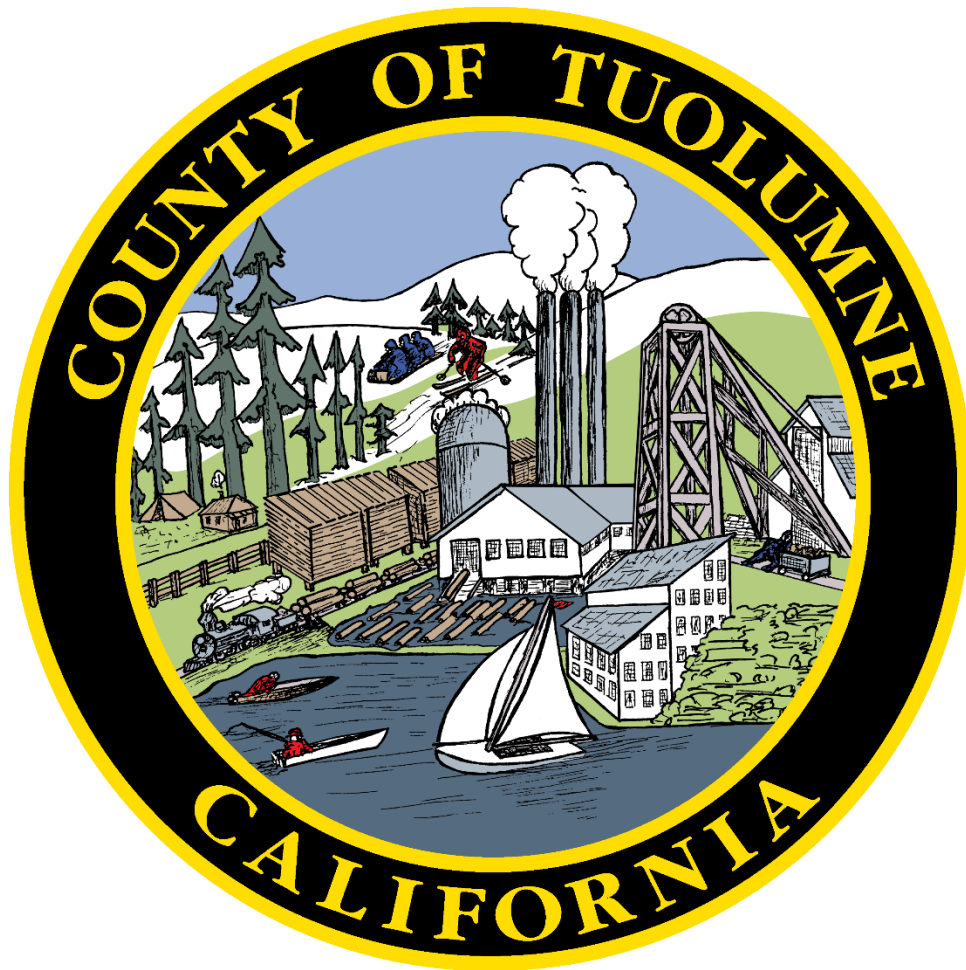




Tuolumne County Board of Supervisors Governance Manual

Revised: 04/22/2025

The Tuolumne County Board of Supervisors Governance Manual was developed in 2022 and is a living document that is regularly reviewed and, as needed, revised by the Board.

This manual outlines practices that build and sustain positive Board relationships and define a culture of quality, respect, and equality.

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Governance Begins with the Board

Governance is the act of transforming the needs and desires of the community into policies that direct the organization. As the Board of Supervisors fulfills the responsibility of setting direction related to policy, budget and finance, personnel, collective bargaining, facilities and advocacy, the way in which team members perform the governance role is critical. The executive team carries out direction provided by the Board.

Board Members are always stewards of the County whether in the Board Chambers, out in the community, or at home. The County provides services to all residents; municipal services to residents in the unincorporated areas; and State and Federal services as a political subdivision of the State of California. The integrity of the County is dependent upon the responsible and professional manner in which each Board member, and the Board collectively, fulfills governance roles and responsibilities. The demeanor and actions of Board members send an important message to employees and the public.

By utilizing effective governance practices, private citizens, once elected to the Board of Supervisors, work with the County Administrator to keep the organization's efforts focused on its mission, values, and strategic goals. The community elects Board members to set and monitor the direction of the County with the County Administrator, who translates this direction into action. It is therefore vital that the Board and County Administrator have a respectful and productive working relationship based on gaining trust and open communication.

Effective governance tenets encompass the basic characteristics and behaviors that enable executive team members to effectively create a climate for excellence in the organization. Working as a group, Board members and the County Administrator leverage the efforts of the professional staff by:

- Setting direction for the organization reflective of the community's wishes
- Creating a supportive framework for action in the organization
- Holding the organization accountable through mutually agreed upon mechanisms
- Providing support to staff through behaviors and actions
- Demonstrating community leadership on behalf of residents
- Prioritizing based on available resources

When done effectively, the opportunity to create a climate for excellence increases dramatically.

Effective Governance

Board Members - There are four fundamental characteristics of effective Board members:

1. Mindfulness

An important characteristic of an effective Board is the development of a governance mindset. Knowing how to think about governance, and always applying that knowledge and understanding during Board operations, is an essential characteristic of a Board member. Governance mindfulness is understanding the role and responsibilities of the governing board and how individual members can enhance their positive, value-added impact.

2. Focus

Mindful Board members always maintain a strategic focus in their Board work. They understand that they are not on the Board to administer the County, but rather to govern it. They understand that governance requires a broad, systemic view of the County, and they approach all their Board responsibilities with a clear sense of focus on achieving the strategic outcomes they have set, and how to effect policy change as a team rather than as an individual.

3. Manner

Mindful Board members are always respectful of other members' opinions. They understand that how they govern is often more important than what they say or do. Effective Board members work towards a common goal with other independently elected individuals in a collaborative setting which requires patience, understanding, respect, and most importantly, common courtesy. They model the civic behavior they expect the employees and the citizens of the County to exhibit.

Communication is both verbal and non-verbal	
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4. Preparation

Mindful Board members are always prepared. This includes timely arrival to Board Meetings, all agenda materials have been reviewed and conferred with Department Heads prior to the meeting. This will ensure efficient and effective use of County resources. They are committed to doing the hard work of being a Board member and leading on behalf of the community they serve. They are committed to making decisions based on quality information, evidence, and data.

Board of Supervisors – High-performing Boards have four essential characteristics that are the building blocks of effective governance:

1. Creating and Maintaining a Unity of Purpose

Unity of Purpose is serving the public, being good stewards of resources, and creating a common focus, overarching goals, values and beliefs. Board members aspire to transcend their individual differences to fulfill a greater purpose.

2. Governing within the Role of a Board

Effective teams value and respect their essential roles, reach mutual agreement on the roles of the Board and the County Administrator, and strive to operate within them.

3. Creating a Positive Governance Culture

Culture is the tone created by the way people in an organization treat each other. Teams have unwritten (implicit) or written (explicit) agreements about how they will behave with each other and with others. These behavioral ground rules (norms) enable teams to build and maintain a positive culture or shift a negative one.

4. Structuring the Work for Effective Governance

High-performing governing bodies discuss and agree on the formal structure and processes used by the Board and the County Administrator in their functioning as a team; how they operate and do business.

Self-Monitoring of Board Governance and Effectiveness

- Conducting a governance self-evaluation demonstrates accountability to the community and the interest of the governance team to strengthen and improve governance practices.
- Board Governance sessions are an opportunity to discuss Board effectiveness and measure adherence to adopted protocols. Annual workshops are utilized for this purpose, with the Governance Manual being reviewed every 5 years.
- Following the evaluation, the Board may develop strategies for strengthening Board performance and shall establish priorities for the next year's evaluation.

Unity of Purpose

Unity of purpose is a common focus, mission, values, and goals Board members share. A unity of purpose is a clear and unambiguous sense of purpose that becomes the inspiration for all Board efforts and the lens through which those efforts are viewed.

Having a unity of purpose demonstrates that Board members care most of all about what is best for the community and organization and understand that they will strive to identify common ground in order to provide focused leadership and direction to the County. They have a commitment to a common set of County vision and goals, and to principle-centered County policies. A defined unity of purpose focuses Board members on desired end results and supports their ability to display a singular focus on achieving those results.

In all relationships, dealings, and transactions, Board members act with integrity, in an ethical manner, openness, respect, consideration, engagement, and honesty. Through these values, the Board members strive to earn and convey trust. The Board of Supervisors retains public trust through accountability, communication with the public, and efficient and cost-effective stewardship of resources.

Board members work most effectively when they have a rational and purposeful framework to focus and guide their work. A unity of purpose helps Board members transcend their differences to fulfill a greater purpose.

Roles & Responsibilities

One of the most important characteristics of a high-performing Board is their understanding and agreement on roles and responsibilities. Generally, governance is about setting policy by defining the “what” of the organization, and administration is focused on the “how” policy gets implemented. If the discussion is focused on long-term outcomes, it tends to be strategic; if it is about short-term objectives or incremental steps, it tends to be administrative. Since the line between policy and administration can vary from topic to topic or issue to issue, it is essential that the County Administrator and the Board have a clear, mutually agreed upon understanding of how their roles and responsibilities will be defined.

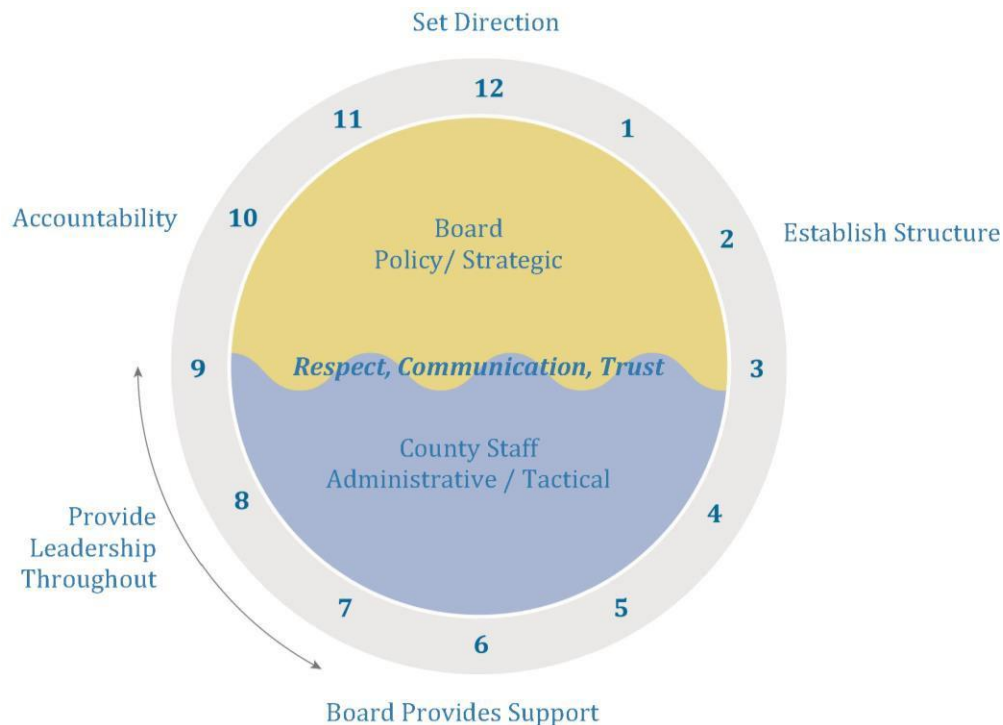
Board Roles

The primary role of the Tuolumne County Board of Supervisors is to collectively set the priorities, direction and policy for the organization as representatives of the people which:

- Serves as the leaders of the organization and sets the tone for the culture by displaying and acting out characteristics of a high-performing governing body
- Ensures fiscal sustainability and accountability
- Identifies countywide issues and puts strategies and coalitions in place to address them
- Identifies district-specific issues and advocates for strategies to address them
- Defines and supports the objectives of the Strategic Plan

The primary role of the County Administrator is to implement the direction and policy set by the Board through direct support to the Board, Departments, and the community.

Board Responsibilities



The above graphic depicts the five main responsibilities of the Board of Supervisors as a series of important functions that build upon one another. Although the responsibilities in practice are not always performed in a sequential manner, the depiction above reflects conceptually how they relate. The Board sets the direction, establishes a structure to implement that direction (hires a County Administrator, adopts a budget, adopts a strategic plan etc.), sets priorities, supports the staff by providing required resources as they implement that plan, holds the system accountable for implementation and educates the public on the goals established by the Board. Notice that the Board's policy-oriented strategic role is in yellow, separate from the staff's administrative/tactical role in blue. The line separating these critical functions is wavy on purpose. It reflects the reality that in the real world of governance and administration, the line between policy and administration is often blurred depending upon the issue and subject to a shared understanding and agreement between the County Administrator and the Board.

Expected behavior

- Respect and Fairness – All people will be treated with respect, sensitivity, and compassion
- All situations are handled in an ethical manner
- Board members will act ethically in accordance with AB1234
- Promote a positive public image
- Integrity –
 - o Be a good steward of County property and public funds
 - o Conduct and perform job duties diligently and promptly
- Stewardship – We are committed to responsible resource management

Set the strategic direction for the County

- Ensure the long-term vision is established for the County
- Identify and implement strategic priorities
- Charging staff to support strategic direction

Establish the governance structure for the County

- Appoint the County Administrator, County Counsel, Agricultural Commissioner/Sealer of Weights and Measures/Air Pollution Control Director, Community Development Department Director, Health and Human Services Agency Director, Chief Probation Officer, Public Defender, Public Works Director, Public Health Officer, and Library and Recreation Director.
- Adopt and amend the County Budget
- Adopt and amend ordinances and policies
- Create and participate in numerous boards, commissions, and committees
- Work with County elected officials

Provide support to the County organization

- Provide clear and consistent direction
- Support, advocate, and participate in programs, commissions, committees, and policies adopted by the Board
- Support staff carrying out the Board's direction

Ensure accountability

- Hold each other accountable for following the will of the majority of the Board
- Hold the County Administrator accountable for achieving the goals set by the Board
- Monitor and assess the effectiveness of policies and programs approved by the Board
- Monitor the fiscal health of the County

Demonstrate community leadership

- Engage and involve County residents and other stakeholders in appropriate and meaningful ways in setting the goals, objectives, and major programs of the County
- Communicate clear information about County policies, the fiscal condition, and progress on goals
- Identify cross-cutting issues through ongoing interaction with a wide variety of stakeholders
- Become and remain immersed in the needs and concerns of residents while providing factual information
- Represent the needs of individual districts as well as the needs of the County as a whole
- Be visible and accessible

Conflicts of Interest

A County Board member shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the County Board members' "economic interests," unless the effect is indistinguishable from the effect on the public generally or the County Board member's participation is legally required.

The Board of Supervisors is committed to governing in an ethical manner and adhering to all requirements of the Political Reform Act, Government Code § 1090 (relating to financial interests in contracts) and related state ethics laws. Board members recognize that complying with State ethics laws is an individual responsibility and, as such, each member understands that potential ethical issues require careful attention. The following protocol offers a general framework for identifying and handling such issues in an appropriate manner:

- When a Board member becomes aware of a potential ethical issue, they should promptly seek advice from the Office of the County Counsel, the FPPC, or a private attorney prior to taking any action that could violate ethics laws.
- Ethical issues that arise for the first time in a public meeting or similar setting should be brought to the attention of the Office of the County Counsel as discreetly as possible. This may include requesting a meeting recess or a continuance, if feasible, to afford the affected member an opportunity to obtain accurate, confidential advice from the County Counsel or other appropriate advisor.
- If a Board member is advised that recusal is legally required, prior to Board consideration of a relevant item, the Supervisor will briefly announce the nature of the conflict of interest. With the exception of consent agenda items, the Supervisor will leave the room during Board consideration of the item. If these actions are not taken by a Supervisor, to preserve the validity of a pending Board action, the County Counsel may advise the Board of its opinion that recusal (or other action) is legally required and request appropriate action by the affected Supervisor.
- If a Supervisor disagrees with the County Counsel's advice on an ethical issue, they will take reasonable steps to resolve the disagreement. This could include seeking advice from the FPPC or a private attorney, either independently or in coordination with the County Counsel's office. The Supervisor should recuse themselves from Board items implicating the conflict (if such items cannot reasonably be continued) until further advice is obtained.

When a conflict of interest arises involving a Board member or other public official/employee, the Board may contract with another local agency to perform municipal services or functions within the County's jurisdiction pursuant to Government Code section 54981. This approach may be taken to avoid the appearance of impropriety or other conflicts when providing County services or functions to the affected official/employee.

The Board delegates to the County Administrator (CAO) the authority to enter into such contracts, provided that the contract cost remains within the CAO's signing authority and funds have been allocated in the approved budget.

This policy may be implemented in situations where:

An official/employee must receive services or functions from the County; or

The County must impose services or functions on an official/employee;

and doing so directly could create an actual or perceived conflict between the official/employee and the County.

The goal of contracting with another agency in such cases is to ensure fair and impartial treatment of the official/employee in the delivery of County-related services/functions.

When it is in the County's best interest to pursue this course of action, the CAO will convene a meeting with the affected Department Head (or designee), County Counsel, and the Human Resources Director to assess the conflict and determine the most appropriate resolution.

Vision, Mission, and Values – adopted in 2012

Vision

Tuolumne County is a place where all citizens enjoy opportunities to thrive in a safe, healthy, and productive community

Mission

We provide exceptional services that:

- Create a Healthy and Safe Community
- Exercise Natural, Cultural, and Financial Resource Stewardship
- Promote Economic Prosperity
- Enhance Quality of Life

Values

Integrity - We hold ourselves to the highest level of honesty, transparency, and ethical conduct in all relations and dealings.

Creativity - In responding to the current and future needs of the community, we encourage innovative and creative approaches to problem solving.

Employee Development – We are dedicated to elevating understanding, awakening creativity, and developing competencies for successful and meaningful careers.

Strategic Goals – approved May 3, 2022

1.0 Fire Prevention and Safety

Objectives:

- 1.1 Prevent loss of life and property
- 1.2 Improve wildfire resiliency
- 1.3 Stabilize funding to maintain appropriate service levels
- 1.4 Improve fire safety education
- 1.5 Federal and State Advocacy for resources and legislative support

2.0 Community Health and Prosperity

Objectives:

- 2.1 Develop policies and projects to increase the supply of workforce housing
- 2.2 Expand community services to improve quality of life and outcomes for children, with an emphasis on Adverse Childhood Experiences (ACEs)
- 2.3 Increase the supply of transitional housing for those experiencing homelessness and behavioral health clients
- 2.4 Partner on policies and projects consistent with the Blue Zones Project, including enhancing parks and trails
- 2.5 Support business attraction for county strength areas and invest in small business to build a more resilient and prosperous economy

3.0 Roads and Infrastructure

Objectives:

- 3.1 Raise the County's Pavement Condition Index for roads by Increasing Road Revenues
- 3.2 Provide all residents with access to broadband speed of 25mbps (download)
- 3.3 Water Security
- 3.4 County Capital and Deferred Maintenance
- 3.5 Power and Energy Resilience
- 3.6 Complete Inventory of all major road assets (i.e., signs, culverts, traffic signals)
- 3.7 No more than 4% of County bridges in "poor condition"
- 3.8 Additional Ingress and Egress routes

4.0 Employee Excellence and Organizational Resiliency

Objectives:

- 4.1 County Organizational Fiscal Stability & Sustainability
- 4.2 Seek new opportunities to fund current and future services
- 4.3 Be the Regional Employer of Choice
- 4.4 Decrease our organization's vacancy rate
- 4.5 Improve customer service through employee development
- 4.6 Value employee recognition

5.0 Public Safety

Objectives:

- 5.1 Develop pro-active Community Response Teams, including HHSA and Community Partners
- 5.2 Enhance Community Emergency Preparedness
- 5.3 Efficient use of Public Safety resources to deliver comprehensive services
- 5.4 Reduce Response Times
- 5.5 Increase internal and external efficiencies in the criminal justice system

Governance Principles

The Tuolumne County Board of Supervisors will:

Govern as a team, strategically focused and mission driven

- Board members should be strategically aligned with the goals of the organization
- Board members will respect and accept the majority vote or direction of the Board regardless of differences of opinion
- Clear direction is provided to staff
- Thinking and acting strategically with
 - Shared focus and purpose
 - Respect for shared and unique constituencies
- Engage staff, thoughtfully and respectfully, in discussing strategic proposals and policies
- Long-term view on strategy and performance, focusing on sustainable success

Align goals and resources

- Strong connection between goal and resources discussions which include:
 - Process for prioritization
 - Emphasis on resiliency
 - Ability to adapt and recalibrate
- *Goals are calibrated with resources; staff are not asked to deliver without resources*
- Reserves and contingencies are in place
- Public is made aware of resource limitations

Establish and govern within a culture of inquiry

- With roles and relationships defined, inquiry and truth telling is encouraged and welcomed
- Cultivate a culture of trust, which includes communicating the value of these principles to staff
- Support creativity and innovation

Govern in an accessible manner, committed to openness and transparency

- Governs in a transparent, open, and accessible manner
 - Transparency is taken to the next level by creating a culture of “compliance with integrity,” by acting in an ethical manner at all times, performing duties with professionalism, accountability, competence, and honesty. It also includes focusing on solutions rather than fault or blame, and ensuring public access to Board decisions, compliance with the law, managing risk and looking out for the best interests of the County organization and the public it serves.

The Tuolumne County Board of Supervisors will:

Govern in a collaborative manner with the community, staff, and within the Board

- Collaborative environment respecting the roles of staff and Board
- All Board members govern together as a team with a common focus and purpose
- Supportive of collective accomplishments; discourages competition
- Demonstrates team leadership
- Unified support of the organization
- Board-staff partnership

Commitment to continuous learning and improvement

- Ongoing, personal development of leadership skills and capacity to govern in a variety of arenas
- Seek leadership positions at the regional, state, and national levels
- Continuous learning about County programs and services
- Policy decisions based upon credible evidence and data

Be accountable to each other for the highest standards of Board performance and effectiveness

- Develop and implement a regular feedback loop for the Board based on identified protocols and practices
 - o Assessment of the Board's effectiveness and adherence to adopted protocols
 - This is accomplished through active listening to department heads, staff, and members of the community
 - Create an environment where feedback is regularly solicited and considered

Setting Direction

Strategic Planning

The County's Strategic Plan is a multi-year plan that presents a meaningful vision of the future and long-term strategic goals, indicating where resources are to be concentrated and prioritized to accomplish strategic outcomes. Recommendations concerning the Strategic Plan come from the Board, County Administrator, and Executive Leadership Team. Following Board adoption of the Strategic Plan, departments develop operational plans, in concert with the County Administrator, to support the Strategic Plan goals, which are, in turn, aligned with the County budget. Similarly, the County's Strategic Plan is shared with advisory bodies to facilitate alignment of their focus and efforts. This plan will be the guide to develop an annual work plan for advisory bodies.

Role of The Board of Supervisors In Strategic Planning:

- The Strategic Plan is meant to be adaptive, and thus, an annual process is in place to recalibrate the plan as needed.
- Discussions are held by the Board prior to each strategic plan cycle, which is determined by the Board. The Board and County Administrator agree on a framework and process for development of the Strategic Plan.
- Every 4 months, progress reports on implementation of the Board's Priorities are presented to the Board, providing an opportunity for recalibration and alignment with the County budget.

Board Member Expertise

Supervisors bring a wide variety of backgrounds, expertise, and interests to their governance work on the Board, and the Board wishes to capitalize on the informed experience of individual Supervisors. Additionally, leadership development and the pursuit of opportunities for leadership positions throughout the County and State are encouraged for both Supervisors and staff. It is important that the Board have the benefit of those varied interests and expertise in governing Tuolumne County. Varied interests and expertise should be shared by individual Supervisors at the Annual Board Workshop while forming the goals of the Board, providing an opportunity for the inclusion of their personal goals in the Strategic Plan. However, it is equally important that individual Supervisors understand that the application of that expertise must occur within the agreed upon governance role of the Supervisor and the Board. It is important that Supervisors avoid substituting professional or personal expertise for the expertise of the staff. For example, a Supervisor might be an attorney or have a background in human resources. That expertise should inform the Supervisor and not take the place of or be imposed upon legal or human resources staff of the county.

Norms for Positive Governance Culture

Culture is the positive or negative atmosphere created by the way people in an organization treat each other. Teams have unwritten (implicit) and written (explicit) agreements about how they will behave with each other and others. The code of conduct enables teams to build and maintain a positive culture or shift a negative one.

Tuolumne County Code of Conduct – adopted in 2012

- Treat County staff and public as valued customers
- Listen intently
- Treat everyone as you would expect to be treated
- Provide professional service
- Provide accurate and usable information
- Strive for flexible and creative solutions
- Respond in a respectful and compassionate manner

Customers may not remember what you say, but they will remember how you treated them.

Organizational Culture

An excellent governance culture is characterized by a Board that operates in an environment of trust, respect, and professionalism at all times. The Board sets the tone for the entire County in how it carries out its governance responsibilities. A high-performing Board leads by example and demonstrates the characteristics as described above.

The Tuolumne County Board of Supervisors collectively and individually desires to be a high-performing Board by exhibiting the following characteristics:

Cohesive

- A collaborative spirit aligned toward a common goal
- Consistent with the Tuolumne County Strategic Plan
- Strive for consensus and embrace compromise

Strategic

- Thoughtful, objective, and data-driven decision-making
- Engaged in strategically-focused discussion and decision-making, providing policy direction consistent with the Strategic Plan that addresses short- and long-term goals
- Recognized for leadership and innovation
- Knowledgeable about countywide issues

Collaborative, Accessible, & Fair

- Solicit feedback and consideration of other points of view
- Responsive in addressing constituent needs
- Treat the public and staff with respect and dignity at all times

Community Leadership

- Knowledgeable leaders, nimble in addressing issues on the continuum of district-specific to countywide matters, including state and national issues affecting the local community
- Educate the public on:
 - o Roles, responsibilities, and authority of the Board and staff
 - o Process for addressing community issues and concerns
 - o Other items of concern
- Providing guidance for community input and engagement

The Tuolumne Board of Supervisors will:

- Treat everyone with dignity and respect
- Attend Board meetings fully prepared, on time, and focused
- Support working together toward the common vision and strategic goals, even if the approach differs
- Focus on effective governance and support of the County Administrator in managing the County
- Show respect for the issues in each other's districts
- Work together individually and in group settings (discussion meetings) to respectfully resolve issues, assist one another, give the benefit of doubt, and seek help when needed
- Focus on building and maintaining trust through the ability to follow through on commitments made and actions that speak louder than words
- Focus on the successes, not the difficulties. Be considerate of Board and public time and restrict comments to useful, constructive, and non-repetitive information

Protocols to Facilitate Governance Leadership

High-performing Boards operate with formally adopted protocols that provide an operational framework for how Board members will work together. Protocols are descriptions of the “way we do things here” and are important as guides for what is acceptable and unacceptable behavior. Protocols exist whether they are identified or not. When they are not overtly stated, they become the habits by which groups perpetuate behaviors, some of which can become detrimental to the effective operation of the Board.

Board Operations

The governance principles adopted by the Board of Supervisors require the Board to operate as a unified, cohesive team working together in an ethical and transparent manner. It is important that the work of the Board be conducted in a highly effective and efficient governance framework or structure.

Perhaps nothing is as important as welcoming new Supervisors to the Board. The early impressions of newly elected Supervisors often set the tone and style of governance for many years. Every time a new Supervisor is elected, a new Board is created. Processes and procedures to “onboard” the new Supervisor by both the Board and County Administrator need to be established and maintained. The unique role of the County Supervisor and Board, norms and protocols of the Board, as well as technical information, need to be provided in an open, welcoming, and transparent way.

New Board Member Orientation

- The first 100 days are a critical time and learning period for newly elected Supervisors and the development of a cohesive governance team.
- The Board recognizes the importance of welcoming and helping transition newly elected Board members into the public experience, and thus, current Supervisors are encouraged to reach out to new Supervisors.
- The County Administrator will prepare orientation materials for new Supervisors and schedule an initial meeting with Supervisors-elect to establish early and direct communication and select orientation options based on past experience.
- Department Heads, or their designees, will offer orientation to newly elected Board members regarding the departments’ key responsibilities and functions.
- The Board will provide opportunities for new Supervisors to spend time with veteran Supervisors, visit districts, and share information about Board assignments.
- The Board will schedule a governance discussion meeting to provide an opportunity to share personal aspirations and to review, discuss, and reconfirm the adopted governance protocols as documented in the Tuolumne County Board of Supervisors Governance Manual.
- In December or January, new Board members will be offered a variety of assignments based on their interests and opportunities to collaborate with veteran Supervisors.
- New Supervisors will work with the County Administrator to develop an individualized training plan to continue education on county policies, processes, and operations

Role of the Board Chair

Generally, the position of Board Chair rotates annually by district, with the next in line serving as Vice-Chair, by vote of the Board. The Chair (Vice-Chair in the absence of the Chair) directs the efficient, balanced, and transparent operation of the Board Meetings and plays a lead role in minding the climate of the Board, ensuring Board accountability, and ensuring the well-being of the Board, as well as the County. The Chair of the Board also serves in the following capacities:

- Following consultation with the County Administrator, during the Board Assignment Process, proposes Board assignments for the calendar year
- In consultation with the County Administrator, develops Board meeting agendas
- As part of the agenda review process, seeks opportunities to acknowledge and celebrate the good works of County staff
- With agreed-upon procedures, conducts Board meetings consistent with the law and the principle of transparency, ensuring the Board, staff, and public understand the process and actions to be taken, and that adequate and equitable public input is received prior to Board discussion and deliberation
- Facilitates Board Governance discussion sessions
- Serves as a sounding board for the County Administrator on matters of significant concern
- Fair and objective meeting facilitation
- With the ability to communicate the position of the Board, generally serves as spokesperson for the County in:
 - o Press releases and media events
 - o Public events
 - o Correspondence
 - o Exceptions: District-specific events or areas of expertise

Note: For complex and significant topics, talking points are provided to all Board members

Role of Individual Supervisors

- Governs within the Board adopted Governance Principles
- Fully prepares for Board meetings, i.e., materials read; as many questions as possible asked in advance of the meeting; and on time and engaged in the meeting
- Respects colleagues, staff, and public
- Engaged during public comment (caveat: responses to general public comment limited to providing an access point for further discussion)
- Seeks first to understand, asking questions of staff in a manner that is engaging and supportive, vs. accusatory
- Keeps colleagues informed of activities, especially related to Board assignments, via the Board Reports section of the Board meeting
- Governs in an accessible manner, responding in a timely manner to phone calls, e-mails, etc.
- Exhibits an ongoing commitment to the organization
- Able to articulate Board actions and policies, and when discussing Board actions in public, whether they agree with Board decisions or not. Clarifies when speaking on behalf of the Board vs. own opinion

- Generally addresses issues in their own district, but listens to the concerns of all, especially on countywide policy issues
- Informs the appropriate Supervisor when assisting constituents outside their district
- Informs the entire Board through the Board meeting process of constituent issues and concerns they are involved with that have a countywide impact

Board Meeting Agenda Development

- Board agenda built with:
 - o Department requests, recommendations, and updates
 - o Items from Board members added through partnership with the County Administrator and Department Heads
- Agenda finalized by the County Administrator's office in collaboration with County Counsel

Board Reports & Directed Initiatives

- Members regularly provide updates on their activities (especially those related to Board assignments) to the full Board during the Board Reports section of the Board meeting. Additionally, Board members may utilize this section of the agenda to inform staff and each other of upcoming topics they plan to bring to future Board meetings.

Agenda Item - Related Questions

- Individual Board members are expected to ask questions concerning items on the agenda prior to the meeting through their agenda review with the County Administrator and/or by contacting the department head in advance to:
 - o Acquire the information they are seeking
 - o Assist staff in being prepared to answer their question in a Board meeting for the benefit of other members and/or the public
 - o Identify agenda items that should be moved from the Consent portion of the agenda to the Regular section
- During Board meetings, members may pull items off the Consent agenda. Items easily addressed will be addressed at the time. Items requiring some research or staff not present in the Board Chambers are held until later in the meeting.

Public Comment in Board Meetings

- The Board will especially be engaged during public comment
- Responses to general public comments are limited to providing an access point for further discussion and/or responding briefly to statements made by commenters

Public Expression

The Board of Supervisors values and encourages public attendance and participation at its meetings. Public participation shall be orderly and fair to all. For that reason, attendees are asked to observe the following rules:

- Each speaker's public comment is limited to three minutes per agenda item, unless otherwise advised by the Chair. The three-minute limit includes all comments by an individual, including any comments offered in a representative capacity for others (whether in attendance or not). Additional comments and comments from those unable to attend may be submitted in writing, ideally prior to the Board meeting, by emailing: *BOSPublic@co.tuolumne.ca.us* or through the Clerk of the Board's office, located at 2 South Green Street, Sonora, CA 95370.
- Speakers may not yield time to other speakers or attempt to speak a second time, in a representative capacity or otherwise, on a single item.
- Comments should be directed to the Board, not to the audience or staff.
- Comments should be clear, brief, and maintain a courteous and polite demeanor.
- Personal attacks that are not related to County business, threatening language, and other unduly disruptive behavior that prevents the Board from carrying on its duties will not be tolerated. Everyone has the right to be heard without fear of jeers or other forms of intimidation.
- In the event that any meeting is willfully interrupted by an individual, a group, or groups of persons, so as to render the orderly conduct of such meeting unfeasible, the Chair shall recess the meeting, instruct the public to exit the Board Chambers, and consult with the County Administrator and County Counsel regarding options. After consultation, the Chair may order the removal of the individual or individuals willfully interrupting the meeting. If order cannot be restored by the removal of the individual or individuals willfully interrupting the meeting, the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session, and duly accredited members of the press and other news media, except those participating in the disturbance, shall be allowed to attend. During such a session, the Chair may re-admit an individual or individuals if it finds they were not responsible for willfully disturbing the orderly conduct of the meeting and their re-admission will not disrupt the continued orderly conduct of business.

These rules are taken seriously. Disruptive or unruly behavior may result in a speaker's removal from the Board meeting.

Relationship Management

Interaction with County Staff and Consultants

One of the most important relationships that exists is that between the Board of Supervisors and the County Administrator and staff. It is essential that the ongoing governance relationships be clearly defined, collaborative, and based upon mutual trust and respect. Such a relationship ensures the best governance results. It should provide clear direction in an open and transparent manner.

When individually interacting with staff, the Board agrees to govern with the following principles:

- Within a culture of inquiry, in a collaborative manner with staff

- Honor, affirm, and celebrate the value of those who work for Tuolumne County
- Support staff, without unduly influencing them
- Operate within Board policy (Note: requests outside Board policy and/or action with significant staff resources should ultimately return to the full Board for consideration)
- Department Heads and the County Administrator are the primary contacts on initial and significant interactions with staff and contractors to ensure transparency and the best result
 - o Conversations should focus on policy and refrain from any direction regarding operations
- Department Heads and the County Administrator are in the loop following initial contact with staff and consultants

It is especially important for the Board to establish and maintain a strong communication relationship with the County Administrator. That relationship is to be clearly defined in the area of personnel and performance. Supervisors have frequent contact with department heads, and thus, processes should be in place for Supervisors to provide confidential feedback to the County Administrator regarding department head performance.

Protocols related to interactions with County staff also extend to contractors.

Individual Supervisor Requests for Information

- Individual supervisor requests will only be for information on board approved priorities, or that which requires only a reasonable expenditure of staff resources.
- Every effort must be made to ensure questions are not considered direction for action and to understand the difference between commenting, suggesting, and imposing.
- Outside Board meetings, the initial request for information is made to the County Administrator or appropriate department head, thereby allowing the department head or County Administrator to delegate a response as appropriate to ensure the best outcome.
- Following the initial request, the County Administrator and appropriate department head are kept in the loop to further ensure the best outcome.

Individual Supervisor Requests Requiring Resources

- Requests requiring resources and included in the board approved priorities, should be made through the appropriate department head and County Administrator to ensure the best outcome.
- Requests for specific district-related issues and/or action should be made through the County Administrator and department head.
- District issues with countywide impact should come to the full Board when an incidental threshold has been surpassed, leading to a countywide policy or change in Board direction.
- Requests that require more than incidental staff time, and are not included in the board approved priorities, should be made during Board meetings under Board Reports or in a Strategic Planning session.
- Requests should have a nexus to the Strategic Plan, necessary resources should be identified and should be considered in the context of other priorities.

Feedback to County Administrator on Department Head Performance

- Pursuant to the Tuolumne County Ordinance Code, the County Administrator is responsible for the administrative oversight over Board-appointed department heads, except for County Counsel and elected officials.
- The evaluation of the County Administrator provides the opportunity for Board feedback on department head performance.
- Individual concerns about department head performance, along with other employees or consultants, will be brought directly to the County Administrator.
- The Board is the appointing authority for Board-appointed Department Heads and will conduct performance evaluations in closed session.
- Supervisors will avoid public criticism of all department heads and employees.

Interaction with Advisory Bodies

The Board of Supervisors utilizes a number of advisory bodies to provide advice on a variety of issues and policies. The Board desires to utilize these advisory bodies to improve the effectiveness and efficiency of the full Board.

In order for these County advisory bodies to maintain efficiency and effectiveness, they must retain and manage their membership to ensure quorum levels are achieved for their meetings. The Board of Supervisors' active participation in the recruitment, revision, and appointment of applicants is integral to their success and engagement of community knowledge and expertise. Board advisory bodies will follow County policies and protocols, and work within such bodies will focus on the Strategic Plan. Advisory bodies shall abide by the Board approved Local Governing Bodies Handbook.

Board Assignments

Tuolumne County, the broader region, state, and nation have a number of important committees, commissions, and advisory groups that advise and/or direct the Board of Supervisors as well as regional, state, and national leaders. Examples include:

- Policy Advisory Committees
- Mandated Advisory Committees
- Joint Powers Authorities
- Advocacy Organizations
- Community Organizations
- Local & Regional Partnerships
- Ad Hoc Committees & Temporary Organizations

Supervisors are appointed to serve as the Board's liaison or representative on these bodies through a process intended to foster positive interaction between members and address workload balance. Board assignments:

- Provide representation of countywide policies and issues addressed by the various groups
- Advance Tuolumne's leadership in the region, state and nation
- Provides an environment for Board learning and networking
- Capitalize on subject matter expertise

Board Assignment Process

- The County Administrator will collect desired assignments, with individual Board members, and if appropriate, Supervisors-Elect.
- The Board Chair will coordinate the proposed assignments with the County Administrator for presentation to the Board of Supervisors.
- Board assignments are adopted by the full Board during a subsequent regular meeting.
- Board ad hoc subcommittees may be appointed throughout the year on an as needed basis.
- Members regularly provide updates on assignments to the full Board during the Board Reports section of the Board meeting.
- Board members will notify the Board of appointments, outside of county process, during Board reports.

Use of Board Sub-Committees

- Prior to their creation, an ad hoc or standing subcommittee of the Board should have a clear charge and nexus to policy objectives, a finite timeframe (for ad hoc subcommittees), and a focus on setting high-level direction and policy.
- Annually, the County Administrator and appropriate staff provide guidance on the creation, charge, and dissolution of Board ad hoc subcommittees.

Legislative Platform

Every effort will be made to align our Legislative Platform with the Annual workshops and the two year legislative cycle. Board Committees and Commissions annual workplans will be aligned with the Board Priorities and Legislative Platform.

2023 General Principles

1. The legislative platform approved by the Tuolumne County Board of Supervisors authorizes the Board chair to sign letters drafted by county staff that express support or opposition to any legislation.
2. Seek and support legislation that increase the funding, flexibility, and specific language which supports rural needs.
3. Seek and support legislation to enhance local control and oppose efforts that will hinder or limit the County's ability to self-govern.
4. Seek and support equitable levels of state and federal funding for County mandated programs. Oppose federal or state legislation for new, transferred, or realigned mandated programs that do not contain their own sufficient revenue source.
5. Seek and support legislation that provides long-term, dedicated, and sustainable funding for ongoing forest management and fire mitigation activities. Oppose any legislation that would impose undue burden or otherwise restrict Tuolumne County's ability to efficiently perform forest management and fire mitigation activities.
6. Seek and support legislation that will enhance fiscal sustainability of the county through increases in state and federal funding or reductions in the county's fiscal liabilities.

2023 Policy Areas

1. Homeowner's Insurance: Tuolumne County supports legislation that will require the State, insurance providers, and policy holders to work collaboratively to standardize affordable homeowner's insurance rates, taking into consideration local fire mitigation measures, fuel reduction activities, and policy holder implemented defensible space practices.
2. Roads: Tuolumne County supports legislation that will increase funding for existing roads in rural counties.
3. Homelessness: Tuolumne County supports legislation that will increase rural county's access to additional funding for programs that combat homelessness.
4. Water: Tuolumne County supports all efforts to protect or expand upon existing water resources. This includes efforts to secure water rights, fund additional infrastructure, or strengthen existing infrastructure.

Legislative Advocacy

- Legislative proposals with a nexus to the County's legislative platform (approved annually by the full Board) are considered by the appropriate Board committee, or department, in collaboration with the County Administrator's Office. In the event the subcommittee is divided on a position, the proposal is brought to the full Board for consideration.
- After giving due consideration to the adopted governance principles set forth in this manual, under Board Reports, any Board member may raise for consideration legislative, ballot measure, judicial system (including amicus participation) or other proposals of statewide, national and international interest that are beyond the scope of the County's legislative platform. The item will be scheduled for a subsequent agenda with the following staff analysis:
 - o Local and organizational impacts
 - o Description of whether action by Tuolumne County will have an impact
 - o Next steps concerning outreach (i.e., County's position stated in a letter to state/national/international officials, on the website, via a press release)

Note: The Board of Supervisors may only educate and inform related to ballot measures, as opposed to advocating. Individual Supervisors, on their own time, may advocate by exercising their First Amendment rights as long as no County resources are used in this advocacy.

Board of Supervisors in the Community

The Board of Supervisors, as elected community leaders, has the responsibility to engage and educate the community, promote partnerships and collaboration, and advocate for community support. At all times, Supervisors must be mindful of, and work within, their specific roles while encouraging and soliciting community engagement, collaboration, and inclusiveness. While individual supervisors will work closely with the community, authority to take formal action rests exclusively with the Board as a whole.

One of the governing principles of the Board of Supervisors is to govern in an open and transparent fashion, with a commitment to a culture of inquiry. The Board is committed to being responsive and respectful of constituent concerns and issues. When conducting the public's business in public, the Board will ensure that its attention and focus are directed to the business at hand and will generally confine its use of electronic devices to accessing and reviewing meeting materials.

E-mails, social media, and other forms of electronic communications present a range of practical and legal issues. For instance, electronic communications that concern public business may be subject to the California Public Records Act and, in some cases, may also implicate the due process rights of participants in a public hearing. Electronic communications, including social media, emailing, texting, that involve a quorum (i.e., majority) of Board constitute a "serial meeting" and are prohibited under the Brown Act. Board members should not be involved in electronic communications with a majority of the board on items that fall within the subject matter jurisdiction of the Board. When the Board is sitting in a quasi-judicial capacity, members should disclose communications each has received related to the subject matter of the hearing.

Handling Complaints from the Community

- Board members are encouraged to engage in constituent concerns in an appropriate manner by being as responsive as possible, returning phone calls and e-mail inquiries in a timely manner and as feasibly possible, meeting with residents, partners, and stakeholders upon request
- Easily resolved complaints are directed to the appropriate department via the department head with a copy to the County Administrator
- Complaints requiring complex solutions and/or policy changes are directed to the County Administrator

Electronic Communication Outside Board Meetings (including Social Media)

- Supervisors are encouraged to refrain from interaction with each other on social media regarding items before the Board.
- With electronic communications, including social media posts, Board members will use the same level of professionalism and good judgment employed in public meetings.
- Confidential or sensitive County information (i.e., closed session discussions) will not be disclosed in any circumstances, including via electronic communication.
- As appointments to local boards, commissions and committees are subject to the Maddy Act (which requires the posting of vacancies for at least 10 days prior to appointment decisions), Board members will avoid social media commentary regarding prospective appointees before or during the posting period.

Electronic Communication During Board Meetings

- During Board meetings, Supervisors will not receive individual electronic communication from members of the public on topics before the Board. Board meeting agendas will include a statement to this effect to ensure the public is aware that electronic communications sent to the Board during a Board meeting will not be reviewed or considered. For public hearings, electronic communication to the Board must be sent prior to the start of the hearing for it to be considered as part of the administrative record. During Board meetings, in the interest of transparency and to minimize distractions, Board members are encouraged not to use electronic devices to communicate with Board members on items before the Board.
- Prior to quasi-judicial hearings, such as land use appeals, the Board Chair will review procedural guidelines provided by the Office of the County Counsel.
- Public Hearings: To ensure that such matters are decided based on evidence made available publicly before and during the hearing, Board members will not consider information received electronically during such Board meetings and public hearings.
- Each Board member's full attention should be directed to the agenda item being presented during the meeting.
- Posting to social media should not occur during Board meetings.

Board Meetings - Closed Sessions

- Closed sessions are confidential, and Board members agree that they will not engage in electronic communication while participating in a closed session unless it is for a family/emergency situation.

The Board agrees that in order to maintain the confidentiality of a closed session, each member will abide by the confidentiality requirements and only share information outside of the closed session that the Board has agreed may be publicly released.

Board of Supervisors Rules and Regulations

SECTION 1. DEFINITIONS

As used in this Board of Supervisors Rules and Regulations portion of the Governance Manual the following words are hereby defined:

1. "Clerk" shall mean the Clerk of the Board of Supervisors.
2. "Board" shall mean the Tuolumne County Board of Supervisors.
3. "Member" shall mean a member of the Tuolumne County Board of Supervisors.
4. "Public" shall mean all other persons, including county department heads, employees, and the representatives of other governmental agencies.
5. "Chair" shall mean the member elected Chair of the Board of Supervisors pursuant to the provisions of Section 4 hereof. "Chair" shall also mean the Vice-Chair or other officer presiding in their absence.
6. "Vice-Chair" shall mean the member elected Vice-Chair of the Board of Supervisors pursuant to the provisions of Section 5 hereof.
7. "Board Action" shall mean action taken by motion, seconded, and passed by the required majority of the members of the Board.
8. "Board Direction" shall mean a directive by the Chair as specified in Section 5(n) below.
9. "Emergency Situation" shall mean work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board or crippling disaster which severely impairs public health, safety, or both, as determined by the Chair or by a majority of the members of the Board.
10. "Regular Meeting" shall be the meeting of the Board of Supervisors shall be held according to the schedule set forth in the Tuolumne County Ordinance Code; provided that if any such Tuesday falls upon a holiday, the meeting shall be cancelled.
11. "Special Meeting" shall be the meeting called by the Chair or a majority of the members of the Board as provided by law, which is restricted to the business for which called.
12. "Minutes" shall mean the official record of Board proceedings.

13. “Question” shall mean a matter which has been moved, seconded, and is ready for the vote of the members of the Board.
14. “Item” shall mean an individual statement on the agenda to be presented to the Board.
15. “Board Consensus” shall mean the unanimous affirmation of a Board direction.
16. “Consent Calendar” shall mean that section of business listed on the agenda which contains routine items to be voted on by one action of the Board.

SECTION 2. AGENDA

The agenda shall contain a brief general description of each item of business to be transacted or discussed. The Department Head, member of the Board, or other person requesting an item to be placed on the agenda shall be responsible to prepare agenda descriptions designed to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in a meeting regarding it. The Clerk shall reject or request revision of such agenda requests that do not comply with this rule.

The agenda shall be divided into the following general category classifications of business. Categories may be eliminated from any Agenda if there is no documentation supporting that category. Also, at the Chair’s discretion, items may be heard in a different order during the meeting, excluding the items that are scheduled as timed appointments.

A. ORAL COMMUNICATIONS

The first item of business to be considered shall be “Oral Communications” which shall be a 15-minute time period during which any member of the audience may address the Board on any item which is within the subject matter jurisdiction of the Board, which is not already on the agenda. The “Oral Communications” section of the agenda may be extended for a second 15-minute time period at the discretion of the Chair. The Chair may limit the time allocated to each individual speaker. Individuals who speak will be limited to three minutes. The “Oral Communications” section shall be included on all regular and special meeting agendas. Members of the public are encouraged to utilize the BOSpublic@co.tuolumne.ca.us email group to provide general comments to the full board regarding topics within the subject matter jurisdiction of the Board. No action may be taken by the Board.

B. STAFF REPORTS

Staff may present public service announcements, commendations of staff, and brief project updates. No action may be taken by the Board.

C. CONSENT CALENDAR

The second item of business to be conducted shall be the “Consent Calendar” which lists routine items that may be acted on by the Board of Supervisors with no individual presentation or discussion required. Any member of the Board of Supervisors may

remove one or more items from the Consent Calendar for consideration as a regular agenda item. Alternatively, the Board, by a majority vote, may move items to the Consent Calendar provided there is no legal limitation. The Board of Supervisors may provide comments on one or more items on the Consent Calendar without removing the items for discussion. The items remaining on the Consent Calendar shall then be enacted by one motion. Approval by the Board of consent items indicates that the staff recommendation was approved, together with any conditions for requirements as stated by the staff in the recommendation. An announcement shall be made after the Consent Calendar is read by the Clerk, and before action is taken on any item, that the public may address any item on the Consent Calendar.

Examples of consent agenda items shall include, but not be limited to, the following:

- Approval of minutes
- Approval of contracts and agreements of a routine nature
- Routine right-of-way matters
- Notice of completion
- Appointments and Reappointments to Committees/Commissions with clear recommendation
- Other items of a routine nature

D. COMMITTEE AND COMMISSION APPOINTMENTS/REAPPOINTMENTS

The third item of business to be conducted shall be “Committee and Commission Appointments and Reappointments” where the Board will act on appointments or reappointments to Committees/Commissions where there is more than one application to consider for a single appointment and no clear recommendation.

E. PROCLAMATIONS AND COMMENDATIONS

The fourth item of business to be conducted shall be the “Proclamations and Commendations” where the Board recognizes employees and members of the public on various accomplishments that benefit the County of Tuolumne. Board action shall take place prior to the presentation of the resolution or certificate of recognition to the recipient.

F. GENERAL BUSINESS BY DEPARTMENT

The fifth item of business to be conducted is “General Business by Department”. These are action items or presentations that are presented and sponsored by a specific department. Department Staff should make every effort to keep their presentations concise and no more than 15 minutes for noncomplex topics. There will be an opportunity for Board questions to staff, discussion amongst themselves, and public input. These items will be addressed individually and have individual motions reflecting the action taken by the Board.

G. OTHER BUSINESS

The sixth item of business is “Other Business”. These are action items or presentations generally submitted through the Clerk of the Board’s office in order to conduct general business on behalf of the Board. This is an opportunity for the Board to submit questions to staff, discuss amongst themselves, and receive public input. Typical agenda items in this category would be Closed Session items, Annual Board Appointments to

Committees, Election of the Chair and Vice Chair on even-numbered years, Presentation of the Board of Supervisors Local Governing Bodies Handbook, Adoption of the Annual Meeting Schedule, etc.

H. REPORTS

The seventh item of business is “Reports”. Reports shall include oral or written items of information, which do not require Board action. Reports may be a brief summary by a Board member, County Administrator, County Counsel, or the Clerk of the Board of items of interest or information. No discussion shall occur.

I. APPOINTMENTS

The eighth item of business is “Appointments”. Appointments shall include public hearings, and appearances before the Board by any individual or group which, in the Clerk’s judgment at the time of preparing the agenda, will require the scheduling of a specific time for discussion before the Board. Appointments shall be scheduled only for items that are within the subject matter jurisdiction of the Board.

SECTION 3. AGENDA PREPARATION

All meetings of the Board of Supervisors are governed by the agenda, which must be published in accordance with the requirements of the Ralph M. Brown Act. Additionally, specific items on an agenda may contain other information as required by other State statutes or the County Code. Each of these requirements should be clearly stated on the agenda itself or contained within the staff work that accompanies the agenda.

- A. All items to be placed on the agenda, including full backup documentation, should be presented to the Clerk not later than 12:00 p.m. noon on the Monday of the week preceding the regular meeting in which the agenda is prepared. One (1) week preceding the meeting, but not later than 12:00 p.m. noon on the Wednesday preceding the meeting concerned, the Clerk shall make available the agenda and provide a copy thereof to each member of the Board of Supervisors and to all local news media via the County website. In addition, one copy of the agenda shall be placed on the public bulletin board in front of the Administration Center and on the Tuolumne County website at www.tuolumnecounty.ca.gov/BoardMeetings
- B. Agenda items shall be placed on the agenda by departments, and items of a similar or related nature shall be grouped together. To assist the Board in preparing for each meeting and to assist the Clerk in preparing the agenda, the Board from time to time may, by use of the Board Requests Process, direct items to be added to a future agenda.
- C. Backup documentation, including proposed ordinances, resolutions, proclamations, petitions, and other documents or copies thereof, to be considered or adopted by the Board shall be furnished to the Clerk at the time the matter is placed on the agenda, and such documents shall be available for examination by members of the Board and public prior to the meeting.
- D. The Clerk shall not place any item on the agenda for which he or she believes there is insufficient backup documentation.

- E. The Clerk should not place any agreement, contract, lease, ordinance, and/or memorandum of understanding on the agenda unless it is approved as to form by the contractor (excluding Federal, State, or other County agencies), and the Office of the the County Counsel, or is accompanied by a waiver in writing from each indicating otherwise.
- F. The Clerk shall not place any quasi-judicial action (e.g., hearings, orders, judgments, or activities similar to those conducted by courts) on the agenda for which the Board has already taken action or which it has considered and declined to take action.
- G. Unless required by law, the Clerk may refuse to place any item on the agenda if it is not within the Board's subject matter jurisdiction, lacks sufficient public interest, or otherwise does not merit Board consideration. The Clerk may consult with the Chair or County Counsel in considering an agenda request.

SECTION 4. CHAIR

- A. A Chair and Vice-Chair of the Board shall be elected annually by the members at 12:00 noon at the first regular meeting held in January of each even numbered year, provided, that in odd numbered years, the Board shall convene for such purpose at a special meeting to be held at 12:00 noon on the first Monday after January 1, succeeding the election of members. The election of a Chair and Vice-Chair shall be the first order of business at said meetings.

At the time set for the election, the Chair shall surrender the gavel to the Clerk, who shall act as Chair pro tem and conduct the election. Immediately following the election, the newly elected Chair and Vice-Chair shall assume office.

- B. The terms of Chair and Vice-Chair shall be one year or until the election of their successors.
- C. It is the policy of this Board of Supervisors that the office of the Chair and Vice-Chair shall be rotated among the members.
- D. Should a vacancy occur in the office of Chair, the Vice-Chair shall be elected to the office. Such election shall not prohibit their succession to the office of Chair for the ensuing full term.

Should a vacancy occur in the office of Vice-Chair, a member shall be elected to the office. Such election shall not prohibit their succession to the office of Vice-Chair for the ensuing full term.

- E. It is the Chair of the Legislative body who is responsible for applying the rules for the conduct of the meeting. The Chair, for all intents and purposes, determines the final ruling on the rules every time the Chair states an action. All decisions of the Chair are final, unless overruled by the Legislative body itself. It is also the primary role of the Chair, as the facilitator of the meeting, to ensure that the meeting is conducted properly. It is the usual courtesy of the Chair to play a less active role in the debate and discussion

than other members of the Legislative body. This does not mean the Chair does not participate. However, the Chair generally should be the last to speak during debate and discussion. The Chair should not make a motion or second a motion, unless convinced that no other member of the Legislative body will do so. The exception to this rule would be to allow the Chair to make a motion for any program or project to be implemented within their district.

SECTION 5. BOARD PROCEDURES

- A. A quorum of the Board shall consist of not less than three (3) members of the Board.
- B. Chair Procedures for Agenda Item Management
The Chair should use a consistent format for each agenda item.
 - 1. The Chair should call upon the Clerk of the Board to formally read the item for the public.
 - 2. The Chair should recognize or call upon, the staff member, or appropriate person to provide a brief report on the item, including any recommendation(s).
 - 3. The Chair should open the discussion of the item to the members of the Board for questions of clarification or any technical questions. Members of the Board should refrain from entering into debate or making comments as to support or non-support of the item.
 - 4. The Chair should open the discussion to members of the public. All questions from the public should be directed to the Chair, with the Chair requesting any response from staff or another appropriate person. If numerous members of the public wish to speak, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that public input has concluded. County employees who wish to provide comments during this time will be subject to the same time limit as members of the general public.
 - 5. The Chair should return the matter to the Board and inquire if Board members have further questions of clarification or of a technical nature, as a result of the public comments.
 - 6. The Chair will open the item to discussion by members of the Board. If a Supervisor is being disruptive or speaking on items not related to the agenda item, the Chair may direct the Supervisor to end their comments. If the Supervisor continues, the Chair may, with the support of the majority of the Board, end the discussion and ask for a motion.
 - 7. The Chair should invite a motion to be made, indicating the name of the maker of the motion.
 - 8. The Chair should request a second to the motion, indicating the name of the Board member making the second.

9. The Chair should repeat the motion or request the Clerk of the Board to do so, to ensure that members of the Board, staff, and the public understand the motion.
10. The Chair calls for a vote and confirms the number of “aye” or “nay” votes, or any “abstain” votes for the public to hear, and lists the name of the Supervisor(s) who abstained or voted no.
11. The Chair should announce whether the motion passed or failed.

C. Making of a Motion

Motions made by a Legislative body are the vehicles for decision-making. Generally, it is best to have a motion (and a second to the motion) made before commencing discussion or debate of an agenda item. This provides focus for the discussion.

Motions are made in a two-step process.

1. The Chair should recognize the Board member desiring to make the motion.
2. The motion maker should proceed by making the motion as “I move...”
 - i. Unless the Board member wishes to modify staff recommendation, it is best practice to make the motion as “I move to approve staff recommendation.” This ensures nothing is missed in the motion and saves time by avoiding the Board member re-reading the recommendation.

The Chair generally initiates the motion by either inviting the members of the Board to make a motion as “A motion at this time would be in order”, or suggesting a motion to the members of the Board as “A motion would be in order that the Board ...” As noted above the Chair has every right to make a motion as a member of the Board, but generally refrains from doing so unless convinced that no other member of the Board is willing to make a motion on the item.

There are three types of motions.

1. Basic motion. A motion that puts forward a specific recommendation or decision for the Board’s consideration. Ex: “move to approve staff recommendation.”
2. Motion to amend. A motion to change the basic motion that is before the Board. Ex. “move to approve staff recommendation with amendments to...”
3. Substitute motion. A motion to completely do away with the basic motion and place a new motion before the Board.

A motion to amend seeks to retain the basic motion before the Board, but with a modification. A substitute motion seeks to remove the basic motion before the Board and change the content and substance of the motion.

The decision as to whether a motion is a motion to amend or a substitute motion is at the discretion of the Chair.

D. Multiple Motions

There may be up to three motions before the Board at the same time. The Chair may reject a fourth motion until the Chair has dealt with the three existing motions and has them resolved.

When there is more than one motion before the Board (motions and seconds), the vote should proceed with the last motion made. This rule applies regardless of motions being amendments or substitute motions.

E. Debate and Discussion

The essential rule of motions is that they are subject to debate and discussion. Basic motions, motions to amend, and substitute motions are all eligible, each in turn, for full discussion and debate by the Board. Discussion and debate may continue as long as members of the Board wish to continue, subject to the decision of the Chair that it is time to make a decision.

There are exceptions to the general rule of open debate and discussion. The exceptions all apply when the Board determines to make a decision. The following motions are not debatable. When such motions are made, the Chair is obligated to call for an immediate vote without debate.

1. A motion to adjourn. If passed, this requires the Board to immediately adjourn to its next regularly scheduled meeting. A simple majority vote is required.
2. A motion to recess. If passed, this requires the Board to take an immediate recess. Normally, the Chair determines the length of the recess and informs the public. A simple majority vote is required.
3. A motion to table. If passed, this requires the discussion of an agenda item to stop. The item is placed on hold. The motion may contain a specific time for the item to return to the Board, or the motion may not contain a specific time for it to return for consideration. If there is no time set for the item to return to the Board, the Board itself must take the item up at a future meeting and make a motion to take it off the table before it may be discussed. A simple majority vote is required.
4. A motion to limit debate. Usually stated as “I call the question”, requires the Chair to ask for a second, stop debate, and vote on the motion to limit debate. A super majority vote (4/5th) is required (protecting the rights of the minority).
5. A motion to object to the consideration of an item. If passed, this motion precludes the Board from even considering an item on the agenda. A super majority vote (4/5th) is required (protecting the rights of the minority).
6. A motion to close nominations. A motion to close nominations limits the right of the minority to nominate officers. A 4/5th vote is required
7. A motion to suspend the rules. This motion is debatable but requires a 4/5th

vote to pass. Such a motion allows the Board to suspend its own rules, conduct, or procedure for a particular purpose. A 4/5th vote is required. For a complete listing of agenda items requiring four or more votes, refer to Exhibit “A”.

F. Motion to Reconsider

A motion to reconsider is a unique motion requiring some explanation. The essence of parliamentary procedure is finality. After discussion and debate, there must be closure of the issue. After a vote is taken, the matter is determined, by the Board’s own action, to be closed, subject to reconsideration if a proper motion is made.

A motion to reconsider requires a majority (3/5th) vote to pass, but there are two rules that apply only to a motion to reconsider.

1. Timing. A motion to reconsider must be made at the meeting where the item was first voted upon, or at the very next meeting of the Board. A motion to reconsider made at a later time is untimely. (The Board, however, may always vote to suspend its rules and, by a 4/5ths vote, allow a motion to reconsider to be made at another time.)
2. A motion to reconsider may only be made by specific members of the Board, meaning those members who voted in the majority on the original motion. The Chair must rule a motion to reconsider as out of order if a member of the Board who voted in the minority makes a motion to reconsider.

If the motion to reconsider passes, then the original matter is back before the Board, and a new original motion is then in order. The matter may be discussed and debated as if it were on the floor for the first time.

G. Quasi-Judicial Decisions

When the Board of Supervisors is acting as an administrative agency, the Board may not rehear or reconsider an item once a decision has been made. The General Rule is “In the absence of specific statutory authority, an administrative tribunal has no power to grant a rehearing or otherwise to reconsider a previous final decision” (2 California Jurisprudence 3d p. 483). If the Board follows the required procedures and makes a final and conclusive decision, the Board may not reconsider that decision at a later date. For a complete discussion of examples of Legislative versus Quasi-Judicial Acts, refer to Exhibit “B”.

H. Courtesy and Decorum

Rules of order are designed to create an atmosphere where the members of the Board and members of the public may attend to business efficiently and with full participation. A meeting of the Board is to conduct its meeting in public, not to conduct a public meeting. It is the primary duty of the Chair and the members of the Board to maintain common courtesy and decorum. It is always best for only one person to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak. For a complete discussion on matters requiring a public hearing, refer to Exhibit “C”.

As noted above, it is the primary duty of the Chair, as the meeting facilitator, to ensure that debate and discussion of an agenda item focuses on the item and the policy issue in question and not the personalities of the members of the Board or the public. The Chair has the right to cut off any debate or comment that is too personal, too loud, or too crude.

Debate and discussion must be focused, but free and open. In the interest of time, the Chair may limit the time allotted to speakers, including members of the Board.

Necessary Board interruption of a speaker

1. Privilege. The proper interruption is “point of privilege”. The Chair would ask the interrupter to “state your point”. Generally, appropriate points of order relate to anything that would interfere with the normal comfort of a meeting - the room being too hot or cold, the inability to hear, and so forth.
 2. Order. The proper interruption would be “point of order”. The Chair would ask the interrupter to “state your point”. Generally, appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting.
 3. Appeal. If the Chair makes a ruling with which a member of the Board disagrees, the member may appeal such a ruling. A motion and second are made, and if passed on a simple majority vote, the ruling of the Chair is reversed.
 4. Call for order. A better way to state this is “Let’s return to the agenda”. If a member of the Board believes that the Board has drifted from the agenda such a call may be made. A vote is not required. The Chair simply reminds the Board members to return to the properly stated agenda item.
 5. Withdraw a motion. During discussion or debate, the maker of a motion on the floor may, at any time, interrupt a speaker to withdraw a motion that the motion maker made. The motion is immediately deemed to be withdrawn.
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- I. For a complete review of the budget adoption process, refer to Exhibit “D”.
 - J. The Clerk shall record in the minutes (action format) all appearances, presentations, and actions taken by the Board relative to appointments and business.
 - K. Reports shall be entered in the minutes under the names of an individual Board member, County Administrator, County Counsel, and the Clerk of the Board.
 - L. Board committee appointments shall be made by Board direction.
 - M. All Recesses shall be taken by Chair direction and the Clerk shall record all recesses and reconvening times in the minutes. Any Board member required or that chooses to leave the chamber during a meeting shall do so as to not disturb the meeting, and the Clerk

shall record the time of the member's departure and the member's return in the minutes. Any Board member departures and returns of a duration of less than a minute will be noted as a full minute for recording consistency.

- N. Directions by the Chair shall be subject to objection by any member of the Board. A Chair's direction shall be presumed to reflect general consent unless objected to at the time it is made. In the event of an objection, the business shall be subject to Board action.
- O. The minutes of each session of the Board shall be approved by Board action. Approval shall be prima-facie evidence of the accuracy and correctness of the minutes. Amendments to the minutes must be made by a Motion to Amend in an open meeting for the entire Board to consider and approve.
- P. Adjournments shall be by a declaration of the Chair after business is concluded. Any meeting may be adjourned to a subsequent defined date. An adjourned meeting shall be considered to be a continuance of the meeting from which adjourned, and subject to the limitations imposed upon said meeting. The Board shall not adjourn sine die.

SECTION 6. EMERGENCY SITUATIONS

On the determination by a majority vote of the Board that an emergency situation exists, the Board may take action on emergency situations not appearing on the posted agenda.

SECTION 7. MATTERS NOT ON THE AGENDA

The Board may take action on items of business not appearing on the posted agenda under either of the conditions stated below. Prior to discussing any item pursuant to this section, the Board shall publicly identify the item.

- a. On a determination by a two-thirds vote of the Board, or, if less than two-thirds of its members are present, a unanimous vote of those members present, that there is a need to take immediate action and the need for action came to the attention of the County subsequent to the agenda being posted as specified in Section 3 hereof.
- b. The item was posted, pursuant to Section 3 hereof, for a prior meeting of the Board occurring not more than seven (7) 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.

SECTION 8. PROCEDURAL RULES FOR THE CONDUCT OF PUBLIC HEARINGS

For any public hearing, the order of business shall be the following:

- 1. Opening of the public hearing by declaration of the Chair.
- 2. County staff presentations (of the project and appeal).

3. Presentation by appellant.
4. Presentation by applicant (for land use items).
5. Acknowledgment of communications by Board members with individuals concerning the matter at hand.
6. Questions by the Board.
7. Public comment.
8. Close of public hearing by declaration of the Chair.
9. Discussion by members of the Board. (There will be no further public input.)
10. Entertainment of motion and second.
11. Discussion on the question.
12. Vote on the motion as outlined above in Section S(c)-(f).

ADDITIONAL RULES

- A. The Board of Supervisors may continue a public hearing to a new date, time, or place to inspect the premises, allow additional interested parties to attend the hearing, gather additional evidence, or otherwise assure all parties of a fair and impartial hearing. If a public hearing is continued, the continued hearing shall begin at the point from which it was continued.
- B. A public hearing may be reopened by a majority vote of the Board.
- C. Persons making a presentation during a public hearing may state whether they are appearing as individuals or representatives of a group. All members of the audience shall be given an opportunity to address the Board or Commission, but shall not address one another without permission from the Chair. If, in the opinion of the Chair, the matter has been thoroughly covered by verbal, written, or visual evidence and further presentations are merely repetitious, the Chair may terminate the discussion and entertain a motion for disposition of the matter. Any person making a verbal presentation is encouraged to also submit a written statement.
- D. When a planning staff report exists, such report shall be made public prior to, or at the beginning of, the hearing and shall be a matter of public record.
- E. When any hearing is held on an application for a change of zone for parcels, a staff report with recommendations and the basis for such recommendations shall be included in the report of the hearing.
- F. The Board may hold a regular meeting in a location other than in its chambers by an order previously made and entered in its minutes.

SECTION 9. DISORDERLY CONDUCT

In the event that any meeting is willfully interrupted by an individual, a group, or groups of persons, so as to render the orderly conduct of such meeting unfeasible, the Chair will recess the meeting and consult with the County Administrator and

County Counsel regarding options. The Chair shall call for a recess, direct the Clerk to note the time, and then direct all staff and the Board to exit the Board Chambers. After consultation, the Chair may order the removal of the individual or individuals willfully interrupting the meeting, however, the Chair must first warn the individual(s) that they may be removed from the meeting if they continue to cause a disturbance. If order cannot be restored by the removal of the individual or individuals willfully interrupting the meeting, the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session, and duly accredited members of the press and other news media, except those participating in the disturbance, shall be allowed to attend. During such a session, the Chair may re-admit an individual or individuals if it finds they were not responsible for willfully disturbing the orderly conduct of the meeting and their re-admission will not disrupt the continued orderly conduct of business.

SECTION 10. AUDIO-VISUAL RECORDING OF BOARD MEETINGS

- A. Each regular meeting of the Board of Supervisors shall be audio-visually recorded by the Clerk.
- B. Audio or video recordings of regular Board meetings shall be retained for two years. Specific tape recordings may be retained for longer periods of time at the direction of the Board of Supervisors.
- C. Audio or video recordings of Board meetings shall be made available for public review in the Office of the Clerk of the Board and on the County website.

Exhibit “A”

AGENDA ITEMS REQUIRING FOUR OR MORE VOTES FOR PASSAGE

Listed below are items likely to appear on the Board of Supervisors agenda which require four or more votes. However, this list is not exhaustive and the law frequently changes so this is intended as a guide only.

A. APPROPRIATION (BUDGET) TRANSFERS

1. Approve a revision to the recommended budget after close of the hearing. (Gov. Code §29064)
2. Increase the general reserve any time during the fiscal year. (Gov. Code §29086)
3. Approve any increase or addition to the budget after the public hearing (note: this vote requirement concerns items that were not proposed in writing and filed with the Clerk of the Board before the close of the public hearing). (Gov. Code §29088)
4. The following transfers and revisions to the adopted appropriations require a four-fifths vote: (a) between funds; or (b) transfers from appropriations to contingencies. (Gov. Code §29125)
5. Adopt a resolution to appropriate and expend funds necessary to meet specific emergencies. (Gov. Code §29127)
6. Make available for appropriation any of the following: (a) restricted, committed, assigned, and unassigned fund balances, excluding reserves and non-spendable fund balance; (b) amounts that are either in excess of anticipated amounts or not specifically set forth in the budget derived from any actual or anticipated increases in financing sources. (Gov. Code §29130)

B. BOARD AGENDA

1. To consider an item not on the agenda, upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, 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 came to the attention of the local agency subsequent to the agenda being posted as designated in Gov. Code § 54954.2(a). (Gov. Code §54954.2)

Exhibit “A”

C. PLANNING MATTERS

1. Adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal by the Board. Any extension of time on the interim ordinance also requires a four-fifths vote for adoption. (Gov. Code §65858)
2. Adopt or amend a general plan element, zoning ordinance, building regulation, or airport master plan that has been found by the Airport Land Use Commission to be inconsistent with the adopted Airport Land Use Plan. This requires a two-thirds vote. (Pub. Util. Code § 21676.)

D. GENERAL MATTERS

1. Authorize a change or alteration of a contract where the costs of such change or alteration does not exceed 10% of the original contract price, but does exceed the amounts specific in Public Contract Code sections 20121(\$4,000) and 21031(\$25,000). (Pub. Contract Code §20137)
2. Alter or change in any manner the plans and specifications previously adopted by the Board for the erection, alteration, construction, or repair of any public building or other public structure, where such alteration or change increases the cost. This requires a two-thirds vote. (Pub. Contract Code §20135)
3. Bridge construction contracts: modify the plans, specifications, and working details of the contract. (Pub. Contract Code §20405)
4. Streets and Highways: Adopt a resolution that determines certain activities are of general county interest and county aid shall be extended to cities for city streets. (Sts. & Hy. Code §§1680, 1686)
5. City streets: Adopt a resolution that declares any highway lying in whole or in part within a city to be a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair. (Sts. & Hy. Code §1700)

Exhibit “A”

6. County roads: Acquisition or construction of a new county highway or improvement, repair, or maintenance of any existing county highway through use of the general fund monies. (Sts. & Hy. Code §1070)
7. Private roads: Adopt a resolution that determines that the general county interest demands the improvement or repair of a privately owned road with county funds. (Sts. & Hy. Code §969.5)
8. Road equipment, leasing of. (Sts. & Hy. Code §942)
9. Adopting a resolution establishing a rights-of-way acquisition revolving fund. (Sts. & Hy. Code §1627)
10. Adopting a resolution declaring intent to sell or lease county property. (Gov. Code §25526)
11. Leasing of certain county property for certain specified usage (Gov. Code §25536); and amendment of lease or contract. (Gov. Code §25536.5)
12. Parks: adopt a resolution of intention to abandon all or part- unanimous vote required. (Gov. Code §25583)
13. Condemnation proceedings (eminent domain), resolution of necessity. This is a two-thirds vote of all members of the Board. (Code Civ. Proc. §1245.240)
14. County property, conveyance, or exchange of to another governmental agency. (Gov. Code §25365)
15. County property, conveyance to cities for park purposes without reimbursement- unanimous vote of members present, (Gov. Code §§25550 and 25550.5); county aid to cities for park purposes (Gov. Code §25553); dedication of unused parklands - “four-fifths vote of all its members”. (Gov. Code §25560.4)
16. Property acquisition for airport purposes by purchase, condemnation or lease; resolution for county aide. (Gov. Code §26021)

Exhibit “A”

17. Airports, contribution of funds to U.S. Government. (Gov. Code §26026)
18. Adopt a resolution finding the proceedings instituted to construct and acquire sewers, sewage disposal works and storm water drains are a necessary health measure. (Sts. & Hy. Code §2808)
19. County sanitation, maintenance and flood control district loans, establishment of revolving fund. (Gov. Code §23014)
20. Records, destruction of original records which have not been reproduced or microfilmed. (Gov. Code §26202)
21. Delinquent Accounts-Assignment to a collection agency. (Gov. Code §26220)
22. Emergency ordinance for preservation of public peace, health or safety – to become effective immediately (normally requires 30 days for ordinance to become effective). (Gov. Code §25123(d) and Elec. Code §9141(a)(4))
23. Destruction of records exposed to asbestos. (Gov. Code §26202.5)
24. Replacement of annual special audit with a biennial audit for special districts. Requires unanimous request of governing board, and unanimous approval of the Board of Supervisors. (Gov. Code §26909)
25. Employ counsel to assist district attorney, county counsel, or other counsel for the county. This requires a two-thirds vote of all members. (Gov. Code §25203)
26. Cash sale or lease of any property, not required for public use, at a noticed public auction, four-fifths vote; sale or lease at an unadvertised, private sale can be authorized by simple majority, but only after the Board unanimously finds that the value of property does not exceed \$500, monthly rental value is less than \$75, or it is a product of a county farm. (Gov. Code §25363)
27. Conveyance of real property to hospital district for hospital purposes- requires unanimous vote. (Gov. Code §25368)

Exhibit "A"

28. Adopting a resolution declaring a project, which is less than seventy-five thousand dollars (\$75,000), can be performed more economically by county personnel, or in the Board's opinion a contract to perform the project can be negotiated with the original bidders for a lower price. (Pub. Contract Code §20150.10)
29. Wildflower reserves. (Gov. Code §25600)
30. Conveyance to State or agricultural associations for fairground, park, playground, or recreational purposes. (Gov. Code §50332)
31. Abolition of board of forestry. (Gov. Code §25638)
32. After rejection of bids, adopt a resolution that declares a project can be performed more economically by the employees of the public agency. (Pub. Contract Code §22038)
33. Adopting a resolution authorizing and designating any member of the Board to sign bonds (other than the chairperson). (Gov. Code §29917)

Exhibit “B”

DEFINITION AND EXAMPLES OF LEGISLATIVE VERSUS QUASI-JUDICIAL ACTS

The terms “legislative” and “quasi-judicial” are not exact. It is clear from the language of the courts that precise distinctions of general application do not apply. Except for the well- recognized characterizations listed below as examples, the determination of whether action is adjudicatory, quasi-judicial, legislative or quasi-legislative, executive, administrative or ministerial, is largely left to a case by case interpretation. However, it can generally be said that acts constituting the declaration of public purpose and making provision for ways and means of its accomplishment are classified as calling for the exercise of legislative power, while acts which are necessary to be done to carry out legislative policies and purposes already declared by the legislative body, or such as are devolved upon it by the organic law of its existence, are deemed as acts of administration and classed among those governmental powers properly referred to as executive. To be distinguished are acts of a quasi-judicial body is its fact finding power and the concomitant requirement to make a determination or adjudication of fact in connection with matters properly submitted to it after a hearing.

The following list of examples is not all inclusive but intended only as a guide:

1. LEGISLATIVE ACTS:

- a. Enactment of ordinances
- b. Adoption of plans such as the general plan, solid waste management plan, etc
- c. Resolution approving agricultural preserves
- d. Purchase or sale of property
- e. Letting of contracts

2. QUASI-JUDICIAL ACTS:

- a. Grant or denial of a variance
- b. Grant or denial of a development plan
- c. Approval or denial of real property divisions
- d. Certification of EIR

Exhibit “B”

- e. The hearing of appeals
- f. Hearings, re: closure, suspension or revocation of permits, licenses or franchises
- g. Nuisance abatement hearings
- h. Assessment appeal hearings (67 Ops. Cal. Atty. Gen. 514 (1984))

RECONSIDERATION OF AGENDA ITEMS

Questions concerning reconsideration often arise in connection with both legislative and administrative matters.

A. Legislative Actions

As a general rule, once final legislative action has been taken, any reconsideration of that action must follow the statutory requirements for the initial consideration. If a specific action may be taken by a legislative body only after a prescribed public notice and hearing, any reconsideration of the action must also comply with the prescribed notice and hearing procedure for original consideration. The principal reason for the rule is that once final action has been taken on an item various people acquire certain rights associated with the item. In land use matters in particular, private owners or others with interests in real property acquire property rights which may then not be affected by governmental action unless the individual's due process rights are observed. (*Horn v County of Ventura* (1979) 24 Cal.3d 605.)

For example, the Planning and Zoning Law, Government Code section 65000 et seq., codifies these general principles of due process. General plans, general plan amendments and zoning regulations may only be adopted after a statutorily set procedure of notice and hearing. (Gov. Code §§65350 et seq., 65854 et seq.) There are no existing provisions in the Planning and Zoning Law expressly providing for the reconsideration of a final action on a general plan, general plan amendment or zone change.

If the Board desires to keep an item open for further consideration, the simplest method by which to accomplish this result would be to continue the hearing on the item so that interested members of the public will have notice that final action has not been taken. The continuance may be with or without a tentative decision having been made by the board.

Exhibit “B”

B. Administrative (Adjudicatory or Quasi-judicial) Actions

Administrative (adjudicatory or quasi-judicial) actions or decisions are the result of board discretion exercised as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and determination of the facts is vested in the Board of Supervisors.

Such actions include decisions on appeals of decisions by county officers or lower reviewing bodies (such as the planning commission) and may, for example, include appeals on special or conditional use permits, variances, certificates of compliance, parcel maps and tentative subdivision maps.

The Board’s authority in such appeals relating to land use matters is set forth in Government Code section 65903 and provides”... (p)rocedures for such appeals shall be as provided by local ordinance. Such Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as should be made, and such action shall be final.”

California follows the rule that a final decision by an administrative hearing body may not be reconsidered unless reconsideration is authorized by the statutes governing the procedure of that body. (California Administrative Hearing Practice (Cont. Ed. Bar 1984), §§4.55 and 4.56, p.255; *Save Oxnard Shores v. California coastal Commission* (1986) 179 Cal.App.3d 140; and 72 Ops.Cal.Atty.Gen. 173 (1989).) “(W)here no specific authority is conferred by statute, an administrative board or agency has no inherent or implied power to reopen or reconsider a final decision and exhausts its jurisdiction when it announces such decision.” (*Charles L. Harney Inc. v. State of California* (1963) 217 Cal.App.2d 77; see also *Azadigian v. Workers’ Compensation Appeals Board* (1992) 7 Cal. App.4th 372 at 378.) Voting may only be changed before the final decision is announced or recorded. (56 Ops.Cal.Atty.Gen.224. (1973).)

Unless reconsideration is provided by the statutes, ordinance or other law pertaining to the proceedings of the administrative hearing body, the administrative decision becomes final when rendered and review is allowed only through court proceeding. (59 Ops.Cal.Atty.Gen. 123 (1976).) Reconsideration is also possible through stipulated court order.

Exhibit “C”

MATTERS WHICH REQUIRE PUBLIC HEARINGS

The line between agenda items which require public hearings and those which do not has been blurred by the amendment to Government Code section 54954.3 which requires that members of the public must be allowed to address each and every agenda item. However, until the difference between nonpublic hearing items and public hearing items is clarified, or counties simply decide to provide a full public hearing on every item, full hearings should continue to be provided on at least the times discussed in this section.

Below is a list of some of the most commonly used sections which require public hearings:

1. Abandonment of county roads (Sts. & Hy. Code §§ 954.5, 8320, 8324)
2. Final determination on the budget (Gov. Code §§ 29063, 29080, 29081)
3. Zoning ordinances and amendments (Gov. Code §65856)
4. General plan adoption and amendment (Gov. Code §65355)
5. Actions on tentative maps (Gov. Code §66452.5)
6. Adoption of specific plans (Gov. Code §65453)
7. Establishment of agricultural preserves (Gov. Code §51230)
8. Alteration of disestablishment of agricultural preserve boundaries (Gov. Code §51232)
9. Cancellation of agricultural preserves (Gov. Code §§51282, 51284)
10. Closing a county health facility, eliminating or reducing the level of health care services provided at a county health facility, leasing, selling or transfer of management of a county health facility (Health & Saf. Code §1442.5; Beilensen Act Hearings)
11. Imposing and charging fees (refer to *Benchmark* §2.8)
12. Imposing new or increased general tax or new or increased assessment; at least two hearings required (Gov. Code §54954.6)

Exhibit “C”

Additionally, while there appear to be no statutory requirements for public hearings for lot line adjustments, or for passage of an ordinance presented to the Board of Supervisors by an initiative petition, these are areas in which public hearings are generally conducted. Also, Government Code section 25131 speaks to passage of ordinances by the Board of Supervisors at their regular meetings, with the provision that “this section does not apply to ordinances which by statute can be passed only after a public hearing. “Thus, a case-by-case approach must be employed in determining which ordinances require a public hearing before passage.

Less common items which require public hearings by the Board of Supervisors:

1. Formation of sanitation districts (Health & Saf. Code §§4710-4712, 4714)
2. Formation of county waterworks districts (Wat. Code §55130)
3. Formation of garbage disposal district (Pub. Resources Code §49006)
4. Maintenance Districts:
 - (a) Formation of maintenance districts (Sts. & Hy. Code §§ 5821.2, 5825)
 - (b) Protest of additional improvements within a maintenance district that is already formed (Sts. & Hy. Code §5842)
 - (c) Dissolution of a maintenance district (Sts. & Hy. Code §5848)
5. Formation of irrigation district (Wat. Code §20802)
6. Adopting or increasing development fees (Gov. Code §66017, 66018)
7. Formation of pest abatement districts (Health & Saf. Code §2828)
8. Conditional use permits, variances and other development permits and appeals thereof (Gov. Code §65905)
9. Development Agreements (Gov. Code §65867)
10. Formation of regional park districts (Pub. Resources Code §§5507,

5510)

Exhibit “C”

11. Formation of road maintenance districts (Sts. & Hy. Code §1550.1)
12. Consideration of complaints against a public employee if public employee requests (Gov. Code §54957(b)(2))
13. Imposing and charging fees
14. Imposing new or increased general tax or new or increased assessment; at least two hearings required (Gov. Code §54954.6)

Exhibit “D”

OVERVIEW OF BUDGET MATTERS

(a) PROCEDURES FOR ADOPTING A COUNTY BUDGET

Procedures for the preparation and adoption of the county budget are found in Government Code section 29000 et seq.

Most counties operate on a July 1 through June 30 budget year. However, Government Code section 29088 requires a county to adopt a budget not later than October 2. Government Code section 29100 provides that the Board of Supervisors must adopt a tax rate on or before October 3 of each year.

The county budget process includes having the administrative head of each department file with the County administrative officer an itemized request detailing the estimate of available financing and financing uses for the coming year. (Gov. Code, §29040.) Upon receipt of these estimates, the County administrative officer reviews the departmental budget requests and prepares a recommended budget. (Gov. Code, §29061.) On or before May 30, the Board of Supervisors shall publish a notice stating that the recommended budget is available to members of the public, and that the Board of Supervisors will conduct a public hearing on or before June 20 on the recommended budget. At the public hearing, the Board of Supervisors may make whatever revisions, reductions or additions it deems appropriate. After the conclusion of the public hearing on the recommended budget and no later than June 30, the board shall adopt the budget by resolution. (Gov. Code, §29064.) On or before May 30 of each year, the Board of Supervisors shall set forth a proposed budget adoption schedule consistent with the timelines stated above.

After the public hearing on the recommended budget, changes may be made by majority vote if the change was submitted in writing to the clerk before the public hearing was closed, or if approved by the Board by four-fifths vote. (Gov. Code, §29064.) These changes may be recorded as changes to the adopted budget. (Gov. Code, §29088.)

A copy of the completed budget must be filed in the office of the clerk and Controller by December 1 of each year (Gov. Code, §29093.)

Exhibit “D”

(c) BUDGET CHANGES AFTER THE FINAL BUDGET IS APPROVED

Once the final budget is adopted, it constitutes the total spending program for the ensuing year. Thereafter, the Board, by four-fifths vote, may make transfers and revisions to the adopted appropriations between funds and from appropriation for contingencies. The Board, by majority vote, may make transfers and revisions between budget units within a fund if overall appropriations are not increased. The board may designate the administrative officer or auditor to approve transfers and revisions of appropriations within a budget unit if the overall appropriations of the budget unit are not increased. (Gov. Code, §29125.) Chapter 2.12.080 of the Tuolumne County Ordinance Code designates the County Administrative Officer with this authority. By a four-fifths vote, the Board may appropriate and make expenditures for certain emergencies (Gov. Code, §29127); and the Board may make available for appropriation specified fund balances for which the Board has authority (Gov. Code, §29130). The Board may also cancel any appropriation that is not needed and transfer the amount cancelled to the appropriations for contingencies (Gov. Code, §29126), and it may cancel any appropriation that will not be realized (Gov. Code, §29126.1).

Every county officer is limited in the making of expenditures to the amounts set forth in the budget (Gov. Code, §29120), and is personally liable for any expenditure made knowingly in excess of such amounts (Gov. Code, §29121).