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RESOLUTION NO. 15-051

**RESOLUTION SETTING FORTH
THE BOARD OF SUPERVISORS RULES OF PROCEDURE
AND RESCINDING RESOLUTION 12-039**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS, COUNTY OF LASSEN:

In order to provide for more expeditious conduct of the public business, and to provide a Board Member Operation Policy governing the conduct of each Board Member with respect to such members' actions in their official capacity as Board Members, these rules of procedure are adopted by the County of Lassen Board of Supervisors. Whenever possible, these rules are to be construed generally. The rules provide procedures for conducting meetings of the Board of Supervisors, supplementing those otherwise provided by law, including, but not limited to the Ralph M. Brown Act.

BOARD PROCEEDINGS

SECTION 1. CODE OF CONDUCT

The Lassen County Board of Supervisors aspires to be a model of civility in the conduct of its meetings and in doing the people's business. Therefore, the members of the Board choose civility and agree to conduct themselves in accordance with the following principles:

1. Listen;
2. Respect other people's time;
3. Don't shift responsibility and blame;
4. Accept and give praise;
5. Respect other's opinions;
6. Acknowledge others;
7. Speak kindly;
8. Apologize sincerely;
9. Refrain from idle complaints;
10. Think the best;
11. Accept and give constructive criticism;
12. Don't speak ill.

The Lassen County Board of Supervisors also invites the members of the public who are present for its meetings to choose civility and to conduct themselves in accordance with the previously stated principles.

SECTION 2. MEETINGS

- A. Regular Meetings

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In accordance with Resolution 97-074, the Board of Supervisors shall meet on the second, third and fourth Tuesday of each month in the Board Room located at 707 Nevada Street, in the City of Susanville, the County Seat, but not on any day on which a statewide election is held.

B. Special Meetings

Special meetings of the Board may be held at any time or place, provided that such meeting is preceded by a minimum 24 hour notice. Special meetings may be called by the Chairman of the Board. In the Chairman's absence from the County, the Vice Chairman may call a Special Meeting. In the absence from the County of both the Chairman and the Vice Chairman, a Special Meeting may be called by the Clerk of the Board or the latter's designee. Two members of the Board may call a Special Meeting by personally or in writing advising the Chairman or Vice-Chairman in the Chairman's absence. In the event that the Chairman (or Vice-Chairman) declines to call the special meeting, two members of the Board may call a Special Meeting by advising the Clerk of the Board personally or in writing (including facsimile transmittal) of the request to set a meeting, which request shall include the date and time of the meeting and the agenda items to be covered.

The Clerk shall thereupon prepare and post the notice and agenda of the Special Meeting consistent with the Ralph M. Brown Act.

C. Time Business Conducted

Business shall normally be conducted from 9:00 A.M. until completed, and at the latest 6:00 P.M., unless extended by majority consent of the Supervisors present. Otherwise business shall be adjourned to 9:00 A.M. of the following day, or on a day as designated by the Board. From time to time, and as the amount of closed session business may require, business may be started at 8:30 A.M. for the purpose of being able to conclude the closed session prior to re-convening in open session at 9:30 A.M. In such a case, the advanced start time shall be timely published on any agenda in accord with the Ralph M. Brown Act.

D. Order of Business

The Order of Business of the Board shall be as arranged by the Board Chairman, except for matters set for a specific time by the agenda or action of the Board. Unless otherwise altered by the Chairman, the Order of Meetings shall be as follows:

1. Closed Session, normally scheduled between 9:00 and 9:30 AM., as needed.
2. Call to Order.
3. Pledge of Allegiance.
4. Invocation.
5. Announcement of Items Discussed in Closed Session.
6. Agenda Approval, Additions and/or Deletions.
7. Public Comment Time, normally held at approximately 9:35 A.M.
8. Unagendized Reports by Board Members, normally following Public Comment and ending at 10:00 A.M.

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9. Public Hearings, normally beginning no earlier than 10:00 A.M.
10. Matters Set for Time Certain, normally beginning no earlier than 10:00 A.M.
11. Study Session (as necessary).
12. Boards and Commissions.
13. Approval of items for inclusion on the Consent Agenda including possible approval of the Minutes of prior meeting.
14. Action on Consent Agenda.
15. Department Reports.
16. Correspondence.
17. Board members Action Items.
18. Continuation of Unagendized Reports by Board Members (if necessary).
19. Continuation of closed session items (if necessary).
20. Adjournment.
21. Listing Dates of upcoming Board meetings.

E. Matters not on the Agenda

Typically the Board of Supervisors may recess at 11:45A.M. and reconvene at 1:30 P.M., as the agenda schedule will permit. The Chairman may announce alternate times. Closed sessions may be held at any time as permitted by the Ralph M. Brown Act and as allowed by the agenda schedule. A matter not on the agenda will not normally be considered.

Items may be added to the agenda only if:

1. A majority of the Board determines a genuine emergency situation exists (as defined in Government Code §54956.5); or
2. The Board, by a 2/3 vote of the Board members present (or by unanimous vote if 2/3 of the members are not present) determine both that:
 - a. There is a need to take immediate action, and
 - b. That the need for action came to the attention of the County subsequent to the agenda being posted.

It is the policy of the Board to discourage adding items not listed on the posted agenda unless there is a substantial urgency to add such item.

SECTION 3. OFFICERS

A. Officers

The Board Officers shall consist of a Chairman and a Vice Chairman. The duties of the Chairman include:

1. Presiding at all meetings of the Board;
2. Ruling on points of procedure;

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3. Setting the order of business on the Agenda;
4. Establishing ad hoc committees;
5. Appointing members to standing and ad hoc committees;
6. Executing documents on behalf of the Board of Supervisors where the underlying action has been approved by the Board;
7. Calling Special Meetings of the Board of Supervisors.

The Duties of the Vice Chairman include:

1. Fulfilling the duties of the Chairman in the latter's absence from the County Seat.

B. Election of Officers

At the first regular meeting of the calendar year, the Chairman and Vice Chairman shall be elected by majority vote of the Board of Supervisors. Such Chairman and Vice Chairman shall preside for one year, or until their successors are installed, respectively, whichever last occurs. In the absence or inability of the Chairman and the Vice Chairman to attend any meeting, a Chairman pro tem shall be selected by the members present to serve in such capacity at that meeting. In the event that in any given year, the first regular meeting of the year shall occur before any newly elected Board member (or members) is seated, the election of the Chairman and Vice Chairman shall be postponed until all new Board members are seated or until the second regular meeting of the year. Any officer may be removed from office by a majority vote of the Board of Supervisors.

C. Filling Vacancies

If the Chairmanship becomes vacant for any reason, the office is to be filled by the Vice Chairman, irrespective of the length of time the Vice Chairman has held such office. If the Vice Chairman succeeds to the office of the Chairman, the Board shall elect a new Vice Chairman at the earliest opportunity.

SECTION 4. ATTENDANCE

A. Board Members

All Board members are expected to attend the meetings of the Board, unless such member is ill, subjected to a business or family emergency, or official County business. Occasional absences for the purposes of a vacation are recognized. Members are required to let staff know of any planned absences.

B. Clerk

The Clerk of the Board or a Deputy Clerk shall be present at all meetings of the Board of Supervisors.

C. County Counsel

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The County Counsel or a Deputy shall be present at all meetings of the Board of Supervisors (or available to the Board by telephone) unless prior arrangements are made with the Chairman to proceed with Agenda matters for which County Counsel's presence is unlikely to be required.

D. County Administrative Officer

The County Administrative Officer or designee shall attend all meetings of the Board of Supervisors. Occasional absences for the purposes of a vacation are recognized. The County Administrative Officer shall advise the Board of any planned absences.

SECTION 5. AGENDAS

A. Preparation

Agendas for Board Meetings will be prepared by the Clerk of the Board, or Deputy Clerk, based on items submitted by Board members, the County Administrative Officer, Department Heads, Elected Officials and written requests from members of the public. Said requests must be on the form provided by the Clerk and should be submitted to the Clerk of the Board at least 11 days immediately preceding the meeting at which consideration is requested. Requests from members of the public shall either be sponsored by a Board member, the County Administrative Officer, or approved by a majority vote of the Board before being placed on the agenda for discussion. Issues or conflicts pertaining to Agenda Items which are not resolved among the foregoing shall be submitted to and resolved by the Chairman of the Board or by majority vote at the next meeting.

B. Timing

Items for a Tuesday agenda should be submitted to the Clerk of the Board by 5:00 P.M. of the 11th day (Friday) before the meeting at which the item is requested to be agendized by the person requesting the item, unless a legal holiday necessitates the moving of the agenda deadline. Members of the Board of Supervisors and the County Administrative Officer may submit Agenda Request Forms and supporting information as late as the Agenda Review meeting, however, they are encouraged to adhere to the time limitations applicable to the public. Such submission should include all agenda "backup" documentation, including resolutions, contracts, purchase orders, and/or informational material. Absent a bona fide emergency, the item for which the material is not timely submitted may be removed from the Agenda by the Chairman or County Administrative Officer. The purpose of this provision is to allow sufficient opportunity for adequate prior review of all items upon which the Board may take action by Board members, County Counsel and, where appropriate, the Auditor or other affected Department Heads.

C. Backup Material

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Each agenda item, whether submitted by Board Members or Department Heads, must be accompanied by a separate, completed Agenda Request Form. Any formal contract or agreement shall be submitted in final form as approved by County Counsel together with any proposed adopting resolution. All requests for approval of purchases shall be supported by background information as necessary.

D. Agenda Review

The proposed Agenda and supporting documents shall be reviewed by the Clerk, or Deputy Clerk, the County Administrative Officer, the Auditor, and the County Counsel prior to or during the Agenda review meeting which is normally conducted at 9:00 A.M. on the Wednesday of the week prior to the meeting being agendized. All Resolutions, Agreements, and Contracts and documents to which the County is a party shall be reviewed by the County Counsel and the Auditor prior to action by the Board of Supervisors, except in urgency situations.

E. Consent Agenda

Items may be placed on the "Consent Agenda" consistent with the requirements of provision "A" above. Items placed on the Consent Agenda should be, in the opinion of the submitter, of a routine and non-controversial nature. At the time the Consent Agenda is considered, items may be removed from the Consent Agenda by any Board member, the CAO, or any Department Head and added to the regular Agenda at a location directed by the Chairman. Individual Board members (less than a quorum) are encouraged to contact the County Administrative Officer or the Department Head arranging a Consent Agenda item to resolve technical questions.

F. Correspondence Agenda

Any item appearing on the Correspondence Agenda may be acted upon by the Board if so designated on the Agenda that action may be taken on such item. Any item requiring action before the next regular meeting following the one upon which the Correspondence item is placed, and which is deemed to be of policy significance to the Board of Supervisors shall be designated for possible action, specifying the action which might reasonably be taken and attaching any available background documentation of information.

G. Reagendizing Matters

Any matter which has been put to vote, except those which require, by statute or case law, public notices, planning commission recommendations, special procedures, or in those cases where rights may have vested, may be reagendized and placed on the Board Agenda as per Section 5(A).

SECTION 6. PROCEDURE

A. When motions are made by Supervisors, the motion shall be stated to the Clerk by the moving Supervisor.

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B. No question on a motion shall be debated or put to vote unless the motion has been seconded. When a motion is seconded, it may be stated by the Chairman or the Chairman's designee before the debate.

C. A motion having been stated by the Chair, it shall be deemed to be in possession by the Board, but it may be withdrawn at any time by the maker of the motion before decision or amendment with the assent of the second.

D. When a question is under debate, no motion shall be received unless:

- To adjourn.
- To lay on the table.
- To consider the previous question.
- To postpone to a certain date.
- To commit to committee.
- To amend.
- To postpone indefinitely.

These motions shall have preference in the above order.

E. A motion to adjourn or a motion to fix time of adjournment shall be decided without debate.

F. A motion to refer to lay on the table until it is decided shall include all amendments to the main question.

G. A motion to consider the previous question shall preclude all amendment from debate to the main question and shall be put in form "shall the main question be put to a vote."

H. A member called to order shall relinquish the floor unless permitted to explain, and the Board, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Chair shall be final.

I. Upon demand of any Board member, or at the discretion of the Chair, the vote shall be by roll call, except that the vote on all Ordinances shall be by roll call.

J. Quorum: The business of the Board may only be conducted with a quorum of the Board present. If less than a quorum is present, the only action which may be taken is to note for the record that a quorum is lacking. Without a quorum, a meeting may not be scheduled or rescheduled.

K. Voting Requirements: The minimum vote required to pass an item shall be three (3) affirmative votes unless a greater number is otherwise required by law or by prior action of the Board. If only three (3) members of the Board are present, any action shall require a unanimous vote of such three members. No action may be taken by a Board with only three (3) members present if such action requires a minimum four-fifths (4/5) vote to pass. It is

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permissible for the Chairperson of the Board of Supervisors to make or second a motion, provided the Chairperson first relinquishes the Chair. Voting by roll call shall be from the left to the right of the Clerk, except for the Chairperson, who shall be called last.

L. Abstentions: Any Board member may abstain from voting. An abstention shall not be counted as a vote for or against an item. An abstention from voting on the merits of any matter shall be announced audibly. The Supervisor should state the reason for the abstention.

M. A Board Minute Order applies mainly as a directive to County Officers or employees. It need not be reviewed in writing, as it generally applies to one specific act only. Board Resolutions and Ordinances must be reviewed in written form before binding action is taken on them.

SECTION 7. CONFLICTS OF INTEREST

Any Board member who has a financial interest in a decision (see Government Code § 87100, et. seq.) shall do the following:

- A. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public.
- B. Recuse himself or herself from discussing and voting on the matter.

Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the consent agenda.

While there is some legal authority which allows an individual board member to address the Board of Supervisors on an issue with which they have a conflict, it is incumbent on that individual board member to correctly apprise themselves to what degree they are legally permitted to do so. Such activity should be exercised with caution not only to reduce the likelihood of a violation by the individual board member of the Political Reform Act, Government Code section 1090, or any other applicable law, but also to mitigate any perception of impropriety by the Board of Supervisors as a whole.

SECTION 8. PUBLIC COMMENT

A. Public Comment Opportunity Time: Prior to any closed session and during each regular and each special meeting, the Agenda shall provide a time for Public Comment opportunity.

1. Subject of Discussion: Any topic may be addressed by the Public which is under the jurisdiction of the Board of Supervisors. However, the Board is prohibited by the Ralph M. Brown Act from taking any action on any item not listed on the Agenda.

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2. Time for Comment: Each member of the public who wishes to address the Board shall be allotted three (3) minutes and no more than three individuals shall address the same subject. Time permitting, at the discretion of the Chairman, additional time may be allotted. When necessary, the Chairman of the Board or the Chair's designee shall operate a timing device which indicates when each allotted time period ends.
3. Public Hearing Items: Public comment on items set on the agenda for public hearing shall only be made during the public hearing time. No public comment shall be permitted on matters under appeal to the Board, or concerning any personnel matter to which a party is entitled to a closed session before the Board in conformance with the Ralph M. Brown Act.

B. Public Comment on Agenda Items: The public shall have the right to address each item on the agenda subject to the rules set forth herein. No public comment shall be permitted on appeal hearings other than as specifically provided by law, or on Personnel, litigation or other "closed session" matters as defined in the Ralph M. Brown Act.

1. Board Appearance Request Form: All persons desiring to speak on agenda items other than scheduled public hearings during the meeting, or during the Public Comments portion of the agenda, are requested to fill out a Public Comment Form, and provide it to the Clerk of the Board prior to the start of the meeting or agenda item or unless scheduled to speak or invited to speak by the Chairman.
2. Recognition by the Chair: Persons making presentations at meetings of the Board of Supervisors shall first be recognized by the Chair and are requested to give their name and residence. Such persons should stand at the podium during their presentation, unless invited to do otherwise by the Chair.
3. Time limitation: Unless a longer time is allowed by the Chair, all public comments should be limited to three (3) minutes. When necessary, the Chairman or the Chairman's designee shall operate a timing device which indicates when each allotted time period ends.

C. "Public" Defined: The term "Public" includes everyone except members of the Board of Supervisors, County Department Heads, Elected Officials or their designees (collectively referred to as "staff"), and any authorized signatory party to a contract agendized and pending before the Board. Staff may address any item on the Agenda if recognized by the Chair. Contracting parties may address concerns to which they are parties, if recognized by the Chair.

D. Disruptions: Disruptive behavior during any public comment or any other time during a Board meeting shall not be permitted:

"Disruption" Defined: Disruption shall include:

- a. Speaking when not recognized by the Chair.

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- b. Abusive comments and/or "personal attacks" directed to or relating to a member of the public, the Board, any Supervisor, any County staff or County employee.
- c. Profanity, threats, or displays, including unauthorized "show of hands", placards, use of noise makers, applauding, jeers, "cat-calls" and similar demonstrative conduct.
- d. Public comment on a topic other than that under the jurisdiction of the Board and discussion on items other than under the Agenda item under consideration by the Board.

E. Handling Disruptions: When a disruption occurs, the Chairman shall first warn the party making the disruption (1) the nature of the disruption, (2) that the disruption is not permitted, and when appropriate, (3) if the disruption continues that such party may be ejected from the meeting. Repeated disruptions shall not be tolerated and any party or group which continues disruptive behavior after admonition shall be ejected by the Sheriff or the latter's designee, or the meeting adjourned to a future date and time.

SECTION 10. PROCEDURE FOR HEARINGS

- A. The order of procedure for hearings before the Board is:
 - 1. The Chairperson calls the agenda item by subject line or title. For appeal hearings, the Chairperson announces the scope of the hearing.
 - 2. Any Supervisor voluntarily or involuntarily disqualified from making or participating in the making of the decision announces the disqualification and leaves the meeting room; except that a disqualified Board member may address the Board as a member of the public regarding the issue during the time that the general public speaks on the issue.
 - 3. The Staff report, if any, is given, including any recommended environmental action and, if appropriate, recommended conditions of approval.
 - 4. The Chairperson acknowledges receipt of any documents offered in evidence and filed with the Clerk of the Board prior to the hearing.
 - 5. Public testimony is received from persons seeking approval or a recommendation for approval of the matter before the Board. The applicant of proponent, if any, may speak first upon request. In cases of appeal the appellant(s) shall speak first.

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6. Public testimony is received from any persons opposed to the matter before the Board.
7. Summation is made by the applicant, proponent or appellant, at the discretion of the Chairperson and usually limited to five minutes.
8. Rebuttal and surrebuttal are allowed at the discretion of the Chairperson and are limited to matters already raised by the prior evidence and testimony.
9. The Chairperson closes the public testimony phase of the hearing.
10. Staff clarifies or modifies its recommendation, when appropriate.
11. The Board determines whether to decide the matter subject to preparation of appropriate findings, or continues the matter, in which case, paragraphs 12 and 13, below shall not apply.
12. Any required environmental determination is made, including findings.
13. A motion and second for disposition is made; discussion on the motion is held; the Chairman of the Board or the Chair's designee restates the motion; and the Board takes action, including findings.
14. The Chairperson announces the action of the Board.
15. The Chairperson may alter the foregoing order of procedure as circumstances require.
16. A Supervisor may ask a question of any person at any time during a hearing.
17. 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. The Clerk shall cause each piece of such evidence received by the Board to be adequately identified in the minutes of the hearing and shall include such evidence in the Clerk's file of the matter under consideration by the Board. Documents of things offered as evidence, but not admitted by the Board shall be returned by the Clerk to the offering person, if known, unless it is not feasible to do so.

This 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.

SECTION 11. ADOPTION OF ORDINANCES

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A. Except in the case of an urgency measure hereafter referred to, an ordinance must be introduced at a regular or an adjourned regular meeting. At a regular or adjourned regular meeting which is five (5) days or more after the proposed ordinance has been introduced, it may be adopted. If all members agree, the proposed ordinance may be read by title only and further reading of the proposed ordinance may be waived. Unless this is done, the proposed ordinance must be read in full either when it is introduced or when it is adopted.

1. A proposed ordinance may not be changed in any way between its introduction and adoption except for the correction of typographical or clerical errors. If an ordinance is introduced at the one meeting and changed at a latter meeting, it cannot be adopted until at least five (5) days elapses between the date it was changed and the date it was first adopted.

B. An urgency ordinance may be passed immediately upon introduction. An urgency ordinance may be adopted be it either at a regular, regularly adjourned or special meeting. A four-fifths (4/5) vote is required on an urgency measure.

1. An urgency ordinance may be adopted by title only, provided further reading is waived by unanimous vote of all Supervisors present.

C. Procedure for Adoption of Ordinances:

1. At the time established therefore on the Agenda, the Chairman shall read or ask the Clerk to read the title of the proposed ordinance.
2. A member wishing to move the introduction of the proposed ordinance should state in substance: "I move that further reading of the proposed ordinance be waived and the Ordinance No. _____ be introduced". If the motion is seconded the Chairman will direct the Clerk to call the roll. If a majority vote in favor is not obtained, the entire Ordinance must be read. In the event a member wishes to propose amendments to the proposed ordinance, the matter may be taken up either following introduction or when the proposed ordinance comes up for adoption.
3. When the matter is up for adoption, the motion is in substance: "I move that Ordinance No. _____ be adopted". The motion must be seconded and roll call vote shall be taken.
4. Posting or Publication. All ordinances, whether urgency or not, must, within fifteen days after adoption, be published in a newspaper of general circulation published in the County.
5. An ordinance which may be adopted after a required public hearing may be introduced and adopted at the same meeting.

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SECTION 12. ADOPTION OF RESOLUTIONS

1. Method of Adoption: Resolutions shall be adopted by a majority vote of the members upon motion duly made and seconded.
2. A resolution shall take effect immediately. A resolution may be adopted by a voice vote except where the law requires a specific number of votes.

SECTION 13. DIRECTION OF COUNTY PERSONNEL

All direction to County employees should be given by such employee's Department Head, or CAO, or as otherwise provided by law. Individual Board Members shall not give directions to County employees. Individual Board members who have concerns about the foregoing should direct those concerns through the appropriate Department Head or CAO. If the Board members are not satisfied with the results of such Department Head or CAO's performance and response on such matter, he or she, may bring the concern before the Board of Supervisors. Board members may not attend staff meetings called by the Department Heads or the County Administrative Officer, unless invited.

SECTION 14. AMENDMENTS

- A. Amendments to these rules of procedure shall be by majority vote of the Board.

BE IT FURTHER RESOLVED that the minutes of proceedings of the Board shall be provided to each newspaper, radio and television station and library within the County and to any person who requests such information, as authorized by Government Code Section 25150(b).

BE IT FURTHER RESOLVED that this resolution supersedes and rescinds Resolution 12-039.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be made available to each Department Head and the CAO in the service of Lassen County.

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held the 8th day of September, 2015 by the following vote:

AYES: Supervisors Pyle, Chapman, Hemphill, Albaugh and Hammond

NOES: None

ABSENT: None


Chairman, Lassen County Board of Supervisors

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ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY: *Susan Osgood*
SUSAN OSGOOD, Deputy Clerk of the Board

I, SUSAN OSGOOD, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 8th day of September, 2015.

Deputy Clerk of the County of Lassen Board of
Supervisors