

Sonoma County Board of Supervisors

Board Rules of Procedures



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**RULES OF PROCEDURE
OF THE BOARD OF SUPERVISORS
SONOMA COUNTY, CALIFORNIA**

I. PURPOSE

The purpose of these Rules of Procedures (“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. The Rules shall apply to the Board of Supervisors of the County of Sonoma whether sitting as the Board of Supervisors of the County or as the governing board of any other district, commission, authority or board.

The 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 the Chair or a majority of the Board.

Rule 2. Definitions

In interpreting these Rules:

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

III. MEETINGS

Rule 3. Regular Meetings and Annual Calendar

Regular meetings generally shall be held on each Tuesday of every month except the Board shall generally not meet on any fifth Tuesday of a calendar month, or on any Tuesday following a Monday holiday. In addition, any meeting may be cancelled upon the order of the Chair, or by a majority of the members of the Board.

Regular meetings shall commence at 8:30 a.m. and shall be held at the Board of Supervisors Chambers at 575 Administration Drive, Suite 102A, Santa Rosa, California, unless the time, date and location are changed by a majority vote of the Board, and so noticed. Business shall normally be conducted between 8:30 a.m. and 5:00 p.m., but may continue past 5:00 p.m., without objection from the members present.

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 meeting may be canceled upon the order of the Chair, or by a majority of Board members.

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 and Vice Chair

At its first regular meeting, after January 1 of each year, the Board shall nominate and elect from its membership a Chair, 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, 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, execute official Board records and documents presented by the County Administrator/Clerk of the Board, and shall represent the Board at ceremonial and official functions.

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. Without amendment to these rules, the County Administrator 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 Administrator 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 Administrator's Office prior to submission to the Clerk for placement on the agenda. Agenda items are to be submitted to the County Administrator's Office complete, with all back-up materials, and in accordance with all requirements and instructions as established by the County Administrator.

The County Administrator 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 or their staff, 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 Administrator, 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, and/or members of their staffs, 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, CAO and County Counsel.

Rule 15. County Counsel Approval as to Form

All agenda items which require County Counsel's approval shall be reviewed and approved, prior to submittal to the County Administrator Office. County Counsel shall provide instructions to departments and agencies on what items require such approval.

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 Administrator, and the Clerk, in writing and 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 Administrator, County Counsel and Clerk as soon as the need becomes known.

Rule 20. Consent/Regular Calendar Items

Agenda items on the Consent Calendar are routine in nature, consistent with adopted Board policy, and do not require individual consideration. The Consent Calendar 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 or the public requests removal of a specific item from the Consent Calendar for separate discussion and action. Any Board member may ask the Clerk to record a “no” or “abstention” vote on any Consent Calendar item.

Agenda items on the Regular Calendar 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.

Rule 21. Public Hearings

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

VII. PROCEDURE AND VOTING

Rule 22. 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, member 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 refrain from the use of profanity, emotional outbursts, personal attacks or any speech or conduct which tends to bring the organization into disrepute.

Rule 23. 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 meaningful 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, including booing, whistling or clapping;
- Adhere to speaking time limit.

Rule 24. Motions – General

Any motion for action shall require a second before being acknowledged by the Chair. The Clerk of the Board 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 of the Board shall enter into the minutes the vote of each member on each motion.

Rule 25. 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 of common items which 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 of the Board's recording or read a true and complete transcript of the proceedings, and so states on the record.

Rule 26. 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 of the Board 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, with the Chair called last, unless the Chair made, or seconded, the motion.

Rule 27. 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). Members are encouraged to discuss possible conflicts with County Counsel prior to the meeting.

Rule 28. Motion to Rescind

A motion to rescind any action or motion shall require four-fifths (4/5) vote unless notice has been given at the previous meeting, either verbally or in writing. If notice has been given, the motion requires only a majority vote of all the members of the Board. A motion to rescind is not in order if action has been taken which cannot be changed.

Rule 29. Motion to Reconsider

Any member of the Board who votes in the majority on a question, as well as any 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 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. A motion to reconsider, if lost, shall not be renewed nor shall any subject be reconsidered a second time within twelve (12) months except by a four-fifths (4/5) vote of the Board. A motion to reconsider is not in order if action has been taken which cannot be changed.

Rule 30. Substitute Motion

A substitute motion is an amendment where an entire resolution or section, or one or more paragraphs is struck out 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 paragraph requires considerable changes. A substitute motion may not be made when an amendment is pending.

Rule 31. Ordinances

Ordinances (other than zoning ordinances) 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 hearing 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.

Rule 32. Planning Matters – Request for Continuance

Any Board member may, at his or her sole discretion, continue a planning matter within his/her District from one agenda to another regular meeting of the Board. More than one such continuance for a particular item shall require approval by a majority vote of the Board.

Rule 33. Planning Matters – Original Jurisdiction

Any member may request the Board to exercise original jurisdiction over a use permit or other planning application, as authorized under the County Code, except in cases where state law requires a recommendation of the Planning Commission prior to action by the Board on the matter. A request to exercise original jurisdiction shall be filed in writing with the Clerk of the Board, or made orally at a Board meeting, prior to any decision by a lower level decision maker approving or denying the subject application. A request to exercise original jurisdiction need not state the reasons for the request but shall be brought as a noticed agenda item to the full Board for majority approval.

VIII. DUTIES OF COUNTY STAFF DURING BOARD MEETINGS

Rule 34. County Administrator

The County Administrator 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 Administrator may delegate this responsibility to the Assistant County Administrator or to a Deputy County Administrator.

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 to the Assistant County Counsel or a Deputy County Counsel.

Rule 36. Clerk of the Board

The Clerk of the Board or Deputy Clerk of the Board 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.

The Clerk of the Board shall 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, shall 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 member of the Board or the County Administrator.

IX. COMMITTEES

Rule 39. Board Committees/Assignments and Reporting Requirements

The Clerk of the Board shall maintain a list of Board Committees and Assignments. Annually, the incoming Board Chair shall review the list of Committees and Assignments and shall determine which members to appoint for the upcoming year. The list of appointments shall be adopted by the Board at their first meeting 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 Administrator'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.

X. OTHER

Rule 42. Board Member Referrals to Staff

Board member referrals that are anticipated to involve significant staff time or other resource commitment and/or are a departure from established county or departmental policy require Board approval prior to starting work.

In general, "significant staff time" means any activity that is expected to require more than eight hours of staff time. Activities may include, but are not limited to, issue or legal research, policy formulation, constituent services, preparation or modification of board agenda items, etc.

County Departments/Agencies, including Administrative Office staff, shall not commence work on a Board member referral without the approval of the majority of the Board. Board approval shall be obtained through action of the board on an agenda item in which the scope and resource needs of the referral 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 for a period of 3 years and will make these tapes available for listening by the public at no charge. 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 at no cost and will be maintained for a period of 3 years.

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. Each person addressing the Board shall be limited to three minutes. Time limitations are at the discretion of the Chair, and may be reduced or extended.

Public comments on items on the agenda will be called 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.

When a group of persons wishes to address the Board on the same subject matter, the Chair may require that a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. When a large number of persons wish to address the Board on the same subject matter, the Chair may ask for a show of hands or some other means to signify support or opposition to the recommended action.

Rule 45. Use of Speaker’s Request Form

Members of the public who wish to address the Board **on an Agenda item** should complete a speaker request form and deliver it to the Clerk prior to the start of the meeting for consideration of the item to which they wish to speak. The Clerk will advise the Board Chair of any public requests to speak.

Members of the public who wish to address the Board **on a matter that is not on the Agenda**, should complete a speaker request form and deliver it to the Clerk prior to 2:00 p.m. or the

time so designated on the posted agenda. The Clerk will advise the Chair of any public request to speak.

Rule 46. Orderly Conduct

The Chair may determine when orderly conduct of a meeting is not feasible owing to disruptive behavior by persons in attendance. The Chair may request that person(s) disrupting the meeting leave the chambers/meeting room. If order cannot be restored, the Chair may order the chambers/meeting room cleared and continue in session. Members of the news media, except those participating in the disturbance, shall be allowed to remain. 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 of Supervisors has the power to implement security measures in the chambers/meeting room. Signs, posters, banners or other hazardous objects which could impair the safety of individuals in the event of an emergency are prohibited in the chambers/meeting room. 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 prohibited in the chambers/meeting room.

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 (8:30 a.m.)
- II. Pledge of Allegiance
- III. Approval of the Agenda
- IV. Board Member Reports on assigned Boards, Councils, Commissions or other meetings attended
- V. Consent Calendar
 - a. Presentations/Gold Resolutions
 - i. Presentations at Board Meetings
 - ii. Presentations at Other Meetings
 - iii. Appointments/Reappointments
- VI. Regular Calendar
- VII. Public Comment on Closed Session Items
- VIII. Closed Session
 - I. Reconvene and Report from Closed Session (2:00 p.m.)
 - II. Public Comment on matters not on the agenda, but within the subject matter jurisdiction of the Board
- IX. Regular Afternoon Calendar
- X. Adjourn

XIII. Appendix B. 4/5ths Vote Requirement

A. Appropriation (Budget) Transfers

1. Changes to proposed budget after budget hearing but prior to final budget (Gov. Code §29088).
2. Transfers from the Contingency Fund (Gov. Code §29125).
3. Transfers of unanticipated revenue (Gov. Code §29130).
4. Appropriations for an emergency (Gov. Code §29127).
5. Exceeding budget in emergencies (Gov. Code §5379.2).
6. Transfer from designated reserves excluding General Reserve (Gov. Code §29130).

B. Off Agenda Item

1. 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 on the matter requires at least four votes of the Board if two-thirds of the members of the Board are present. If less than two-thirds of the Board is present, it requires a unanimous vote of those members present.

C. Planning Matters

1. Adoption of interim zoning ordinance as urgency measure (Gov. Code §65858).
2. Adopt or amend a general plan element, zoning ordinance, building regulation, or airport master plan that has been found by the Airport Land Use Commission to be inconsistent with the adopted Airport Land Use Plan (Pub. Util. Code §21676).

D. General Matters

1. Contracts, changes, or alterations which increase costs over the maximum allowed without advertising, but are less than 10% of the original contracts (Pub. Contract Code §20137).
2. Plans and specifications, for public buildings or structures, when changes increase costs (Pub. Contract Code §20135).
3. Bridge construction contracts, modifications of contracts or plans (Pub. Contract Code §20405).
4. Cooperation with cities in road work (Sts. and Hwy. Code §1680).
5. City Streets – designation as a county highway (Sts. and Hwy. Code §1700).
6. County roads, improvement through use of the General Fund monies (Sts. and Hwy. Code §1070).
7. Private roads, improvement and repair with County funds (Sts. and Hwy. Code §969.5).
8. Leasing of Road equipment (Sts. and Hwy. Code §942).
9. Establishment of Rights of Way Revolving Fund (Sts. and Hwy. Code §1627).
10. Adoption of resolution of intention to sell or lease County property (Gov. Code §25526).
11. Leasing of certain County property for certain specified usage (Gov. Code §25536); Amendment of lease of contract (Gov. Code §25536.5).
12. Parks, resolution of intention to abandon all or part – 5 votes (Gov. Code §25583).
13. Condemnation proceedings, resolution of necessity (Code Civ. Proc. §1245.240).
14. County property, conveyance or exchange to another governmental agency (Gov. Code §25365).

15. County property, conveyance to cities for park purposes without reimbursement – unanimous vote of members present (Gov. Code Sects. 25550 and 25550.5); County aid to cities for park purposes – 4/5ths vote (Gov. Code §25553); Dedication of unused parklands – 4/5ths vote of members (Gov. Code §25560.4).
16. Property acquisition for airport purposes by purchase, condemnation or lease; Resolution for County aid (Gov. Code §26021).
17. Airports, contribution of funds to U.S. Government (Gov. Code §26026).
18. Special Assessment District, exceptions to proceedings relating to sanitary projects (Sts. and Hwy. Code §2808).
19. 1911 Act, Majority Protest, over-ruling of protest (Sts. and Hwy. Code §5222).
20. County sanitation, maintenance and flood control district loans, establishment of revolving fund (Gov. Code §23014).
21. County Service Area Loans, establishment of revolving fund for making loans (Gov. Code §25210.9(c)).
22. County Service Area, extension of period for repayment of loans (Gov. Code §25210.9(b)).
23. Investment of Retirement Funds in real property sold or leased to County, requires unanimous vote of Board of Retirement and 4/5ths vote of Board of Supervisors.
24. Records, destruction of original records which have not been microfilmed (Gov. Code §26202).
25. Delinquent Accounts – Assignment to a collection agency (Gov. Code §26220).
26. Urgency / Emergency Ordinance for preservation of public peace, health or safety – to become effective immediately (normally requires 30 days for ordinance to become effective) (Gov. Code §25123 and Elec. Code §9235).
27. Destruction of records exposed to asbestos (Gov. Code §26202.5).
28. Replacement of annual Special Audit with a biennial audit for Special Districts: Requires unanimous request of governing board, and unanimous approval of the Board of Supervisors (Gov. Code §26909(e)).
29. Employ counsel to assist District Attorney, County Counsel or other counsel for the County (Gov. Code §25203).
30. 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 property does not exceed \$500, monthly rental value is less than \$75, or it is a product of a County farm (Gov. Code §25363).
31. Resolution negating public bidding (Pub Contract Code §20150.10).
32. Authorizing condemnation (Code Civ. Proc. §1241 Repealed 1975).
33. Delegation by majority vote to appropriate County Executive Officer of the power to declare a public emergency for purpose of permitting certain construction work subject to Board confirmation at its next meeting by 4/5ths vote, for counties electing to become subject to the Uniform Construction Cost Accounting Procedures (Pub. Contract Code §22035); hiring County employees to perform a project by “force account”, if the Board rejects bids for a public contract (Pub Contract Code §22038).

[NOTE: This is a partial listing.]