

KERN COUNTY

BOARD OF SUPERVISORS

**ADMINISTRATIVE AND
PROCEDURAL RULES FOR THE
PROCEEDINGS OF THE
BOARD OF SUPERVISORS**

Revised 12/17/13

**COUNTY OF KERN
ADMINISTRATIVE AND PROCEDURAL RULES
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THE PROCEEDINGS OF THE BOARD OF SUPERVISORS**

SECTION 1: DEFINITIONS

For the purposes of these procedural rules, the following definitions apply.

- A. *Shall, must, and will* mean that the procedure is mandatory.
- B. *Should* means that the procedure is recommended.
- C. *May* means that the procedure is optional.
- D. *Referral* is direction given to a department that requires a report back to the Board at a future meeting.
- E. *Request* is made by a Board member for information or clarification on a matter affecting a minority of the Board members. Departmental responses to a Board member(s)' request are to be sent to each Board member and the Clerk of the Board, who will file the response under the Miscellaneous Letters and Documents portion of the Board of Supervisors agenda. (Rev. 12/16/08)

SECTION 2: RULES

RULE 1: ELECTION OF OFFICERS

- A. The Board of Supervisors shall elect a chairman from among its members at 12:00 noon on the first Monday in January of each year.
- B. The current chairman shall open the meeting, hold nominations, and conduct the election process through to a majority vote.
- C. The immediate past chairman shall become the vice-chairman.
- D. The Board of Supervisors shall elect a chairman from a different district each year. The District 5 Supervisor shall serve as chairman in 2014, and the District 4 Supervisor shall serve as chairman in 2015. Thereafter, the chairmanship shall rotate annually among the five Supervisorial Districts in the following order: District 1, 2, 3, 4, 5. (Rev. 12/17/13)
- E. A Supervisor whose district is scheduled to hold the chairmanship and who was elected or appointed to the Board of Supervisors in the preceding year may decline election as chairman. If a Supervisor is unable to serve as chairman or declines to be elected as chairman, that Supervisor's district is not eligible to hold the chairmanship until the district becomes eligible again through the sequential rotation set forth in paragraph D. (Rev. 12/17/13)

RULE 2: DUTIES OF OFFICERS

- A. The chairman shall preside over, preserve order and decorum at, and announce each agenda item, or each agenda item number if on the consent agenda, before the Board at all Board meetings. Unless otherwise

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provided by these rules, the chairman shall decide all questions of order and procedure, subject to appeal by any supervisor to the Board as a whole.

B. While the chairman is absent from a Board meeting or for any reason relinquishes the chair, the vice-chairman shall assume the office of chairman.

C. When both the chairman and the vice-chairman are absent from a Board meeting, the most senior supervisor, as determined by time in office, shall assume the office and duties of chairman. If the time in office is even between two or more supervisors, the supervisor most recently holding the office of chairman shall be the acting chairman.

D. The chairman may discuss and vote upon any matter as a member of the Board without relinquishing the chair.

E. The chairman shall in January of each year present a State of the County Message.

F. The chairman shall in January of each year, or immediately upon expiration of a term, appoint members of the Board to each ex officio Board member position on other governing bodies/boards, and committees and commissions of the Board, provided that such appointments shall be confirmed by the Board. Such appointments shall be made in the following priority order:

1. The incumbent supervisor should be reappointed unless that supervisor provides notification to the chairman that his/her option for reappointment will not be exercised, except that appointments to the Kern County Children and Families Commission (First 5 Kern) shall rotate among Board members annually. (Rev. 4/07; 12/16/08)
2. In the event that the incumbent supervisor has relinquished his/her right to reappointment, the most senior supervisor requesting to serve on the committee, commission or board should be appointed. (Rev. 12/16/08)
3. Should the chairman choose to deviate from the recommended procedure provided for in paragraphs 1 and 2 above, a majority vote of the Board is required to confirm the appointment. (Rev. 12/16/08)

G. The chairman is required to place his/her signature on file with the Secretary of State. The necessary documents to effect this requirement shall be prepared by the Clerk of the Board.

H. The chairman is responsible for signing all documents as authorized by the Board. Whenever a wet signature is not legally required, the Clerk of the Board may, at the chairman's request, use a signature stamp.

RULE 3: MEETINGS

A. The scheduling of Board meetings is done by resolution pursuant to Ordinance Code section 2.04.010. Unless a majority of the Board of Supervisors determines otherwise, regular meetings of the Board shall begin at 9:00 a.m. each Tuesday.

B. All regular meetings of the Board may be convened simultaneously as a meeting of the Board of Supervisors and the governing boards of the various special districts and other entities that have business to be conducted.

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C. County staff making a presentation or report to the Board during its regular session shall wear appropriate professional attire. (Rev. 12/16/08)

RULE 4: ORDER OF BUSINESS

- A. The Board shall conduct its meetings in the following order:
1. Roll Call
 2. Flag Salute and Moment of Silence or Prayer—AM Meeting
 3. Consent Agenda
 4. Regular Agenda
 - a. Resolutions and Proclamations
 - b. Public Requests
 - c. Appointments
 - d. Public Presentations
 - e. Board Member Announcements or Reports
 - f. Departmental Requests and Scheduled Hearings
 5. Closed Session (if needed)
 6. Consideration of Introduced Ordinances—PM Meeting
 7. Matters for Executive Approval—PM Meeting
 - a. Budget Transfers
 - b. Minutes for the three-weeks preceding Board meeting
 - c. Miscellaneous Letters and Documents for filing
 - d. Miscellaneous Department referrals by Clerk of the Board
 - e. Claims and Lawsuits filed with and referred by Clerk of the Board
 8. Adjournment

B. The Board may consider matters not on the agenda under the public presentation and Board member comment section to the extent permitted by the Brown Act. The only action that may be taken on these items is to receive and file documents related to the matter, ask questions of staff or the public, make a brief announcement or report on the activities of a supervisor, refer a matter to staff, or place a matter of business on a future agenda. The Board may also consider action on items not appearing on the agenda pursuant to the provisions of Government Code section 54954.2.

RULE 5: MEETING DECORUM

A. Limitations on Time

In the interests of facilitating the business of the Board, the chairman, in the exercise of reasonable discretion, may:

1. Limit the time that each person may use in addressing the Board.

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2. Limit the total time in which to receive testimony from members of the public on an individual matter, item or subject before the Board.

Any limitation on the time that a person may be provided to address the Board will be consistent with any due process requirements and/or other legal requirements related to the matter or item. (Rev. 01/08)

B. Presentations of Resolutions, Proclamations, or Other Recognition

The chairman will select a member of the Board to present awards, resolutions, proclamations and/or other such recognitions. Such selection shall be made, in order of priority, as follows:

1. The Board member requesting the resolution or recognition.
2. The Board member in whose district the individual receiving the resolution or recognition resides, or if presented to a group of people, the supervisor in whose district the activity or action being awarded took place.
3. The Board member who is active in the organization or is active in the advocacy of the organization or the subject activities / endeavors of the organization being presented the resolution or recognition.
4. If none of the above situations exists, at the discretion of the chairman.

C. Request for Continuance

1. If an item before the Board affects only one district, then upon the request of the supervisor representing that district, the Board shall approve a continuance of at least one week, unless time does not permit such continuance.
2. If an item before the Board affects two districts, then upon the request of either of the supervisors representing an affected district, the Board shall approve a continuance of at least one week, unless time does not permit such continuance.

D. Determination of Disorderly Conduct

1. Demonstrations, including signage and applause, that are disruptive are prohibited during Board meetings.
2. In the event of obscene, indecent or profane language, remarks, or actions, the chairman shall immediately warn the presenter that continued use of such language or actions will cause the chairman to deny further presentation of information or material by the offending person. Obscenity, indecency, and profanity shall have the meanings determined by the Federal Communications Commission. (Rev. 01/09)
3. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the chairman may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered. Representatives of the news media, except those participating in the disturbance, shall be allowed to continue to attend such meeting.

E. Addressing and Recognizing Board Members and Staff

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1. The chairman shall be addressed as Mr. or Madam Chairman.
2. When Members of the Board are addressed, the member's last name shall be preceded by the title of supervisor.
3. Staff members recognized by the chairman or supervisor shall be addressed in the formal form with Mr., Mrs., Miss, or Ms., as appropriate, preceding the staff person's last name.
4. In all instances, the decorum of a public meeting shall be maintained with all responses to inquiries being conducted through the chairman and then to the supervisor making the request. Such responses shall be made by formal address as specified in subparagraphs 1 and 2 above.

RULE 6: AGENDA

A. General

1. The agenda for each regular Board meeting shall reflect the order of business established by Rule 4, shall be prepared by the Clerk of the Board, and shall include matters that come before the Board in the ordinary course of business or which are placed on the agenda by direction of the Board or the chairman.
2. Requests for special appearances before the Board or for consideration of matters that would not normally come before the Board in the ordinary course of business shall be considered and determined by the chairman.
3. Agenda items may be considered in any order convenient for the Board and multiple agenda items may be considered together and as one, provided, however, that no noticed public hearing shall commence before the time stated in the notice for the hearing.

B. Agenda Preparation and Schedule

1. Departmental requests for items to be placed on the agenda shall be filed with the Clerk of the Board in accordance with procedures established in Chapter 10 of the Administrative Procedures Manual.
2. Departmental subagendas shall be received by the Clerk of the Board not later than the Friday, eleven days before the Tuesday meeting, by 5:00 p.m. for the following week's meeting and shall, upon receipt, include all supporting documents and materials.

C. Staff Reports for Agenda Items

All agenda items submitted by or through any County department shall be submitted in the format specified in Chapter 10 of the Administrative Procedures Manual.

D. Agenda and Staff Report Availability

The Clerk of the Board shall:

1. cause a copy of the agenda to be posted pursuant to the Ralph M. Brown Act;

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2. have and make available for public inspection and copying an agenda for each meeting;
3. have a sufficient number of copies available for the public at the time and place of each meeting.
4. send electronic notification to all email subscribers of the availability of the weekly agenda, or mail a copy of an agenda to persons who so request and who submits a stamped, self-addressed envelope to the Clerk of the Board for such purpose, or pays for subscription to such service. (Rev. 1/07)

RULE 7: PROCEDURE FOR CONSIDERATION OF CONSENT AGENDA

- A. The order of procedure for Board consideration of the consent agenda is:
1. The chairman calls the agenda item number. Any item removed from the consent agenda by a member of the Board or public is then considered in the listed sequence a part of the regular agenda.
 2. The consent agenda is considered by the Board and is approved by one motion.
 3. A poll of the Board vote is conducted.
 4. The Clerk of the Board announces the voting results.
- B. The chairman may provide clarification or correct ministerial errors within a recommended action on the consent agenda without removing the item from the consent agenda.

RULE 8: PROCEDURE FOR CONSIDERATION OF NON-CONSENT AGENDA ITEMS

- A. The order of procedure for Board consideration of non-consent agenda items is:
1. The chairman calls the agenda item by subject or title and reads the recommended action.
 2. Any supervisor voluntarily or involuntarily disqualified from making or participating in the making of the decision announces the disqualification and abstains from voting.
 3. The staff report, if any, is given, including any recommended actions. Excepting, however, if a member of the Board or public has requested that the item be considered separately during the reading of the consent agenda, that Board member or member of the public shall state their concerns or state their questions at this time. Staff shall follow with responses to the concerns if so permitted by the chairman.
 4. The Board considers the item and votes.
 5. A poll of the Board vote is conducted.
 6. The Clerk of the Board announces the voting results.

RULE 9: PROCEDURE FOR HEARING – GENERAL

- A. The order of procedure for general hearings before the Board is:

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1. The chairman calls the agenda item by subject or title. For appeal hearings, the chairman announces the scope of hearing.
 2. Any supervisor voluntarily or involuntarily disqualified from making or participating in the making of the decision announces the disqualification and abstains from voting.
 3. The staff report, if any, is given, including any recommended environmental action and, if appropriate, recommended conditions of approval.
 4. Public testimony is received from persons wishing to provide information either in support or opposition to a recommendation for approval of the matter before the Board. The applicant or proponent, if any, may speak first upon request. In cases of appeal the appellant(s) shall speak first.
 5. Summation is made by the applicant, proponent or appellant, at the discretion of the chairman and is limited to five minutes.
 6. Rebuttal and sur rebuttal are allowed at the discretion of the chairman and are limited to matters already raised by prior evidence and testimony.
 7. The chairman closes the public testimony phase of hearing.
 8. Staff clarifies or modifies its recommendation, as appropriate.
 9. The Board determines whether to decide the matter, decide the matter subject to preparation of appropriate findings, or continue the matter, in which case paragraphs 10 and 11 below shall not apply.
 10. Any required environmental determination is made, including findings.
 11. A motion for disposition is made, discussion of the motion is held and the Board takes action. Such motions shall include the receipt and filing of any documents offered as evidence and filed with the Clerk of the Board prior to and during the hearing upon recognition by the Chairman.
- B. The chairman may alter the foregoing order of procedure, as circumstances require.
- C. A supervisor may ask a question of any person at any time during a hearing upon recognition by the chairman.

RULE 10: DOCUMENTARY AND PHYSICAL EVIDENCE

- A. Letters, petitions and written, printed or photographic materials and other physical evidence intended to be used as evidence before the Board shall be filed with the Clerk of the Board prior to the time of the hearing, or presented to the Board at the hearing.
- B. The Clerk of the Board shall cause each piece of such evidence received by the Board to be adequately identified and shall include such evidence in the Clerk's file of the matter under consideration by the Board.
- C. Documents or things offered as evidence but not admitted by the Board shall be returned by the Clerk to the offering person, if known, unless not feasible to do so.

- D. This rule does not apply to technical and other documents kept as public records by any county department, officer or employee in the ordinary conduct of county business. Such documents may be included in the record by reference.

RULE 11: PROCEDURES FOR BUDGET HEARINGS

A. General

1. The County Administrative Officer's recommended budget will be presented by individual budget unit.
2. Any and all modifications to the printed amounts in the Recommended Budget shall be distributed to Board members before the budget hearings.
3. Separate actions are required of the Board for each budget unit and will be considered in the following order:
 - a. Approval by majority vote of changes in authorized positions, if any.
 - b. Consideration and action by majority vote on items "At Issue" between the County Administrative Officer's recommendation and the department, if any.
 - c. Approval by majority vote of the expenditure budget for each budget unit.
4. Consideration of policy issues or other matters not necessary to the approval of the budget unit should be deferred to the Board's regular meetings.
5. At the conclusion of presentation of all budget units, the Board shall act to adopt the County's expenditure budget. The adoption of the County's budget requires a 4/5 vote.

B. Order of Procedure

The order of procedure for budget hearings before the Board is:

1. The chairman announces the title and number of the budget unit that is before the Board for consideration, refers Board members to the beginning page number of the budget detail in the printed Recommended Budget.
2. The chairman recognizes the County Administrative Office budget analyst for presentation of the recommended budget and any recommended adjustments to the budget from that of the printed Recommended Budget. The budget analyst may discuss each position (or group of related positions) to briefly indicate the purpose or basis for the recommended changes and the effective date of the recommended changes.
3. The budget analyst will identify and discuss any position recommendations that are "At Issue" with the department. The chairman shall then recognize the department head for presentation of arguments against the recommended position changes that are "At Issue".
4. Public comment on the recommended position changes is received.

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5. The Board considers and votes on the recommended position changes (additions or deletions), if any.
6. If there are no items of disagreement or revisions to the recommended budget, the budget analyst will state that the department is in agreement with the recommended budget and recommend that the Board approve the budget as printed in the Recommended Budget.
7. If there are “At Issue” items in the recommended expenditure budget (excluding position changes) the following procedure shall be followed:
 - a. The chairman shall recognize the budget analyst for presentation of the arguments of the County Administrative Office.
 - b. The chairman shall recognize the department head for presentation of arguments against or rebuttal of the recommendation of the County Administrative Office.
 - c. The Board considers and votes on the “At Issue” items(s).
8. The budget analyst will present the County Administrative Officer’s recommendations on any supplemental budget requests by the department, Board referrals to the Budget File, items to be rebudgeted from the previous fiscal year, any error corrections and will note revisions to affected accounts due to any of these items.
9. The budget analyst will present County Administrative Officer’s recommendation on adjustments for Budget Savings Incentive Credits, if any.
10. If no further changes to County Administrative Officer’s recommended budget are made during budget hearings, the budget analyst will recommend that the Board approve the budget as revised.
11. The chairman will request public comment on the budget unit.
12. The Board will consider and vote on the recommended expenditure budget unit.

RULE 12: TESTIMONY

When any person desires to address the Board, the chairman, upon recognition of the person, shall request that the person step to the podium, give his or her name and make a presentation in an audible voice. The chairman may specify a time limit for the presentation.

RULE 13: VOTING

A. General

Each supervisor shall vote on matters before it through use of the electronic polling board. The Clerk of the Board shall verbally announce the number of absetentions and absences immediately following the vote.

B. Majority Vote Requirements

Except as provided in “C” below, the Board may approve or deny actions by three affirmative votes.

C. Four-Fifths Vote Requirements

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State law and local ordinance require the approval of certain items by four or more votes. Listed below are items likely to appear on the Board's agenda, which require four or more votes. (This list is not complete.)

1. Transfer from appropriations for contingencies. (Gov. Code Sec. 29130)
2. Appropriation of unanticipated revenues. (Gov. Code Sec. 29130)
3. Appropriations for an emergency. (Gov. Code Sec. 29127)
4. Adoption of the County budget. (Ord. Code Sec. 4.04.010)
5. Non-Agenda Items: For consideration of a non-agenda item, the Board must make findings that the need to take action arose after the agenda was posted. The vote on the finding requires at least four votes if five members are present; three votes if four are present and three votes if three are present. (Gov. Code Sec. 54954.29) (2))
6. Adoption of an ordinance as an urgency matter. (Gov. Code Sec. 25123)
7. Assignment of delinquent accounts to a collection agency. (Gov. Code Sec. 26220)
8. Improvement of County roads through use of general fund monies. (Sts. & Hwys. Code Sec. 1070)
9. Cooperation with cities in road work. (Sts. & Hwys. Code Sec. 1680)
10. Adoption of Resolution of Intention to sell or lease County property. (Gov. Code 25526)
11. Resolution of necessity to institute condemnation proceedings. (Code of Civ. Proc. Sec. 1245.240)
12. Conveyance or exchange of County property to another governmental agency. (Gov. Code Sec. 25365)
13. Employment of counsel to assist the district attorney, county counsel or other counsel for the County. (Gov. Code Sec. 25203)
14. Resolution negating public bidding. (Pub. Contract Code Sec. 20150.10)
15. Construction contract change orders greater than \$6,500 but less than 10% of the original contract amount. (Pub. Contract Code Sec. 20137)
16. Changes to supervisorial district boundaries. (Ord. Code 2.06.010) (Rev. 01/08)

D. Abstentions

1. Consent Items. For items on the consent agenda, the supervisor may complete the Board Abstention form, Exhibit "A" to these rules, announced publicly the nature of the conflict during the consideration of the consent agenda and provide the form to the Clerk of the Board to retain in the official records. The supervisor may vote on the consent agenda and the Clerk of the Board shall record the abstention for only the item(s) designated on the form. (Rev. 12/09)

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2. Nonconsent items. An abstention from voting on the merits of any matter shall be announced audibly. The supervisor shall state the reason for the abstention and leave the room, if required by law. Any supervisor who so abstains shall be recorded as voting "abstain".

E. Tie Vote

Except for actions requiring an approval by more than a simple majority vote, if the Board vote is a tie vote, that vote shall constitute denial of the request or appeal.

RULE 14: RECORDATION OF PROCEEDINGS

A. The Clerk of the Board shall cause a magnetic or other mechanically-produced recording to be made of each public meeting of the Board.

B. The failure of the Clerk to discharge this duty or the inability to produce or maintain such a recording due to failure of equipment or destruction of the recording shall not be grounds to invalidate or challenge any proceeding before, or any action taken by, the Board.

RULE 15: ABSENCE FROM HEARING

A. A supervisor who was absent from all or part of a hearing, where the Board is acting in a judicial or quasi-judicial capacity, may vote on the matter heard if the supervisor states that he or she has reviewed all evidence received during the absence and has also listened to the Clerk's recording or read a true and complete transcript of the proceedings that occurred during the absence. If the Board is acting in a legislative or quasi-legislative capacity, then a supervisor may vote on the matter even though he or she missed all or part of the discussion or public hearing.

B. To facilitate the timely placement of matters requiring a 4/5 vote on the Board's agenda, supervisors shall notify the Clerk of the Board of impending absences as far in advance as possible, but no later than two weeks in advance of the regularly scheduled meeting, barring an emergency.

RULE 16: ACTIONS OF THE BOARD

All actions of the Board on the merits of any matter before it shall be taken by ordinance, resolution, or Summary of Proceedings.

RULE 17: DISQUALIFICATION

A. A supervisor shall disqualify himself or herself from making, participating in the making, or influencing any decision when so required by the County Conflict of Interest Code or State Law. If disqualification of supervisors due to a conflict of interest results in less than a quorum of the Board available to act, by random draw, a sufficient number of members to constitute a quorum will be selected in order to take action on any item consistent with the rules and regulations of the Fair Political Practices Commission or other applicable state law.

B. Due process considerations with respect to Board actions, which are judicial or quasi-judicial, require that a supervisor hears a matter with an open mind and is not committed to a certain decision or position prior to hearing and will consider all the evidence. Accordingly, a supervisor shall disqualify himself or herself from making or participating in the making of any decision on a matter on which the supervisor has testified orally or in writing or intends to testify orally or in writing in support of or in opposition to the matter before any body whose decision may be appealed to the Board.

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C. A disqualified supervisor shall leave the meeting whenever the item related to the disqualification is being considered by the Board.

RULE 18: REFERRALS TO DEPARTMENTS

A. Preliminary staff work, such as introductory research, on an issue for an individual supervisor may be performed by a County department, but extensive staff work, such as the preparation of reports, ordinances, and like items, shall only be carried out after approval by the Board in open session and referral to the County department(s) to undertake such work.

B. The following procedure shall be followed for referring an item to staff for new or additional research and presentation of a recommendation.

1. A referral may only be made upon a motion, second and majority vote.
2. The matter shall be referred to the specific department or combination of departments whose mission and resultant duties and tasks are most directly related to the subject matter.
 - a. Referrals may be made directly to departments within an agency or to the agency itself.
 - b. Referrals shall be made to the department, and shall not be made to a particular branch, division, office location, individual or other such organizational segment.

C. At the discretion of the supervisor making the motion, the Board may request a report back on a specific date.

RULE 19: LEGISLATIVE MATTERS

A. Legislative Matters shall be separately designated on the agenda by title under Departmental Requests County Administrative Office.

B. A support, oppose or other position by the Board on individual pieces of legislation requires a majority vote of the Board.

C. Each supervisor desiring to have the Board consider and take a position on a piece of legislation shall place an item on the Board's regular agenda under "Board Member Presentations." Such communications shall be prepared by the supervisor's appointed staff and presented on supervisorial district stationary.

D. Absent a majority vote of the Board, individual supervisors may, at their discretion and from the position as a district supervisor, express and/or advocate support or opposition to legislative issues. In such instances, the supervisors shall ensure that supervisorial district stationary is utilized in the communication of such support or opposition, shall utilize his/her appointed staff to prepare correspondence, testimony or other communication, and shall in no way infer that the Board of Supervisors supports or opposes the matter.

E. The designation or appointment of a supervisor to represent the Board during hearings on legislative matters shall be as provided for by Rule 23.

F. County staff shall assist any supervisor(s) so designated or appointed to represent the Board in the preparation of testimony and other documents as necessary to present the Board of Supervisor's adopted position.

RULE 20: PUBLIC PRESENTATIONS

- A. Individual speakers may be limited to two minutes at the discretion of the chairman.
- B. Should the subject matter of a presentation made by a member of the public be specific to one supervisorial district, the chairman shall recognize the supervisor representing the affected district first and the desires of that supervisor in regard to the matter shall be given full weight and consideration in any action taken by the Board relative to the presentation.

RULE 21: ANNOUNCEMENT OF BOARD ACTIONS – CLOSED SESSION

The Board shall announce each action of the Board following a closed session as provided for within the Ralph M. Brown Act.

RULE 22: SEATING ARRANGEMENTS – BOARD CHAMBERS

Upon election of a chairman in January of each year, the Board shall assume the following seating arrangement.

1. The chairman shall assume the center seat.
2. The vice-chairman shall sit to either the left or the right of the chairman, at his/her discretion, to facilitate passing of the gavel if necessary. (Rev. 01/09)
3. The remaining Board members shall decide among themselves the seating assignment for the remaining vacant seats with preference given in order of seniority. Should two or more supervisors be of equal seniority under this paragraph, they shall determine between themselves the selection of seating among those vacant. Should a dispute arise, the chairman will assign seating. (Rev. 01/09)
4. The chairman is responsible for notifying the Clerk of the Board of the seating selections or assignments at least one week prior to the first Monday in January by the chairman. The Clerk of the Board shall be responsible for relocation of nameplates and modifications to the electronic polling board as necessary to reflect the seating arrangement.

RULE 23: APPOINTMENT OF DESIGNATION OF SUPERVISOR TO REPRESENT THE BOARD

- A. Appointment/Designation

In those instances where the Board is requested or desires to appoint or designate a supervisor to represent the Board before a legislative or governing body, community group, or other such body, the appointment or designation shall be made by nomination of a supervisor, acceptance of the nomination by the supervisor nominated, and majority vote.

- B. Absence of Nominated Supervisor

Any supervisor who anticipates being absent from the meeting at which the appointment or designation is to be considered, may propose to accept a nomination, should he/she be nominated, through the submission of written materials to the Clerk of the Board prior to the Board meeting.

RULE 24: BOARD APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

A. As the Board is charged with the responsibility of appointing public members to numerous boards, commissions and committees that perform duties and tasks necessary to the work and business of the Board, the Board shall as soon as feasible act to fill positions that become vacant on such boards, commissions, and committees.

B. The application for appointment to such boards, commissions, and committees shall be made to the Clerk of the Board.

C. In the event that the appointment of individual supervisors must be confirmed by the Board, such confirmation proceedings shall be as follows:

1. Nomination by the appointing supervisor
2. Recorded second to the nomination
3. Majority vote of the Board

D. In all cases, the full weight and consideration of the nominating supervisor's candidate to represent his/her district shall be afforded and any opposition to such nomination shall be justified in public session.

E. For at-large appointments, the Board may appoint a committee of its members to provide recommendations on candidates to the full Board. (Rev. 01/09)

F. The Clerk of the Board is charged with the responsibility of and authority to accept any and all resignation from appointees to a board, commission and committees.

G. Upon receipt of a resignation, the Clerk shall notify the appropriate supervisor, and, if fitting, the chairman of the Board, and shall post a notice of vacancy.

H. Board of Supervisors' appointees shall remain effective past an expiration of term until a new appointment or reappointment is made by the Board of Supervisors.

RULE 25: COMMITTEE OF THE WHOLE MEETINGS

A. Committee of the Whole Board meetings may be scheduled upon majority vote of the Board to receive testimony on and discuss a specific matter or subject. Such meetings are subject to the Brown Act and the Clerk of the Board shall prepare an agenda and subsequent minutes.

B. The procedure for conducting Committee of the Whole meetings is as follows:

1. The chairman announces the item or subject matter.
2. The chairman recognizes staff for the presentation of subject matter or related report(s)
3. The chairman receives public testimony.
4. Any supervisor may ask a question of any person at any time during the proceedings.
5. The Board considers and discusses the matter.
6. The Board may act only to place the subject matter on the Board's regular agenda for consideration by majority vote. The Board may not act to approve or deny any request

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before them during a Committee of the Whole meeting except that the Board may act to receive and file documents and to make a referral.

C. The chairman may discuss, vote upon and make a motion or second a motion without relinquishing the chair.

RULE 26: SUBJECT MATTER SPECIFIC TO A DISTRICT

In the consideration of matters before the Board which are specific to a district, the Board shall endeavor at all times to provide deference to the supervisor representing that district. Such deference shall include responses to public and media inquiries. The chairman may represent the subject district in the absence of the supervisors representing that district.

RULE 27: NO INTERFERENCE WITH REGULATORY PROCEEDINGS

County departments are periodically involved in independent administrative, regulatory or enforcement proceedings or orders. No supervisor shall attempt to influence or interfere with any such proceedings.

RULE 28: ADMINISTRATION OF RULES

- A. Amendment. The Board may from time to time amend these rules by majority vote order.
- B. Publication. The Clerk of the Board shall make these rules and any amendments to them available for public inspection at the Clerk's office and shall distribute copies upon request and payment of any applicable copying charge.

RULE 29: RULES ARE PROCEDURAL

These rules are adopted and intended to provide procedures for the conduct of the Board's business. Any Board action which is taken by the required number of affirmative votes shall be effective for all purposes and shall not be invalidated or in any other manner limited in its effect because of a claim that the procedure followed by the Board in taking such action was not in accord with any provision or provisions of these rules.