



COUNTY OF HUMBOLDT

AGENDA ITEM NO. **II**

For the meeting of: October 10, 2017

Date: September 6, 2017
To: Board of Supervisors
From: Amy S. Nilsen, County Administrative Officer *AN*
Subject: Update Board Rules

RECOMMENDATION(S):

That the Board of Supervisors review and adopt the attached set of revised Board rules.

SOURCE OF FUNDING:

General Fund

DISCUSSION:

On May 22 your Board along with the County Administrative Officer and County Counsel participated in a Board Strategic Workshop. At that workshop and further clarified on June 27 your Board directed revisions to the Board Rules such as: additional guidance on special presentations; agenda items need to be submitted to set standards and within set deadlines as determined by the County Administrative Office (CAO); agenda items need to be present at agenda review; and CAO to provide feedback to Board members on adherence to agenda item standards and deadlines during department head evaluations.

The attached revised rules reflect modifications that address each of these areas. Specifically:

Prepared by Amy S. Nilsen CAO Approval *[Signature]*
REVIEW: Auditor _____ County Counsel _____ Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

PREVIOUS ACTION/REFERRAL:
Board Order No. I-2
Meeting of: 6-27-17

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Wilson* Seconded by Supervisor *Fennell*
Ayes *Wilson, Fennell, Bohn, Bass*
Nays _____
Abstain _____
Absent *Sundberg*

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: 10/10/2017
By: *[Signature]*
Kathy Hayes, Clerk of the Board

On page 6, under "Special Presentation, Resolution and Proclamation Usage by Supervisors" additional information and clarification is provided for special presentations. Staff's recommendation is that the Board limit special presentations to five minutes and one speaker, and ensure that the topic is linked to county business. In addition, staff have provided further clarification on the distinction between resolutions and proclamations. A resolution has county-wide impact. A proclamation does not have county-wide impact. This satisfies the Board's direction to provide additional guidance on special presentations.

Also on page 6, under "Incomplete/Late Agenda Items and/or Attachments," staff has provided additional guidance and recommends including that guidance in the annual CAO Agenda Item Memo (Attachment II). Also, information is provided on monitoring departmental adherence to this rule. This satisfies the Board's direction to have agenda items adhere to set standards and submitted within set deadlines.

In addition, changes are recommended to the Board Rules to ensure compliance with the Brown Act, which prohibits extending the time of public speakers based on content. On page 5 under "Public Comment" language permitting public speaker time extensions has been removed.

FINANCIAL IMPACT:

There is minimal financial impact to adopting revised Board Rules.

OTHER AGENCY INVOLVEMENT: None.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board's discretion.

ATTACHMENTS:

1. Board Rules, with changes

COUNTY OF HUMBOLDT

RULES OF THE BOARD OF SUPERVISORS

General Provisions

In order to provide for the expeditious handling of public business, these Rules of procedure are adopted by the County of Humboldt Board of Supervisors as of ~~April 2, 2013~~October 10, 2017. Wherever possible, these rules are to be construed generally.

These rules shall apply to the Board of Supervisors of the County of Humboldt, whether sitting as the Board of Supervisors of the County or as the Governing Board of any district or other local entity.

Meetings

The Board of Supervisors shall annually adopt a schedule of meetings for the next succeeding calendar year. Generally, the Board shall meet in a regular session each Tuesday (except for the fifth Tuesday of any month containing one), at 9:00 a.m., in the Supervisors' Chambers, County Courthouse, Eureka, California. In addition, as provided in Humboldt County Code Section 211-1, the Board may meet in regular session on Mondays at 1:30 p.m. at the call of the Chairperson. The location of such meetings shall be posted in accordance with the requirements of open public meetings under State law.

In the absence of a Supervisor, routine business relative to his/her district shall be conducted, unless he/she has requested an item be continued.

Special meetings of the Board of Supervisors may be called in the manner provided by State law. The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting, and no other business shall be considered at that meeting.

The Chairperson may order any regular or special meeting of the Board canceled when, in his/her opinion, such meeting would not be productive for conducting the business of the Board or upon learning that a quorum will not be present for the meeting. In the event of a meeting cancellation, the Chairperson shall work with staff to immediately inform the other members of the Board, the press and the public.

Elections, Hours and Duties of the Board Officers

During the month of December in years in which there is no change in Board membership or at the first meeting in January after a new Board member is seated, the Chairperson and Vice-Chairperson shall be elected by majority vote of the Board of Supervisors present and such Chairperson and Vice-Chairperson shall preside for one year, beginning with the first meeting of the calendar year. In the absence of the

Chairperson/Vice-Chairperson, the members present (three voting members) shall select one of their number to act as Chairperson pro tem.

The Chairperson pro tem shall have all the powers and duties of the Chairperson during the absence of, or inability to act, of the Chairperson and Vice-Chairperson.

In the absence or inability to act (of the Chairperson), the Vice-Chairperson shall act as Chairperson. While so doing, the Vice-Chairperson shall have all the powers and duties of the Chairperson.

The Chairperson, when present, shall preside at all meetings of the Board of Supervisors 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 of Supervisors in the manner prescribed in these rules.

In the absence of a quorum, the members present shall adjourn the meeting until the next regular or special meeting of the Board. If all members are absent, the Clerk of the Board may adjourn the meeting to a stated time and place in accordance with Section 54955 of the Government Code.

The Chairperson shall preserve order and decorum at Board meetings. In the event that any meeting is willfully interrupted by a group or groups of person so as to render the orderly conduct of such meetings unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chairperson may order a recess until order can be restored. Alternatively, if it cannot be determined which individuals are interrupting a meeting, the Chairperson may order the meeting room cleared and continue in session, except that any member of the press who is not clearly participating in the disruption shall be permitted to remain. If occasion demands, the Chairperson shall call upon the Sergeant-at-Arms, who shall be a sworn peace officer, to preserve order, subject to Government Code Section 54957.9.

Rights and Duties of Members

When any member is about to speak, they shall address the Chairperson, and when two or more members address the Chairperson at the same time, the Chairperson shall name the member who is first to speak, and the speaker shall confine his/her remarks to the question under debate.

If any member is unable to attend a meeting (except in the event of illness or emergency) he/she shall notify the Board as soon as possible prior to the meeting.

No member shall absent himself/herself from any session of the Board without first notifying the Chairperson.

Parliamentary Procedures

No question on a motion shall be debated or presented unless the same is seconded.

A motion having been acknowledged by the Chairperson as moved and seconded shall be deemed to be in possession of the Board. A motion may be withdrawn by its maker at any time before a decision or amendment with the assent of the second.

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

1. to adjourn;
2. to lay on the table (for consideration later within the same meeting);
3. to call the question;
4. to postpone to a certain date;
5. to commit to committee;
6. to amend; and
7. to postpone indefinitely.

These motions shall have preference in the above order.

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

Prior to a vote on a motion, it shall be the responsibility of the Chairperson to make sure that all members of the Board, the Clerk of the Board and the public understand the motion.

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 Chairperson shall be final.

Statement of Conflict

Board members shall abide by the Political Reform Act, all Fair Political Practice Commission rules and regulations, and all other applicable laws regarding conflicts.

Members shall not be interested in any contract, purchasers at any sale, or vendors at any purchase made by them in their official capacity. Any member with an interest or "remote interest," as defined in the applicable sections of the Government Code, shall disclose the fact thereof to the Board and/or recuse himself/herself, and the same shall be noted in the minutes.

Committees of the Board

The Board, by majority vote, may appoint committees at such time as it is deemed necessary for the proper conduct of business of the Board of Supervisors.

All orders of the Board relative to the creation of committees shall specify the purpose of the committee, the length of time the committee shall service, and the times and methods in which the committee shall report to the Board.

No committees of the Board of Supervisors shall include in their membership more than two Supervisors, but may include with their membership any number of County officials or public members.

It shall be the responsibility of each committee to be fully informed of the business performed by departments, institutions, and districts within its charge, and to report to the Board such information and recommendations concerning said departments, institutions, and districts as shall be necessary to properly administer and legislate for the same.

Boards, Committees & Commissions for which the Board has Appointment Authority

Appointments by the Board of members of the public to boards, committees and commissions – other than committees of the Board – shall be governed by State law, including the Maddy Act, and the Protocol adopted by the Board on April 19, 2011.

Appointments by the Board of individual Board members to represent the Board on boards, committees and commissions – other than committees of the Board – shall be made annually by majority vote, except that when the appointed Supervisor is unavailable and no alternate appointment exists the Chairperson may appoint a member pro tem to represent the Board until either the duly appointed Supervisor returns to service or the Board meets to select a new appointee by majority vote.

Attendance

The County Administrative Officer, Clerk of the Board of Supervisors, and County Counsel, or a representative designated by each, shall attend all regular and special meetings of the Board unless excused by the Chairperson.

Each County or district officer having any matter on the agenda for consideration by the Board shall either be present at the Board meeting or shall hold themselves in readiness for the purpose of furnishing information to the Board. Each County or district officer may designate a deputy to perform this duty.

Voting Requirements

Any action of the Board requires at least three affirmative votes. Any Board member may abstain (either verbally or by silence) from voting on a motion before the Board. The abstention shall not be counted as either an affirmative or a negative vote. However, if the motion does not receive at least three affirmative votes (or four, when a 4/5th's vote is required) absent the abstention, it shall be deemed to have failed passage. Dependent upon the topic under consideration by the Board, the voting requirements for passage/failure will vary. The following is to be used as a guide:

1. Consent agenda—simple majority vote except those items specifically noted as requiring a 4/5th's or unanimous vote
 - a. Items may be removed from the Consent calendar at the request of an individual Supervisor or a department head or designee, and voted on separately. Any member of the public may request a Supervisor to remove an item from the Consent calendar.
2. Departmental agenda—simple majority, with the following exceptions:
 - a. Contingency transfer—4/5th's vote.
 - b. Personnel—when action taken is pursuant to Salary Resolution section entitled "Special Actions by Board of Supervisors," a 4/5th's vote is required.
 - c. And other matters required by law to be passed with a 4/5th's vote, including urgency ordinances.
3. All other items—simple majority

In the absence of an objection, the Chairperson may order an item unanimously approved, except for those votes required by law by roll call votes. The "Board Order" shall record the actual vote of each Board member.

Public Comment

Members of the public shall have the right to comment on any item on the agenda at any meeting of the Board, including the Consent calendar, closed session items and non-action items. The Chairperson shall exercise discretion as to when within the Board's discussion of an item to solicit public comment. ~~Ordinarily, e~~Each member of the public shall be given three (3) minutes to comment on an item, ~~but any member of the Board may request additional time for any public speaker.~~ When in the opinion of the Chairperson the time demands of a meeting so warrant, the Chairperson may reduce the time provided for each speaker on a topic or may limit the total time allowed for public comment on an item.

In addition to comment on items on the agenda, at each regular meeting of the Board the public shall be afforded an opportunity to comment on items not on the agenda. ~~As with comments on agenda items, e~~Each speaker shall ~~ordinarily~~ be afforded 3 minutes for this purpose, ~~but t~~The Chairperson may shorten the time for each speaker or limit the total time allowed due to the press of other business ~~or may provide additional time to a speaker upon the request of a Board member.~~

Use of Electronic Communication Devices During Board Meetings

Each Supervisor has a duty to pay attention during the conduct of a Board meeting, including to presentations and comments by staff, fellow Supervisors, invited guests and members of the public. In addition, each Supervisor must not engage in conduct that results in that Supervisor receiving improper input on any item before the Board. Accordingly, Board members should generally avoid electronic communications via e-mail, text message, telephone call, instant message or similar medium during

Board meetings and should limit use of portable electronic communication devices during Board meetings to accessing agendas and calendars relevant to the subject at hand. It may not always be possible to do so, particularly in situations of personal emergency, but each Board member should exercise care and discretion to avoid any appearance of distraction or improper input.

Special Presentation, Resolution and Proclamation Usage by Supervisors

Special Presentations: A local agency, county department, or member of the public may request an individual Supervisor to sponsor a special presentation during a regularly scheduled Board of Supervisors meeting. Special presentations shall be limited to five (5) minutes and one speaker, and the topic shall be linked to county business.

Resolutions: A Board resolution is an administrative action taken by the Board. A resolution expresses the Board's policy; direct administrative or legal action; or to make a public statement from the Board. The Clerk will work with individual Supervisors and the County Administrative Office to ensure placement of resolutions on the agenda meet the intent of this Rule.

Proclamations: Proclamations are ceremonial documents issued by the Board that may formally recognize certain events, causes, groups or people. The goal of a proclamation is to recognize and celebrate the extraordinary achievements of Humboldt County residents and non-profit organizations, to honor occasions of importance and significance to Humboldt County citizens, and to increase public awareness of issues with the hope of improving the well-being of citizens in Humboldt County.

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 special presentations, resolutions, and proclamations on any one agenda and will encourage Supervisors to make their presentations at the appropriate community function.

Incomplete/Late Agenda Items and/or Attachments

Agenda items are to be submitted to the County Administrative Office (CAO) complete with all attachments meeting the standards and deadline requirements established in the annual CAO Agenda Item Memo. Any agenda item that is not in conformance with the standards and/or deadlines established in the annual CAO Agenda Item Memo will be placed on the next regularly scheduled meeting once any necessary modifications are made by the submitting department. Exceptions may only be granted in writing by the CAO.

Adherence to this Board Rule will be monitored by the CAO and feedback will be shared with the Supervisors during the department head evaluation process.

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