Orange County Board of Supervisors

Adopted By
The Orange County
Board of Supervisors on
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Rules of Procedure

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CHAPTER I

General Provisions

Rule 1 Application of Rules

These Rules of Procedure ("Rules") are adopted pursuant to Government Code Section 25003. The Rules shall apply to the Board of Supervisors of Orange County whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority, or board.

These Rules are intended to expedite transaction of the business of the Board of Supervisors in an orderly fashion. The Rules 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 law.

Except as otherwise provided by law, these Rules, or any one of them, may be suspended by order of the Chair and will be deemed suspended by actions taken by or with the consent of the Chair or a majority of the Board members that are not in accordance with the Rules.

Rule 2 Definitions

In interpreting these Rules:

(a) "Board" refers to the Board of Supervisors of Orange 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 Orange County;

(d) "CEO" refers to the County Executive Officer of Orange County.

Rule 3 Copies of Rules

Copies of these Rules will be made available, free of charge, at the Office of the Clerk and on the Clerk's website www.ocgov.com/cob/

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CHAPTER II

Meetings

Rule 4 Regular Meetings – Date, Time, and Place; Cancellation

The regular meetings of the Board shall be held on Tuesdays, beginning at the hour of 9:30 a.m. Unless otherwise noticed, regular meetings of the Board shall be held in the County Seat, Santa Ana, and shall be conducted in the Board Hearing Room located on the first floor of the Robert E. Thomas Hall of Administration, 333 W. Santa Ana Blvd., Santa Ana, California. Holidays and periodic breaks, which result in dark (canceled) meetings, will be developed and posted annually by the Clerk. Any scheduled meeting may be canceled upon order of the Chair, or a majority of the members, of the Board. (Codified Ordinances of the County of Orange, Sec. 1-2-1, Resolution 98-141A, Resolution 01-182).

Rule 5 Special Meetings

Special meetings of the Board may be called in the manner provided by State law. The order calling the special meeting shall specify the date, time and place of the meeting and the business to be transacted at such meeting and shall be signed by the Chair or by a majority of the Board's membership. No other business shall be considered at the meeting. (Govt. Code Sec. 54956).

Rule 6 Adjourned Meetings; Continued Hearings

Any regular, adjourned regular, special or adjourned special meeting of the Board may be adjourned to a future date and time (Govt. Code Sec. 54955).

Any adjourned meeting of a regular meeting or adjourned regular meeting is part of the regular meeting. (Govt. Code Sec. 54955).

Any hearing may be continued once or more to a subsequent meeting of the Board in accordance with Government Code Section 54955.1.

Rule 7 Absence of a Quorum; Adjournment

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 Section 54955 and shall post a Notice of Adjournment. In the event a Supervisor leaves the hearing room, momentarily causing a lack of quorum, he should notify the Chair of his intended absence and the Chair may call a recess.

CHAPTER III

Election, Powers and Duties of Chair and Vice Chair

Rule 8 Annual Selection of Chair and Vice Chair

At its meeting on the first Tuesday after the first Monday after January 1 of each year, the Board shall nominate and elect from its membership a Chair and Vice Chair to serve until the election of their successors.

Rule 9 Powers and Duties of the Chair

The Chair, when present, shall preside at all meetings of the Board and shall take the chair at the hour appointed for every Board meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these Rules. The Chair shall preserve order and decorum and shall decide all questions of order.

Rule 10 Powers and Duties of the Vice Chair

In the absence, or inability to act, of the Chair, the Vice Chair shall have and exercise all the powers and duties of the Chair.

Rule 11 Selection of Chair Pro Tem

In the absence, or inability to act, of the Chair and Vice Chair, at any meeting of the Board, the Board members present shall, by an order entered on the minutes, select one of their members to act as Chair Pro Tem. The Chair Pro Tem shall have and exercise all the powers and duties of the Chair during the absence, or inability to act, of the Chair and Vice Chair at that meeting.

CHAPTER IV

Agenda Staff Reports

Rule 12 Use of Clerk of the Board Required Agenda Form

With the exception of Board Offices, all Departments/Agencies shall use the appropriate form as determined by the Clerk when submitting items to be placed on the Board's agenda for consideration.

Rule 13 Department/Agency Agenda Responsibilities

When submitting an item for consideration by the Board, it is the responsibility of the originating Department/Agency to include, at a minimum, a summary of the requested action, background discussion and any recommended action. The Clerk , consistent with the Brown Act, will provide a brief general description of the recommendation in the posted agenda sufficient to inform interested members of the public about the subject of the item so that they can determine whether to monitor or participate in the meeting at which the item will be considered.

Originating Departments/Agencies shall submit sufficient copies to meet the distribution and processing requirements of the CEO and Clerk. The Clerk may refuse to place any item on the agenda which fails to conform to this Rule.

Rule 14 County Counsel Approval of Legality as to Form

No ordinance, resolution, agreement or contract submitted with an agenda item will be considered by the Board until its legality as to form has been approved in writing and/or by electronic means by the Office of County Counsel.

Rule 15 Adoption of Ordinances

The recommended action section of any agenda item proposing adoption of an ordinance must state that the "title of the ordinance be read and that the reading of the ordinance in its entirety be waived."

Rule 16 Review and Filing Procedure

All agenda items, except those filed by a Board member, require review by the CEO's Office prior to submission to the Clerk for placement on the agenda. An agenda item and accompanying back-up documents for placement on a Board agenda must be submitted to the CEO's Office pursuant to the ASR Submission Calendar published by the Clerk of the Board. Additional requirements may be imposed by the CEO and Clerk to ensure appropriate review and Brown Act compliance.

Agenda items regarding policy issues that are submitted by Board members shall show the Board member proposing the policy as the "Submitting Agency/Department." Board members shall not use other departments or agencies for such submissions unless directed by the Board at a Board meeting to develop policy direction for the Board.

The CEO's Office will reflect CEO concurrence or non-concurrence on the agenda item and will submit the item to the Clerk for filing pursuant to the ASR Submission Calendar published by the Clerk of the Board.

Notwithstanding any provision in these Rules of Procedure to the contrary, no Memorandum of Understanding, or amendment, codicil, side letter, or any other modification to a Memorandum of Understanding, including any such documents negotiated pursuant to a reopener clause, between the County of Orange and any employee bargaining unit ("proposed labor agreement"), shall be heard as an item on a Board agenda until and unless, at the time of the meeting during which the matter is heard by the Board, one week has passed since the later of the following to occur: (1) the Clerk of the Board has published a copy of the proposed document on the County public website; and (2) the members of the employee bargaining unit have ratified the proposed labor agreement.

Any item that fails to conform to this Rule will be processed pursuant to Rule 17. The CEO may delay submittal of any item to the Clerk that fails to conform to this Rule.

Rule 17 Incomplete/Late Agenda Items and/or Back-Up Materials

Agenda items are to be submitted to the CEO's Office complete with all attachments and back-up materials and meeting the filing requirements in Rule 16. Any item that does not have the agenda item and all back up materials timely filed will be placed on the next regularly scheduled meeting by the Clerk. Exceptions may only be granted in writing by the CEO with written concurrence by the Chair. Late items and/or back-up material will be received by the Clerk no later than the deadline for revised material in Rule 18 unless authorized in writing by the Chair. This rule is to be distinguished from supplemental items, which are covered by Rule 21.

Rule 18 Revisions to Recommended Action and/or New or Revised Information/Documents After Filing

If the originating Department/Agency desires to revise any recommended action and/or add new or revised information/documents to an agenda item after the item has been filed with the Clerk, it is their responsibility to first obtain CEO approval.

If the CEO approves the addition/revision, the Clerk must receive the recommended change, using the appropriate ASR revision memo, no later than 4:00 p.m., Thursday before the Board meeting at which the item is to be considered.

The Clerk will ensure that the additional or revised recommended action, agenda information/document(s) is distributed to the Board offices, CEO, County Counsel, Grand Jury, and public viewing area no later than 10:00 a.m. Friday preceding the meeting at which the item is to be considered. The Clerk will further ensure that the new or revised information is uploaded to the Internet Meeting Agenda materials in a timely manner.

If the Clerk has received the written revision to a recommended action prior to above deadline, a motion to adopt the recommended action shall be deemed a motion to adopt the most recent revised recommended action. The Clerk, at the time of the meeting, will note for the record that the recommended action has been modified from its original submission when appropriate.

Rule 19 <u>Supplemental Correspondence and Information Prior to Board Meeting and During the Board Meeting</u>

☑ ***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 concurrently distributed to the Clerk of the Board for public review.

☑ ***At the Meeting Rule*** **-** Documents, including PowerPoint handouts, distributed to Board Members by County employees or Board Members themselves at the meeting, must provide 20 copies to the Clerk for distribution to each Board Member, CEO, County Counsel, Clerk of the Board and the ability to distribute to the general public if requested concurrently. 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.

☑ ***PowerPoint Presentations*** **–** In addition to providing 20 paper copies at the meeting, departments shall provide an electronic copy of the presentation to the Board Members' Chiefs of Staff and to the Clerk no later 9:00 a.m. Monday, the day before the Board meeting.

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.

CHAPTER V

The Agenda

Rule 20 Requirements

The Clerk shall prepare an agenda for each Tuesday meeting for delivery to each Board office, the CEO, County Counsel and the Grand Jury on the Wednesday, two weeks prior, before noon. The agenda shall contain a brief general description of each item to be discussed or transacted at the meeting to which the agenda applies and shall include the full title of any ordinance proposed for adoption. The agenda shall indicate the time and location of the meeting and shall be posted by the Clerk as required by law. The agenda shall include the physical address of the Clerk where the public can obtain all documents/information relating to an agenda item as well as the Internet location of the meeting agenda and materials.

The Clerk shall arrange items to be discussed by the Board under the following agenda headings: Consent Calendar followed by Public Hearings, Discussion Calendar and Closed Sessions. The Clerk and the Chair shall make a determination that if necessary, a public hearing shall be noticed for a time certain.

The Clerk, unless otherwise directed by the Chair, shall place or cause to be continued all special vote matters not able to be considered at a regular Tuesday meeting due to the absence of a minimum number of members necessary to approve the item on the next succeeding regular meeting's agenda. ("Special vote matters" are those that require a supermajority for passage.)

The Clerk shall also place all Board Directives scheduled for a date certain on the appropriate agenda. No department may continue or delete a scheduled directive without the written consent of the Chair.

Rule 21 Supplemental Agenda Items

Supplemental Agenda items shall be kept to a minimum. With the exception of items submitted by Board members prior to noon on the Wednesday preceding a Board meeting, closed sessions requested by the County Counsel, or administrative errors/actions placed by the Clerk; any supplemental item must be concurred by the CEO, approved in writing by the Chair and received by the Clerk no later than 4:00 p.m., the Thursday before the Board meeting at which it will be considered. Board members and County Department/Agency heads should use the following justification criteria when requesting approval of a supplemental item:

(a) The item is based upon facts that were not known, nor with the exercise of reasonable diligence could have been known, in sufficient time to meet the ordinary agenda deadline date and hardship will likely result if the supplemental is not agendized and heard. Items of economic and financial hardship will be given priority consideration.

(b) The item requires immediate action to avert a crippling disaster, work stoppage or other activity that may severely impair public health, safety, or both.

All supplemental items will be placed on the agenda at the conclusion of the discussion calendar or public hearings if required.

The Clerk shall distribute the supplemental items to the Board offices, CEO, County Counsel and Grand Jury no later than 10:00 a.m. the Friday preceding the Board meeting at which the matter will be considered.

Rule 22 Deletions; Continuances

Any member of the Board may direct the Clerk to delete or continue any item from the agenda, except those items that are filed by another Board member, up to 10:00 a.m. Friday of the week preceding the meeting at which the item is scheduled to be considered. The originator of any item on the Board's agenda, or the CEO on behalf of any department under his jurisdiction, may direct its deletion or continuation to a date certain by the Clerk at any time prior to the meeting at which it is scheduled to be considered.

CHAPTER VI

Order and Conduct of Business

Rule 23 <u>Order of Business</u>

The business of each regular meeting of the Board shall be transacted as far as practicable in the following order:

(a) Invocation

(b) Pledge of Allegiance

(c) Emergency Matters

(d) Presentations and Introductions

(e) Regularly Scheduled Agenda Items

(1) Consent Calendar

(2) Discussion Calendar

(3) Supplemental Items

(4) Public Hearings

(5) Closed Sessions

(f) Public Comments

(g) CEO Comments

(h) Board Comments

(i) Memorial Adjournments

Rule 24 Board Members; Notification of Absence

If any Board member is unable to attend a meeting, all reasonable effort shall be made to notify the Chair and the Clerk in writing as soon as possible to ensure there are sufficient members present to consider all agenda items. The Clerk will continue an agenda item if there will not be a sufficient number of Board members present at the meeting to approve the item.

Rule 25 Quorum and Vote Required for Transaction of Business

Three members of the Board shall constitute a quorum sufficient to transact business. It shall take at least three affirmative votes of the Board to pass any motion (Govt. Code Sec. 25005), except where supermajority 4/5 votes or unanimous votes are required by law.

Rule 26 Emergency Items

The Board may take action on items of business not appearing on the posted agenda under any of the following circumstances:

(a) Upon a determination by a majority vote that an emergency situation exists, as defined in Government Code Section 54956.5;

(b) Upon a determination by a two-thirds vote, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted;

(c) The item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

No item will be considered by the Board which is not on the posted agenda unless the Supervisor who presents the item assures the Board that an emergency situation exists; or that the need to take immediate action came to the attention of the County subsequent to the agenda being posted and cannot be considered on the next regular agenda for specific reasons. Any item not on the agenda that is proposed for consideration shall state facts to support the determination why it comes within one of the foregoing provisions.

Rule 27 Resolutions and Proclamations Usage by Board Members

Resolutions: A Board resolution should only be placed on the Board agenda for consideration by the entire Board if the organization's or individual's achievement is of direct benefit to the ***entire*** County. The Clerk will work with County Counsel and Board offices to ensure placement of resolutions on the agenda meet the intent of this Rule.

Proclamations: Proclamations should be used to commend individuals and organizations that are one or two district specific.

To expedite the order of business, requests to present a resolution or proclamation at a Board Meeting shall be approved by the Chair prior to placement on the agenda by the Clerk. The Chair will make every effort to minimize the number of presentations on any one agenda and will encourage members to make their presentations at the appropriate community function.

Rule 28 Department/Agency Use of Supervisorial District Designation on Agenda Items

Departments are required to utilize the “all districts” designation, unless the item relates to a specific project, facility or area within a specific district(s) regardless of its countywide or multi-district service area.

Rule 29 Consent/Discussion Calendar Items

All items listed under Consent Calendar on the Board's agenda will be enacted by one motion for unanimous approval of the recommended actions contained in the agenda item recommendation section, or as revised pursuant to Rule 18, above. 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 specific items from the Consent Calendar for separate discussion and action.

Members of the public who wish to discuss a Consent Calendar item should complete a speaker request form and deliver it to the Clerk prior to commencement of the meeting. The Clerk will advise the Board of such request prior to the vote approving the consent calendar.

Any Board member may ask the Clerk to record a "no" or "abstention" vote on any consent calendar item during the course of the meeting.

Consent items consist of items that are normally routine in nature and that do not require individual consideration. Such items may be moved from the Consent Calendar to Discussion for separate consideration at the request of a Supervisor, staff member or the public.

The following budgeted matters are appropriate for the Consent Calendar:

- Equipment purchases less than $750,000
- Service purchases of less than $750,000
- Position classification changes
- Receipt of pre-authorized or reoccurring grants
- New grants under $500,000 which have been budgeted
- Agreements/contracts or extensions/amendments/change orders to contracts which do not individually or cumulatively exceed $750,000
- Bid Opening requests and approval of related plans and specifications
- The setting of a public hearing
- All Tract Maps
- Unbudgeted expenditure which is absorbed within existing budget and is under $100,000
- Public Works project change orders that are $100,000 or less regardless of the cumulative project cost

Discussion Calendar – Items that require separate discussion and/or action, including, but not limited to:

- Any new program or change in policy
- Agreements/contracts or amendments/extensions/change orders, with the exception of Public Works change orders noted above, that individually or cumulatively exceed $750,000

- Requests of new or unbudgeted positions
- New fees and/or fee increases (Note: usually requires a published notice of hearing)
- Consideration of new policy or changes in policy, initiated locally or by legislation
- Items that require the Board to make a selection from a list/slate of firms or to select from a range of options that do not have a recommended selection by staff
- Introduction, reading and adoption of a proposed ordinance (State law)
- Supplemental agenda items
- Receipt of new grants that exceed $500,000
- Unbudgeted expenditure that is absorbed within existing budget and that is or exceeds $100,000
- Any unbudgeted expenditure that cannot be absorbed within existing budget and requires an appropriation
- All Declaration of Emergencies and Status Report Updates on the need for continuation of Declaration/Termination of Emergency
- All contract solicitation by RFP for firm selection by the Board regardless of dollar amount
- All retroactive agreements and amendments to agreements

Sole Source Agreements **-** ASRs requesting sole source agreements should contain the justification for sole source within the background information. A copy of the sole source justification should also be uploaded with the ASR.

Agreement Contingency Requests **–** ASRs that contain a contingency increase should contain the need for such contingency within the background information.

Specialty Updates/Reports **–** The Board may designate certain types of reports/updates that require routine late submission to ensure they cover the most current, up-to-date information. These reports include: The weekly legislative report, the weekly grants report, any status report on a Board declared emergency, and Statement of Votes following an election. The deadline for these reports is 4:00 p.m. Thursday preceding the Board meeting at which they will be considered. The Clerk will ensure distribution by 10:00 a.m. Friday.

Department PowerPoint Presentations **–** See Rule 19.

Rule 30 Public Hearings

Upon receipt of a request by a County agency or Board Member for a public hearing established by statute, the Clerk may proceed to set the matter for public hearing without further action of the Board unless the Board is required by law to set the matter for hearing. In that event, the matter will be placed on the consent calendar to set the matter for hearing.

Rule 31 Public Hearings for Planning and Zoning Matters

The following procedure shall be followed for public hearings involving planning and zoning matters:

(a) The Clerk shall announce the scheduled matter.

(b) Department staff may present the item and answer questions from Board members.

(c) The Chair shall officially open the public hearing.

(d) Persons in support or opposition to the Planning Commission's action may address the Board.

(e) The Chair shall, following the conclusion of public comments, close the public hearing.

(f) Board members shall then deliberate and either determine the matter or continue the public hearing to another date and time certain.

(g) All information/exhibits introduced and presented to the Board at the hearing shall be filed with the Clerk of the Board as part of the official record of the proceedings. Exceptions may be made for one-of-a-kind items presented by staff used in the hearing when custody of the items will be maintained by the OC Planning Director.

In such instances, the Clerk shall place a notation of the exhibit in the Clerk's files and the fact that it is in the custody of the OC Planning

Director, where it may be inspected. Exhibits that are not of a nature that can be conveniently retained in the Clerk's files, such as scale models, shall be photographed by the person presenting the exhibit and the photographs shall be placed in the Clerk's files or returned to the presenter.

(h) To be considered by the Board, any written material, including letters, briefs, and other documents, or exhibits, in support of or opposing the Planning Commission's action, are to be presented to the Board by filing eight (8) copies thereof (one for each Board member, CEO, County Counsel and one for the Clerk) with the Clerk either prior to or at the time of the hearing. Written material filed with the Clerk of the Board in advance of the hearing will be available for public inspection and distributed to each Board Office. (Special time periods for submission of materials may be established by the Board in individual cases where an unusually heavy volume of such material is anticipated or other exceptional conditions exist).

(i) Copies of all staff reports, environmental documentation, and other materials transmitted by County staff shall be provided to the Clerk and made available for public inspection. Suggested findings or amendments thereto submitted by staff are not subject to this Rule.

(j) The Board may, after closing the public hearing and considering the matter and reaching a tentative decision, request staff to advise

whether additional or revised suggested findings are advisable and, if so advised, either continue the matter to a date and time certain for final determination and direct staff to prepare such findings for Board consideration at that time or direct County Counsel to amend the findings accordingly and forward a copy of the revised findings to the Clerk for inclusion in the record.

(k) A motion to approve a staff-recommended action shall, unless otherwise stated, be deemed to include all proposed findings recommended in connection with such action.

Rule 32 Ordinances

When announcing an item that proposes the adoption of an ordinance, the Clerk shall read the title of the ordinance. Following Board action, the ordinance shall be placed by the Clerk on the agenda of the next regularly scheduled Board meeting for adoption, or a later date if the Board so directs. Any alteration of the proposed ordinance, other than clerical or typographical, shall necessitate continuance of the item of at least five days to the next regular meeting. This Rule shall not apply to urgency ordinances or ordinances which, by statute, can be passed only after notice and a public hearing.

Rule 33 Members to Address Chair and Avoid Personalities

When any Board member is about to speak, the member shall address the Chair; and when two or more members address the Chair at the same time, the Chair shall name the member who is first to speak, and the speaker shall confine his remarks to the question under debate and shall avoid personalities.

Rule 34 Motions

Any motion made by any Board member will require a second. When the main motion is before the Board, no motion will be entertained except as an amendment to the main motion which will be voted on prior to the vote on the main motion unless incorporated into the main motion by the makers of the main motion. In the event the amendment motion fails to carry, the main motion will resume intact.

Rule 35 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 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 36 Non-Roll Call Votes

If the roll is not called, in the absence of objection, the Chair shall order the item unanimously approved.

Rule 37 Conflicts of Interest

Members shall not be financially interested in any contract, purchasers at any sale or vendors at any purchase made by them in their official capacity.

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

a. publicly state the nature of the conflict in sufficient detail to be understood by the public;

b. recuse himself/herself from discussing and voting on the item; and

c. leave the room until the item has concluded, unless it is on the consent calendar.

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

CHAPTER VII

Duties of County Staff

Rule 38 Clerk of the Board ("Clerk")

A. Attendance at Meetings

The Clerk, or a representative designated by the Clerk, shall attend each meeting of the Board and maintain a record of all proceedings and directions of the Board. Agenda items or groups of items will be called by the Clerk.

B. Preparation and Distribution of Agenda

The Clerk will prepare, post and distribute all agendas of the Board meetings. The agenda shall consist of a brief statement of each item to be considered by the Board of Supervisors, pursuant to the Ralph M. Brown Act, Government Code section 54950 et seq.

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

The regular Board meeting agenda will be distributed and made available to the public on the Wednesday preceding the Tuesday regular meeting. Internal distribution shall be made to the members of the Board of Supervisors, the County Executive Officer, Grand Jury, and County

Counsel. Supplemental agendas shall be made available as soon as practical. The Clerk shall also make these agendas available on the Intranet and Internet as soon as is feasible.

C. Preparation and Distribution of Summary Action Minutes

The Clerk shall prepare and distribute Summary Action Minutes ("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 distributed and made available to the public within 72 hours of the meeting. Internal distribution shall be made to the members of the Board, the County Executive Officer, affected Agency/Department heads, and affected districts, authorities, or boards of which the Board is the governing body. The minutes shall also be placed on the Internet.

The minutes shall be made available at no cost at the Clerk's Office and will suffice as the official Summary of Proceedings.

D. Custodian of Audio and Audio/Video Records

The Clerk shall maintain the official audio record of each Board meeting for a period of not less than three (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 no less than three (3) years.

Rule 39 County Executive Officer ("CEO")

The CEO, or a representative designated by the CEO, shall attend each meeting of the Board and shall provide such information to the Board as necessary to assist Board members in their deliberations and decision making.

Rule 40 County Counsel

The County Counsel, or a representative designated by the County Counsel, shall attend each meeting of the Board and shall serve as adviser to the Board on appropriate rules to comply with legal requirements.

Rule 41 Sheriff

The Sheriff, or a representative designated by the Sheriff, shall be available to respond to each Board meeting immediately upon call, shall

be the Board's Sergeant-at-Arms and will carry out all orders given by the Chair for the purpose of maintaining order and decorum at Board meetings and will insure that the aisles, entrance to the Board Meeting Room and lobby areas are clear and that individuals are seated to maintain public safety in the event of an emergency. As the Sergeant-at-Arms the Sheriff's Deputy will fully enforce Rule 48 dealing with the Security and Safety of Board Room participants.

Rule 42 Department/Agency Heads

Departments/Agencies shall, insofar as practicable, consult with such other Departments/Agencies as may be appropriate to the particular subject, or as referred by the Board, before submitting official correspondence to the Board, in order that necessity for further referral shall be minimized.

Each County, authority or district Department/Agency head, or a designated representative of the Department/Agency head, having any matter on the agenda for consideration by the Board, whether consent or discussion, shall be available for the purpose of providing information to the Board and shall attend any Board meeting when requested to do so by a Board member or the CEO or when, in the judgment of the Department/Agency head, the Board will probably require additional information.

CHAPTER VIII

Participation by the Public

Rule 43 Right to Address Board

Subject to the provisions of these Rules, any member of the public shall have the right to address the Board on any matter being considered by the Board. However, if a matter is to be set or is set for a public hearing, it shall be out of order for any member of the public to address the Board on such matter prior to the official opening of the public hearing unless the person's remarks are confined to the specific question of the appropriateness of setting said matter for public hearing.

Rule 44 Use of Speaker's Request Form

Members of the public who wish to discuss a consent, discussion, or public hearing item or make comments during the public comment portion of the meeting must complete a speaker request form and deposit it with the Clerk prior to the Clerk's reading of the agenda item. The Clerk will then advise the Board of such request prior to the vote approving the item. A member of the public who attempts to address the Board without having submitted a speaker request form will be called out of order, and may be found in violation of Rule 46.

Any individual member of the public wishing to comment on an item that is on the consent calendar may pull the item for discussion by submitting a speaker request form on that item and cause a separate vote by the Board. A member of the public may speak to each item for which he/she has submitted a speaker request form for no longer than three (3) minutes prior to the vote being called on the item, subject to the provisions of Rule 47.

Rule 45 Public Comments/Time Limits

Under the Public Comments portion of the meeting, members of the public will be allowed to address the Board regarding any off-agenda item within the subject matter jurisdiction of the Board. No action may be taken on off-agenda items unless authorized by law.

The Public Comments portion of the meeting shall be limited to twenty (20) minutes cumulative total for all speakers, unless different time limits are set by the Chair.

Rule 46 Addressing the Board

At the appropriate time, the Chair or the Clerk will call the names of members of the public desiring to address the Board. After approaching the lectern, the speaker is requested to announce their name and city of residence for the audio record.

All remarks and questions shall be addressed to the Board as a whole and not to any individual Board member. No question shall be asked of any Board or staff member without first obtaining permission of the Chair. Each person who addresses the Board shall refrain from making personal, impertinent, slanderous or profane remarks to any member of the Board, staff or the 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 Chair, or a majority of the members, be barred from further addressing the Board at the meeting. If such conduct thereafter continues so as to disrupt the orderly conduct of the public's business, the Chair shall order the person removed from the meeting room. Aggravated cases may be prosecuted on appropriate complaint signed by the Chair, a member of the Board or any other County representative.

For purposes of this Rule, a speaker will be deemed to "disrupt" a Board meeting by speaking too long beyond the limits set by these Rules or the Chair, by being unduly repetitious, by extended discussion of irrelevancies, or by violating the requirements of Rule 44.

Rule 47 Time Limits

Each person addressing the Board shall be limited to three (3) minutes on any agenda item (whether on the consent or discussion calendar) during any public hearing, and during the public comment period, unless a specific extension of time is requested and is granted by the Chair. A member of the public wishing to address the Board on multiple items shall be limited to a cumulative total of nine (9) minutes for the entire meeting. When any group of persons wishes to address the Board on the same subject matter, it shall be proper for the Chair to require that a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition.

Rule 48 Security and Prohibition of Banners/Signs or other Hazardous Objects

The Board of Supervisors has the power to implement and approve all security measures in the Board Room. Any changes in security procedures shall be shared with the Board in advance. All recordings from security cameras are confidential and are not public records, but copies of such recordings shall be provided to any or all Board Members at their request, absent any state law that may prohibit such distribution.

Signs, posters, banners or other hazardous objects which could impair the safety of individuals in the event of an emergency are prohibited in the Board Room. All bags, suitcases, backpacks, or other suspicious containers shall be examined for contraband prior to entrance to the Board Room. Any large object/container that may be deemed hazardous object which could impair the safety of individuals in the event of an emergency will be prohibited in the Board Room.