

County of Imperial Board of Supervisors

Rules for the Conduct of Board of Supervisors



Adopted February 23, 2010

**IMPERIAL COUNTY
BOARD OF SUPERVISORS
RULES FOR THE CONDUCT OF BOARD MEETINGS
AND THE CONTROL OF AGENDAS FOR BOARD MEETINGS**

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**IMPERIAL COUNTY
BOARD OF SUPERVISORS
RULES FOR THE CONDUCT OF BOARD MEETINGS
AND THE CONTROL OF AGENDAS FOR BOARD MEETINGS**

I. PURPOSE

It is the underlying purpose of the Board of Supervisors (hereinafter, "Board") in adopting these rules to provide for the effective conduct of County business and Board meetings. Further, it is the Board's intent to place the County of Imperial in complete compliance with the requirements of the Ralph M. Brown Act (Government Code Sections 54950 et seq.), as amended.

A. Open Public Meetings: All meetings of the Board shall be open and public, and all persons shall be permitted to attend any meeting of the Board, except as otherwise provided in Rule VII.

B. Regularly Scheduled Meetings: The Board is regularly scheduled to meet on a weekly basis. All regularly scheduled meetings shall be held on Tuesdays and shall commence at 8:30 a.m., in the Board of Supervisors Chambers located in the County Administration Center at 940 Main Street, City of El Centro unless otherwise determined in advance by the Board and otherwise announced in a regularly published agenda for the Board meeting.

C. Special Meetings: Special meetings of the Board may be scheduled at any time by the Chairman of the Board, or in his/her absence, by the Vice-Chairman of the Board, or by a majority of the Members of the Board (hereinafter, "Members").

D. Adjourned Meetings:

1. The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment.

2. Less than a quorum of the Board may so adjourn a meeting. If all members are absent from any meeting, the Clerk of the Board may declare the meeting adjourned.

II. ROLE OF BOARD CHAIRMAN

A. Selection: At the first meeting of the calendar year, a Chairman and Vice-Chairman shall be elected by majority vote of the Supervisors present. Such Chairman and Vice-Chairman shall preside until the first meeting of the next year when the election takes place. In the Chairman's absence or inability to attend, a Chairman Pro Tem shall be selected by the Supervisors present. The method of nomination and selection of the Chairman, Vice-Chairman and Chairman Pro Tem shall be at the discretion of the Board.

B. Duties of Chairman:

1. The Chairman shall preside at all meetings of the Board and shall take the chair at the time appointed for every Board meeting and shall immediately call the Members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these Rules.

2. The Chairman of the Board shall preserve order and decorum at Board meetings and shall decide questions of order, subject to appeal to a majority of the Board.

3. The Chairman shall have the right, during Board meetings, to move or change the order of agenda items in order to facilitate meetings and to accommodate members of the public. The Chairman and the CEO, consistent with County ordinances, will decide those items to include on each agenda consistent with County ordinances; however, items will generally be included when requested by even one Board Member. A majority vote of the Board members present shall resolve any agenda disagreement that arises, assuming compliance with the Brown Act is otherwise satisfied.

C. Control of Board Comment:

1. The Chairman shall recognize all Members desiring to comment on any matter at a Board meeting. If a Member feels he or she is not being recognized appropriately, such Member may request the floor from the Chairman at any time and, if necessary, immediately appeal a denial thereof to the full Board, and, if appealed to, a majority of the Board shall decide the matter.

2. A Member called to order by the Chairman shall relinquish the floor. Such Member may immediately appeal the matter to the full Board, and, if appealed to, a majority of the Board present shall decide the matter. If there is no appeal, the decision of the Chairman shall be final.

D. Public Participation In Meetings:

1. The general policy of the Board is to permit public participation on agenda items. No person shall address the Board without the permission of the Chairman.

2. The general policy of the Board regarding public participation is as follows: three minutes per person; 15 minutes for an organized group presentation of three or more persons; and 15 minutes up to no more than 30 minutes per side when many persons request to speak on an agenda item. The Chairman shall have discretion in setting time limits.

3. In the event that any meeting of the Board is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible, the Chairman may recess the meeting or order the person, group or groups of

persons willfully interrupting the meeting to leave the meeting or be removed from the meeting, or in appropriate circumstances, order the meeting room cleared and continue in session.

E. Appointment of Committees and Assignments:

The Chairman shall appoint the Board Members to the various committees and assignments of the Board, and may make assignments of County business matters to appropriate Board committees.

F. Documents:

1. All documents approved by the Board which require signature shall be signed by the Chairman, or in his absence the Vice-Chairman, or by such other person designated by the Board.

2. Neither the Chairman, Vice-Chairman or other designee of the Board shall sign a letter of the Board containing statements of Board Policy, Propositions, recommendations or actions unless such letter has received the prior approval of a majority of the Board of Supervisors at a Public Board meeting. All such letters receiving the requisite Board approval shall, after signature, be copied to each member of the Board of Supervisors, the Clerk of the Board of Supervisors, the County Executive Officer and the County Counsel.

3. Whenever, in the discretion of the Chairman, or in his/her absence, the Vice-Chairman or other designee of the Board, such letter of the Board must be re-addressed and distributed before the next meeting of the Board of Supervisors, the Chairman or his/her designee, may sign and distribute such letter of the Board, and shall immediately cause such Board letter to be placed on the agenda of the next meeting of the Board for ratification.

III. PROCEDURAL RULES FOR THE CONDUCT OF BOARD MEMBERS

A. Rules of Procedure: The Board hereby adopts these Rules of Procedure for the expeditious conduct of its business at meetings of the Board.

B. Attendance:

1. The County Executive Officer or a designee, the County Counsel or a designee, and the Clerk of the Board or a designee, shall be present at all meetings of the Board of Supervisors.

2. Members of the public desiring to speak on agenda items other than at regularly scheduled public hearings during the meeting, may do so when invited to speak by the Chairman or a Member of the Board. Persons appearing at meetings of the Board making presentations shall first be recognized by the Chairman and give their name and residence.

C. Hours of Meeting: Unless otherwise provided for by the regularly published agenda of the meeting, business shall be conducted from 8:30 a.m. to 4:30 p.m. only, unless extended by consent of a majority of the Supervisors present. Otherwise, business shall be adjourned to 8:30 a.m. of the following day, or on a day as designated by the Board.

D. Order of Business: The order of business for the meetings of the Board shall be as determined by the Board's Agenda Committee, except for matters set for a specific time by order of the Board.

Generally, the order of business of the regular meetings of the Board shall be:

- Call to Order.
- Discussion of the Agenda.
- Approval of the Consent Calendar.
- Approval of Official Proceedings.
- Board Member Reports/Announcements.
- Action Calendar.
- Emergency Items.
- Items Pulled From Consent Calendar for Discussion.
- Discussion Calendar.
- Scheduled Hearings.
- Presentations/Public Comment.
- Closed Session.
- Other Items.

E. Motions:

1. Actions of the Board shall be taken by motion. When motions are made by Supervisors, the motion shall be stated to the Clerk by the moving Supervisor. No discussion or action shall take place on a motion unless the motion has been seconded. When a motion is seconded, such shall be stated by the Chairman before discussion on the motion may commence.

2. Motions may be withdrawn or amended with assent of the second. When a motion has been made and seconded, and so stated by the Chairman, the motion shall be deemed to be in possession by the Board, but it may be withdrawn or amended at any time before decision with the assent of the second.

3. After a motion has been seconded any Member may discuss the subject of the motion. When no Member wishes to discuss the motion further, the Chairman shall call for a vote on the motion.

4. Calling for the Question. At any time after a motion has been seconded, any Member who has the floor may call for the question. The Chairman may call for the vote if it appears that further discussion will be repetitious or that a majority of the Members present concur in the call.

5. **Motions To Reconsider.** A motion to reconsider the vote on an agenda item may not be made at the meeting at which the item was acted upon. Such motions may be made at the subsequent Board meeting, if the agenda item was not a hearing required by law, and the Member making the motion voted on the prevailing side of the agenda item sought to be reconsidered. If the item was a hearing required by law, a motion to reconsider may not be made.

F. **Continuation Of Agenda Items:** Any member of the Board may request that any item on the agenda be continued and the Chairman shall grant such request, unless a Member of the Board objects. If such objection is made, a majority of the Board shall determine whether the agenda item is continued.

G. **Amendment of Rules:**

1. The County Executive Officer shall periodically review these rules of procedure and make recommendations for change to the Board.

2. Amendments to these rules of procedure shall be by four-fifths vote of the Board.

IV. POSTING OF NOTICES AND AGENDAS FOR BOARD MEETINGS

A. **Regularly Scheduled Meetings:** The Clerk of the Board shall prepare and post an official agenda of all regularly scheduled Board meetings in a location which is freely accessible to the public in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.).

B. **Special Meetings:** The Clerk of the Board shall provide written notice of a scheduled special meeting in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.).

C. **Emergency Meetings (Work Stoppages; Disasters):** The Board may hold emergency special meetings without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings, in cases of "emergency situations" in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54954.2(b)(1) and 54956.5).

D. **Adjourned Meetings:** The Clerk shall cause a written notice of the adjournment to be given in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.).

E. **Continued Hearings:** Any hearing being held, or noticed to be held, by the Board at any meeting may be ordered to be continued or re-continued in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.).

V. AGENDA REQUIREMENTS

- A.** At least 72 hours before a regular meeting, the Clerk of the Board shall post an agenda containing a brief description of each item of business to be transacted or discussed at the meeting.
- B.** The agenda shall be posted in a location that is freely accessible to members of the public.
- C.** Except as herein provided, no action shall be taken on any item not appearing on the posted agenda.
- D.** The Board may take action on items of business not appearing on the posted agenda under any of the following conditions:
- 1.** Upon a determination by a four-fifths vote of the Board, or, if less than four Members of the Board are present, a unanimous vote of those Members present, that there is both: (1) a need to take action immediately; and (2) the need for action has come to the attention of the county after the agenda was posted. California Government Code Section 54954.2(b)(2).
 - 2.** The item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
 - 3.** Upon a determination by a majority vote of the Board that an emergency exists, as defined for the holding of "emergency special meetings" (See Rule IV, Part C).

VI. RIGHT OF PUBLIC TO ADDRESS BOARD

- A.** Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.). Public comment related to items already on the agenda must be provided at the time that the item is taken during the meeting.
- B.** No action shall be taken on any such items not appearing on the agenda unless the action is otherwise authorized under Rule V.
- C.** Requests from the public to place an item on a future meeting agenda will be decided at the sole discretion of the Board of Supervisors, or its designee, while considering priorities, time constraints and the amount of other work and business that must be conducted at the Board's meetings.

VII. CLOSED SESSIONS

The Board may hold closed sessions as authorized by law and in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.).

VIII. ACTIONS TO VOID BOARD ACTIONS

A. Any interested person may make a demand of the Board to cure or correct any Board action alleged to have been taken in violation of the following portions of these Rules:

1. The Open Meeting Requirements (Rule I.A).
2. The Agenda Requirements (Rule V).
3. The Special Meeting Requirements (Rule I.C. and IV.B).

B. The demand shall be in writing and clearly describe the challenged action of the Board and nature of the alleged violation. The written demand shall be made within 30 days from the date the action was taken.

C. Within 30 days of receipt of the demand, the Board shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

D. If the Board takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action

E. Within 15 days of receipt of the written notice of the Board's decision to cure or correct, the expiration of the 30-day period to cure or correct, or 75 days from the date the challenged action was taken, whichever is earlier, the demanding party shall be required to commence on action by mandamus or injunction for the purpose of obtaining a judicial determination that the Board action taken was in violation of the rules enumerated in Rule VIII.A. above and is "null and void". If such demanding party does not timely commence such an action, he/she is thereafter barred from commencing an action.

F. Procedures:

1. If the Board receives a written demand to cure or correct an action alleged to be in violation of the above-enumerated Rules, the demand shall be assigned to the County Counsel, who shall investigate the demand, and make a timely written report thereon to the Board at a public meeting, with recommendations for Board action.

2. Based on the decision of the Board in regard to the recommendation, the County Counsel shall prepare and mail to the demanding party the notice of decision of the Board.