code §29127	Adopt resolution necessary to appropriate and expend funds necessary to meet specific emergencies.

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Budget	4/5	Gov Code §29130	Make available for appropriation any of the following fund balances:  a) Restricted, committed, assigned, and unassigned fund balances, excluding the general reserves and non-spendable fund balance;  b) Amounts that are either in excess of anticipated amounts or not specifically set forth in the budget derived from any actual or anticipated increases in financing sources.
Collections	4/5	Gov Code §26220(a) and (b)	a) Assign for the purpose of collection any or all delinquent bills, claims and accounts, and any or all money judgments taken in the name of the County. b) Assign for the purpose of collection any or all delinquent or unsecured taxes.
Condemnation/Eminent Domain	4/5	Code of Civ. Pro §1245.240	Adopt a resolution of necessity prior to commencing an eminent domain proceeding.
Contracts	4/5	Pub. Contract Code §20128	Modify terms of a construction contract.
Contracts	4/5	Pub. Contract Code § 20135	Alter or change in any manner the plans and specifications previously adopted by the Board for the erection, alteration, construction, or repair of any public building or structure, where such alteration or change increases cost.
Contracts	4/5	Pub. Contract Code §20136	Adopt an order to alter or change a contract that is for the erection, construction, alteration or repair of any public building or other structure.
Contracts	4/5	Pub. Contract Code § 20137	Contracts for the erection, construction, alteration, or repair of any public building or other structure: the Board may authorize a change if it does not exceed 10% of the original contract price
Contracts	4/5	Pub. Contract Code § 20150.10	Adopt a resolution declaring that a project can be performed more economically by county personnel, or that in the Board's opinion a contract to perform the project can be negotiated with the original bidders at a lower price than that in any of the bids, or the materials or supplies furnished at a lower price in the open market.
Contracts	4/5	Pub. Contract Code § 22038(a)(2)	After rejection of bids, adopt a resolution that declares that a project can be performed more economically by the employees of the agency.
Contracts	4/5	Pub. Contract Code §22050(a)(1)	In the case of an emergency, repair or replace a public facility, take any directly related and immediate action

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			required by that emergency, and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts. (See also Pub. Contract Code §22035.)
Contracts	4/5	Pub. Contract Code §22050(b)(1)	Adopt a resolution or ordinance that delegates to the appropriate county administrative officer, chief engineer or other nonelected agency officer, the authority to order any action pursuant to the emergency powers described in (a)(1) above.
Contracts	4/5	Pub. Contract Code §3400(c)(4)	Use of specific brand/trade name (without “or equal”) in the invitation of bids or requests for proposals in order to respond to an emergency declared by a local agency by a four-fifths vote.
Counsel	4/5	Gov. Code § 25203	Employ counsel to assist the district attorney, county counsel or other counsel for the county or public entity for which the Board is the governing body.
Flood Control, Maintenance and Sanitation District	4/5	Gov. Code § 23014	Adopt a resolution appropriating any of its available moneys to a revolving fund (not to exceed \$500,000) to be used by any county sanitation district, county flood control district, or county district maintenance district located wholly within the county for certain purposes.
Legislation	4/5	Gov. Code §25123(d); Elec. Code §9141(a)(4)	Adopt ordinances that are for the immediate preservation of the public peace, health or safety, which contain a declaration of the facts constituting the urgency, in which case the ordinance shall take effect immediately.
Parks	Unanimous	Gov. Code §25583	Adopt a resolution of intention to abandon a park or a portion of a park and fix a time when it will meet to take final action.
Planning	4/5	Gov. Code §65858	Adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal. Any extension of time on the interim ordinance also requires a 4/5 vote.
Property	Unanimous	Gov. Code §25363	Cash sale or lease of any property not required for public use at a noticed public auction (4/5ths vote); sale or lease at an unadvertised, private sale can be authorized by simple majority, but only after the Board unanimously finds that the value of the property does not exceed \$500, monthly rental value is less than \$75

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			or it is a product of a County farm.
Property	Unanimous	Gov. Code §25550 & §25550.5	Conveyance of county property to city for public park purposes
Property	4/5	Gov. Code §25365(a)	Convey to another governmental agency within the county any real or personal property
Property	4/5	Gov. Code §25365(b)	Exchange real property with any person, firm or corporation for the purpose of removing defects in the title or where the real property is not required for county use and the county to be acquired is required for county use.
Property	4/5	Gov. Code §25515.2(c)	Action to approve any sale, lease, lease with option to purchase, development or contract agreement for public property after a request for proposals.
Property	4/5	Gov. Code §25536(a)	Enter leases, concession or managerial contracts involving leasing or subleasing county-owned, leased or managed property devoted to or held for certain purposes
Property	4/5	Gov. Code §25536(c)	Sell or lease county-owned property without complying with Article 8 "Sale or Lease of Real Property" if the county repurchase or leases back the property as part of the same transaction. Pledge specific revenues as security for the payment of obligations incurred in the repurchase or leaseback of the property.
Property	4/5	Gov. Code §25536.5	Approve an agreement to amend a lease, sublease, concession or managerial contract entered to permit a permanent improvement or alteration of property at the expense of the lessee or concessionaire and to permit a credit on rentals or other reimbursement.
Property	4/5	Gov. Code §25526	Adopt a resolution declaring intent to sell or lease property.
Property	4/5	Gov. Code §53867	Determines that property cannot be sold for a sum at least equal to the total of the amount paid, all accrued penalties and delinquencies, and necessary expenses incurred, the local agency may sell the property or lien for less than such total but not less than the fair market value of the property or lien.
Roads	Unanimous	Sts. & Hwy Code §1026(c)	County aid to road districts: order the expense of material for highway construction to be paid out of the county general fund.

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Special Assessment Districts	4/5	Sts. & Hy. Code §§ 2808.5, 2808.6, 2808.7	There are several statutory special vote requirements related to special assessment districts. Please consult with County Counsel.
Special Purpose District	Unanimous	Gov. Code § 26909, subd. (b)	Approve a unanimous request made by the governing board of a special district to replace an annual audit with another specified audit.
Streets and Highway	4/5	Sts. & Hwy. Code §942	Let county equipment used in the maintenance and construction of county roads, when such equipment is not in use upon the roads under the jurisdiction of the board, and may charge for the use thereof a rental, and arrange the basis of compensation, in keeping with the general conditions prevailing in the county in which the transaction is made.
Streets and Highway	4/5	Sts. & Hwy. Code § 969.5	Adopt a resolution that determines that the general county interest demands the improvement or repair of a privately owned road.
Streets and Highway	4/5	Sts. & Hwy. Code § 1070	Determine that the public convenience and necessity demand the acquisition or construction of a new county highway or improvement, repair or maintenance of any existing county highway, and the expense of such new highway or the expense of improving, repairing, or maintaining such existing highway is too great to pay out of the road fund of the district (such that the Board may adopt a resolution to make such acquisition or do such work and charge the expense to the county general fund, the road fund of the county, or the district fund of any district benefited).
Streets and Highway	4/5	Sts. & Hwy. Code § 1627	Adopt a resolution that establishes a “county highway right of way acquisition revolving fund” for acquiring rights of way for county highway purposes through purchase or condemnation.
Streets and Highway	4/5	Sts. & Hwy. Code §§ 1680, 1686	Adopt a resolution that determines that certain activities are of general county interest and that county aid may be extended to cities for city streets.
Streets and Highway	4/5	Sts. & Hwy. Code § 1700	Adopt a resolution that declares any highway lying in whole or in part within a city to be a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair.

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Tax	4/5	Gov. Code § 53724	Approve an ordinance or resolution that proposes a tax that is subject to approval by the voters pursuant to Government Code section 53722.
Tax	4/5	Rev. & Tax. Code § 7285	Approve ordinance proposing a transactions and use tax for general purposes.
Tax	4/5	Rev. & Tax. Code § 7285.5	Adopt ordinance regarding a transactions and use tax for specific purposes.