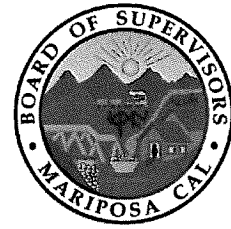


# MARIPOSA COUNTY

Clerk of the Board of Supervisors • (209) 966-3222



## **RESOLUTION - ACTION REQUESTED 2015-150**

MEETING: April 7, 2015

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: Approve Amended Board Meeting Rules of Procedure

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### **RECOMMENDATION AND JUSTIFICATION:**

Approve amended "Rules of Procedure for Meetings of the Board of Supervisors of Mariposa County."

Formal Rules of Procedure were adopted by the Board in 1990 with the last amendment in 2003. Sometime after 2003, procedural changes were instituted that changed the distribution day for agenda packets from Tuesday to Thursday, as well as the deadline for item submission. Additionally, the Board has recently taken actions which changed the relationship between the Clerk of the Board and County Administrative Officer positions, and the Rules of Procedure need to be amended to reflect those changes.

County Counsel and the County Administrative Officer have reviewed the procedures and have also submitted changes which have been incorporated into this final version. Special effort has been placed on making the procedures easier to use, as well as more understandable to the public.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

- Rules of Procedure originally adopted, Res 81-211.
- Rules of Procedure amended, Res. 86-463.
- Rules of Procedure amended, Res. 88-616.
- Rules of Procedure rescinded and replaced, Res. 90-231.
- May, 1995, the Rules were amended to establish that agenda distributions would be on Tuesdays with item submissions 10 days, rather than 3 days, before a meeting.
- January, 2003, the Rules were amended in regards to conflicts of interest and voting.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

If the Board takes no action, the Rules of Procedure will be unchanged and will be in conflict with actual procedures.

### **ATTACHMENTS:**

**Proposed Board Meeting Procedures - Red Lined Version (PDF)**

**Board Meeting Procedures - draft (DOCX)**

**CAO RECOMMENDATION**

Requested Action Recommended

*Mary Hodson*

Mary Hodson, CAO

4/1/2015

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Marshall Long, District III Supervisor

**SECONDER:** Rosemarie Smallcombe, District I Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Carrier

**RULES OF PROCEDURE FOR MEETINGS  
OF THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY**

**I. MEETINGS:**

A. Regular meetings shall be held pursuant to Mariposa County Code Section 2.04.010.

B. Special meetings may be called by the Chair, by the Vice-Chair in the Chair's absence, or by concurrence of the Board, provided notice is given as required by Section 54956 of the California Government Code, and shall be limited to those items listed on the noticed agenda.

C. Meetings may be continued by the Chair, the Vice-Chair in the Chair's absence, or by a motion of the Board, without further public notice, and shall be continued to a definite time, date and place, not later than the next regular meeting.

**II. CHAIR:**

A. The Chair of the Board shall be selected by a majority vote of the members of the Board at the first regular meeting in January of each year, and shall serve for one (1) year so long as the individual selected continues in office as a supervisor. If for any reason the Chair ceases to hold the position of supervisor, a new Chair shall be selected by the same process at the next regular meeting. Four (4) affirmative votes shall be required to remove the Chair and cause a replacement to be selected at any other time; however selection of the replacement shall require only three (3) votes.

B. A Vice-Chair shall be selected by the same process and shall act as Chair in the absence of the Chair.

**III. CONDUCT OF MEETINGS:**

A. The Chair shall preside at all meetings of the Board, and in the Chair's absence the Vice-Chair shall preside. When both are absent, the meeting shall be opened by the Clerk of the Board and those in attendance shall select an acting Chair for that meeting only by a majority vote of those in attendance.

B. A meeting may be opened, continued and adjourned by the Chair at the Chair's discretion, or by a majority vote of the Board.

C. Any action or decision by the Chair may be reversed by a majority vote of the Board.

D. The order of business shall follow the final agenda for the meeting; however, the Chair, or the Board by majority vote, may deviate from the agenda ordering as long as notice is announced to the public during the meeting. Public hearings required by law, and noticed bid openings, shall proceed as scheduled whenever possible, but may be continued during the meeting provided notice is announced to the public at the scheduled time.

E. Prior to a motion and a second on the Consent Agenda, any Board member may request a consent item be pulled for discussion at a later time. In addition, any Board member

may ask questions regarding an item on the Consent Agenda prior to its adoption if that question does not involve considerable discussion.

F. Actions and decisions by the Board shall result from a motion followed by a second and passage by three (3) affirmative (“aye”) votes, except where four (4) affirmative (“aye”) votes are required by law.

G. For purposes of proposing a motion or a second, the Chair may relinquish the Chairmanship to the Vice-Chair or any other Board member willing to act as temporary Chair, and may then move or second an action.

The Chair shall not resume the Chairmanship until after the vote is taken on the motion or it is otherwise acted upon at the meeting.

#### **IV. QUORUM:**

A. A quorum shall consist of three (3) supervisors, and no action requiring a vote shall be effective unless at least three (3) affirmative (“aye”) votes are recorded by supervisors present at the meeting. Four (4) affirmative (“aye”) votes shall be required when mandated by State law.

B. In the absence of a quorum a meeting may be canceled, continued, or relocated by the Chair, or in the Chair’s absence the Vice-Chair, or by the Clerk of the Board at the direction of the Chair, or Vice-Chair in the Chair’s absence, provided that:

1. Notice of the action is given to all supervisors, the media and the public as required by State law; and
2. Notice is posted at the time and place of the meeting.

#### **V. VOTING:**

A. When a vote is called for by the Chair, silence shall constitute an affirmative (“aye”) vote and the Clerk of the Board shall record it as such.

B. A supervisor may change their vote at any time prior to the next vote of the Board, after which their vote shall be permanently recorded.

C. A supervisor who has a financial interest in a decision within the meaning of Section 87100 of the California Government Code shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to consideration of the matter, do all of the following:

1. 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, except that disclosure of the exact street address of a residence is not required.
2. Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of Government Code Section 87100.
3. 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 portion of the agenda reserved for uncontested matters.
4. Notwithstanding paragraph V.C.3, a supervisor may speak on the issue during the time that the general public speaks on the issue.

D. A supervisor who abstains or is absent from a vote shall not be deemed to have voted for or against a measure unless the remaining number of persons eligible to vote on the matter is insufficient to decide the matter if all voted the same. In such a case, a supervisor present but abstaining shall be deemed to have voted with the majority.

E. Where a tie vote results due to absence or abstention, the motion fails. If the subject matter is an appeal, a tie vote on each side of the question shall result in no change to the action appealed unless state regulations require otherwise.

F. A supervisor may abstain from voting on any matter at any time. The effect of abstaining shall be the same as not voting, except for circumstances as described in Paragraph V.D above.

G. A supervisor may raise an objection to the procedure at any time, and when called upon shall state the basis of the objection. The Chair shall rule on the objection but may be overruled by a majority vote of the Board.

H. At any time prior to adjournment of the meeting, a motion may be passed by majority vote to reconsider, revise, amend or rescind any action of the Board at that meeting provided that any matters subject to legal public notice requirements shall require new notice prior to any action.

I. At any time prior to the effective date of any official enactment the Board, by majority vote, may rescind such action provided that notice is given in advance if required by law.

J. After the effective date of any enactment, the Board may repeal the enactment but such repeal shall operate prospectively only.

K. A motion may be tabled by majority vote to be taken up at a date and time certain.

## **VI. AGENDAS:**

A. The agendas for Board meetings shall be prepared by the Clerk of the Board.

B. The deadline for submission of agenda items for regular meetings shall be Friday, by Noon, eleven (11) days prior to the requested meeting date.

C. Agendas and agenda packages for regular meetings will be available on the Thursday preceding a meeting.

D. All persons and departments submitting agenda items shall prepare and submit those items in conformance with all regulations and County policies and shall include any required forms, rules of procedure, or additional information as required in regulations to satisfy the County Administrative Officer.

E. Items submitted to the Consent Agenda for routine action shall be so identified by the initiating department and scheduled as such at the discretion of the County Administrative Officer.

F. Agendas shall be posted at least seventy-two (72) hours before a regular meeting of the Mariposa County Board of Supervisors, and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

G. Agendas for regular meetings shall provide an opportunity for members of the public to directly address the Board of Supervisors on items of interest to the public that are within the subject matter jurisdiction of the Board, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Paragraph VI.I below.

1. The Board shall allow public presentations to the Board as follows:

- a) A public comment period shall be provided on the Agenda to allow the public to comment on items not on the Agenda, which are of interest to the public that are within the subject matter jurisdiction of the Board, and any item on the Agenda which is not a timed item.
- b) The public shall be allowed to comment on items which are on the timed schedule during the time that the Board considers that particular item.
- c) The Chair of the Board, in the Chair's discretion, shall have the authority to allow public comment at any time during the Board meeting.

2. The Board may adopt reasonable regulations by Minute Order as needed in order to ensure that the intent of this section is carried out including, but not limited to, regulations limiting the total amount of time allocated for public input on particular issues and for each individual speaker.

H. No action shall be taken on any item not appearing on the posted agenda unless an exception applies below.

I. The Board of Supervisors may take action on items of business not appearing on the posted agenda under any of the following conditions:

1. EMERGENCIES:

Upon a determination by a majority vote of the Board that an emergency situation exists as defined in Government Code Section 54956.5.

2. IMMEDIATE ACTION NEEDED:

Upon a determination of a two-thirds vote of the Board or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action was identified subsequent to the agenda being properly posted pursuant to Paragraph VI.F above.

3. CONTINUED ITEM:

The item was properly posted pursuant to Paragraph VI.F above for a prior meeting of the Board occurring not more than five (5) 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.