



# COUNTY OF HUMBOLDT

For the meeting of: 7/20/2021

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File #: 21-964

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**To:** Board of Supervisors

**From:** Human Resources

**Agenda Section:** Departmental

**SUBJECT:**

Board of Supervisors Code of Conduct and Ethics and Rules of the Board of Supervisors

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Discuss additions to the Rules of the Board of Supervisors
2. Adopt the 2021 Code of Conduct and Ethics and Rules of the Board of Supervisors
3. Repeal Resolution No. 21-52 adopted on May 18, 2021
4. Adopt Resolution No. \_\_\_\_\_ upon adoption of the 2021 Code of Conduct and Ethics and Rules of the Board of Supervisors

**SOURCE OF FUNDING:**

General Fund

**DISCUSSION:**

On May 18, 2021 your Board received two separate agenda items regarding the Rules of the Board of Supervisors (Rules) and the Code of Conduct and Ethics (Code).

Specifically,

1. With respect to the *Rules*, your Board reviewed the Rules of the Board of Supervisors (Attachment 1) and unanimously adopted the revised Rules via Resolution No. 21-52 (Attachment 2).
2. In relation to the draft *Code* (Attachment 3), your Board conducted a study session and directed staff to return with a final Code incorporating the Rules as one single policy document.

**BACKGROUND:**

The Board of Supervisors adopted the Strategic Framework by fostering transparent, accessible, welcoming and user-friendly services. The residents, businesses and employees of the County of Humboldt are entitled to a fair, ethical and accountable County government. One way to demonstrate and support of this strategy is by understanding and respecting everyone's interests.

As directed by your Board, County Human Resources/Risk Management was tasked to prepare a single policy document incorporating both the Code and Rules as a guide to ensure a clear understanding and awareness of how the county conducts its business, therefore fostering full community engagement and participation. Your Board sets the rules and expectations for how the board govern the county - defining a civil and respectful governing culture consistent with best practices.

At the May 18, 2021 meeting, additional comments were made. At this time Human Resources/Risk Management further recommends the following additions for your Board's consideration:

1. *Rules*, Section I.B.2 "Review" - Staff recommends that your Board clarify the review period of the Rules (pages 8 and 9, Attachment 4 Redline Version). Staff recommends an annual review of the Rules to ensure current applicability. It is recommended the annual review should take place in March of each calendar year, with revisions for the Board's adoption by June of each calendar year. The revisions should be in effect by July 1 of each calendar year.
2. *Rules*, Section III.C.2 "Legislative and Quasi-Judicial Decisions/Acts" Staff recommends that your Board include the definition of "Ex Parte Communications" in this section (pages 14 and 15, Attachment 4 Redline Version).

Constituents have a reasonable expectation that they may engage their elected officials on matters of community concern such as land use matters which are often controversial. However, interested persons also have a right to know what a Board member considers as supporting information in making certain decisions and may feel that the proceeding was not fair when a public official has ex parte communications (communications that occur outside of a public hearing) on a matter that is before or likely to come before the Board of Supervisors. The Board of Supervisors wishes to balance its commitment to transparency in government and its obligation to provide a fair process. Accordingly, the following are suggested as best practices: legislative decisions and adjudicative decisions or quasi-judicial decisions.

3. *Rules*, Section III.C.3 "Appeals" Staff recommends that your Board expand the definition of "due process or appeals" in relation to the ex parte communications (page 15, Attachment 4 Redline Version). Once an appeal is filed, the Board of Supervisors prefers to limit ex parte communications and rely on the record as presented during the hearing. In this case, the Board members should decline to participate in any ex parte communications and may wish to avoid gathering or receiving information outside the noticed public meeting; but, to the extent such communication occurs, they should disclose this information.
4. *Rules*, Section III.E.2.c "Public Comment" - Staff recommends that your Board further expand this section in addressing civility and respectful public meeting process (pages 18 and 19, Attachment 4 Redline Version).

The Board welcomes participation and comment on any matter within its subject matter

jurisdiction. It is the Board's intent to create and maintain an environment where people feel comfortable participating in the public process and an atmosphere of respect for all who participate in the county's public meetings. To maintain civility and respect and in order to allow the Board to complete its work in a timely manner, the Board requests that all attendees and participants show respect for every speaker regardless of their viewpoint, and to refrain from conduct that may inhibit others from addressing the Board. The Board discourages profane remarks or personal attacks or insults to any member of the Board, staff and other attendees or speakers, or the general public members. The Board requests the cooperation of all in maintaining a meeting environment where persons can feel comfortable participating in the public process and expressing their views and opinions, and an atmosphere of respect for all.

5. *Rules*, Section III.E.2.c. "Public Comment" - Matters Not on the Agenda. It is recommended that your Board expand the definition to include matters not on the agenda (pages 19 and 20, Attachment 4 Redline Version).

The Brown Act does not allow the Board to discuss non-agendized matters because it does not give the public adequate notice. Accordingly, the Board is limited to asking factual and clarifying questions of staff, making a brief response or when appropriate, the Board may consider placing the matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the County Administrative Officer may direct staff to respond at a later time.

The 2021 Code of Conduct and Ethics and Rules of the Board of Supervisors policy document provides a framework for day-to-day actions and decision-making by Board members and represents a commitment to uphold a standard of integrity beyond that required by law. Staff recommends that your Board discuss and approve the aforementioned additions to the Rules as highlighted in Attachment 4 Redline Version, adopt the Final 2021 Board of Supervisors Code of Conduct and Ethics and Rules of the Board as presented in Attachment 5 Clean Version, repeal Resolution No. 21-52, and adopt the attached Resolution (Attachment 6).

**STRATEGIC FRAMEWORK:**

This action supports your Board's Strategic Framework by fostering transparent, accessible, welcoming and user friendly services.

**OTHER AGENCY INVOLVEMENT:**

County Administrative Office  
Clerk of the Board of Supervisors  
County Counsel's Office

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board of Supervisors could choose not to adopt the 2021 Code of Conduct and Ethics and Rules of the Board of Supervisors. Governance of a county relies on the cooperative efforts of public officials,

who set policy, and the County Administrative Officer and staff, who implement and administer the Board of Supervisors' policies. Thus, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the residents, businesses and employees of Humboldt County.

**ATTACHMENTS:**

1. Rules of the Board of Supervisors, as discussed and adopted on May 18, 2021
2. Resolution No. 21-52 dated May 18, 2021
3. Board of Supervisors Code of Conduct and Ethics, DRAFT May 18, 2021
4. 2021 Board of Supervisors Code of Conduct and Ethics and Rules of the Board of Supervisors, Redline Version
5. 2021 Board of Supervisors Code of Conduct and Ethics and Rules of the Board of Supervisors, Clean Version
6. Resolution Adopting 2021 Board of Supervisors Code of Conduct and Ethics and Rules of the Board of Supervisors

**PREVIOUS ACTION/REFERRAL:**

#21-620 May 18, 2021 Rules of the Board of Supervisors and #21-667 Study Session- Board of Supervisors Code of Conduct and Ethics, May 18, 2021