

RULES OF PROCEDURES FOR BOARD OF SUPERVISORS MEETINGS

POLICY

It is the policy of the Board of Supervisors to hold public meetings in accordance with the requirements of the Ralph M. Brown Act and all other applicable governing legislation. The Board strives to govern and work together in an effective, efficient, ethical and courteous manner in the highest tradition of public service and in the best interests of the County of Contra Costa and its residents. This resolution supersedes Resolution No. 2015/55.

PROCEDURE

GENERAL PROVISIONS

Rule 1. Applicability of Rules

1.1 These Rules of Procedure (“Rules”) are adopted pursuant to Government Code Section 25003. The rules apply to the Board of Supervisors of the County of Contra Costa whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority, or board.

1.2 The Rules are deemed to be procedural only. Except as otherwise provided by law, the failure to strictly observe application of the Rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with law.

1.3 Except as otherwise provided by law, these Rules, or any one of them, may be suspended by order of the Chair and will be deemed suspended by actions taken by or with the consent of the Chair or a majority of the Board members.

Rule 2. Definitions

2.1 “Board” means the Board of Supervisors of the County of Contra Costa, whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority or board;

2.2 “Chair” and “Vice Chair” mean the Board members elected to those respective offices. “Chair” also means the presiding officer acting in the absence of the elected Chair.

2.3 “Clerk” means the Clerk of the Board or a Deputy Clerk of the Board;

2.4 “County Counsel” means the Board’s attorney, appointed pursuant to Ordinance Code section 24-12.002.

MEETINGS

Rule 3. Organization Meeting

The Organization Meeting of the Board shall be held on its first regular meeting in January of each year, at which time the new year chair and vice chair will assume their offices.

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Rule 4. Regular Meetings

4.1 All regular meetings shall be held by the Board, in all its capacities, in its chambers in the Contra Costa County Administration Building, at 651 Pine Street, Martinez, California. Regular meetings shall commence at 9:00 a.m., or as otherwise prescribed by the Chair. Regular meetings generally shall be held on every Tuesday of the month. However, the Board of Supervisors shall not be required to hold a regular meeting (1) on any Tuesday that is the fifth Tuesday of a calendar month, (2) on any Tuesday following a Monday holiday; (3) that is canceled pursuant to the annual calendar adopted by the Board or (4) that is canceled by the Chair when no quorum is expected to be present.

4.2 Holidays, fifth Tuesdays, and periodic breaks, which result in a canceled meeting, will be determined by the Board and posted annually.

Rule 5. Absence of a Quorum, Adjournment

5.1 In the absence of a quorum, the remaining members or (if no member is present) the Clerk may adjourn the meeting to another date and time in accordance with Government Code Section 54955 and shall post a Notice of Adjournment.

5.2 In the event a Supervisor leaves the hearing room, momentarily causing a lack of quorum, he or she should notify the Chair of his or her intended absence, and the Chair may call a recess.

ELECTION, POWERS AND DUTIES OF CHAIR AND VICE CHAIR

Rule 6. Annual Selection of Chair and Vice Chair, and Committee Assignments

6.1 On or before December 1 of each year, on a form provided by the Clerk of the Board, each Board member will submit to the Clerk of the Board their individual preference for appointment to committees, boards and commissions. During the month of December, the Clerk of the Board will ask the Board to acknowledge receipt of the preference forms as a Board action item

on a public agenda.

~~6.1~~

6.2 The election of officers of the Board of Supervisors shall occur on or about the last meeting in September for the ensuing year beginning on January 1. Officers shall serve until December 31 or until the selection of their successors, whichever occurs later."

~~6.2 During the month of December of each year the Board members will take action on a public agenda to identify an intended nominee for Chair of the Board for the following year.~~

~~6.3 6.3 At its Organization Meeting, the Board will nominate and elect from its membership a Chair and Vice Chair to serve until the next year's Organization Meeting, or until the selection of their successors, whichever occurs later.~~

6.4 At its Organization Meeting, or thereafter, the incoming/new Chair of the Board will submit for approval by the full Board, the Chair's final recommendations for Board assignments to the local, regional and statewide committees, boards and commissions, in accordance with the Board's March 21, 2000 policy on Board Member Committee Assignments, as may be amended from time to time.

Rule 7. Powers and Duties of Chair

The Chair shall serve as presiding officer of the Board, rule on questions of procedure, nominate for Board approval representatives to Board committees whose appointment is not otherwise provided for, sign resolutions, ordinances, contracts, leases and other official documents approved by the Board, preserve order and decorum, and decide all questions of order. The Chair may consult with County Counsel in making such rulings. Decisions of the Chair may be overruled by a majority vote of the Board of Supervisors.

Rule 8. Powers and Duties of the Vice-Chair

The Vice-Chair shall have and exercise all powers and duties of the Chair at the meetings at which the Chair is absent.

Rule 9. Selection of a Chair Pro Tempore

If neither the Chair nor the Vice-Chair is present at a Board meeting, the Board members present shall select one of their members to act as the Chair Pro Tempore. The Chair Pro Tempore shall have and exercise all the powers and duties of the Chair for that particular meeting only.

ORDER AND CONDUCT OF BUSINESS

Rule 10. Order of Business

The order of business at each regular meeting, except for such times as may be set apart for consideration of special items (or as otherwise prescribed by the Chair), shall be as follows:

~~10.5~~ 10.1 Call to Order.

The presiding officer initiates the proceedings by bringing the meeting to order.

~~10.6~~ 10.2 Roll Call.

The Clerk calls the roll and records by name all members present or absent. During the course of the meeting the Clerk records the arrival of any member listed as absent and the departure of any member listed as present.

~~10.7~~ 10.3 Inspirational Thought.

~~10.8~~ The Board hears an inspirational thought as set forth on the agenda.

10.4

~~10.9~~ Pledge of Allegiance to the Flag of the United States of America. .

The Chair designates a person to lead those present in reciting the Pledge.

~~10.10~~ 10.5 Agenda Review.

The Chair inquires whether Board members or the County Administrator wish to make any agenda revisions or request any items to be continued or removed from the Consent agenda.

~~10.11~~ 10.6 Added Items.

The Board may take action on items of business not appearing on the posted agenda under any of the following circumstances:

~~10.11.1~~ 10.6.1 Upon a determination by a majority vote that an emergency situation exists, as defined in Government Code Section 54956.5;

~~10.11.2~~ 10.6.2 Upon a determination by a two-thirds vote, or, if fewer than two-thirds of the members are present, by 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 County subsequent to the agenda being posted;

~~10.11.3~~ 10.6.3 The item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

~~10.12~~ 10.7 Consent Agenda Items.

Consent agenda items are routine in nature and do not require individual consideration. All consent items are approved by a single vote as recommended without discussion unless an item is removed and continued or considered during the regular agenda for separate action at the request of a Board member, staff member, or a member of the public.

~~10.13~~ 10.8 Presentations.

Each presentation will last no more than five minutes, unless this time is extended by the Chair. A maximum of three presentations may be scheduled at each meeting except that the Chair may authorize an additional presentation(s). The subject of the presentations should be of countywide interest and significance.

~~10.14—~~ 10.9 Public Comment.

Public Comment is that period of time set aside for members of the public to address the Board on items of County business not listed on the agenda (“off-agenda”). The Public Comment item shall be deemed to constitute the opportunity for members of the public to address the Board in compliance with Government Code Section 54954.3. See Rule 11.1 and 11.2.

~~10.15—~~ 10.10 Discussion Items.

Discussion items include items previously removed from the consent calendar.

~~10.16—~~ 10.11 Closed Session.

Closed session discussion items are intended to be heard at the specified time(s) but may be heard earlier or later, in the discretion of the Chair.

~~10.17—~~ 10.12 Adjournment.

Any Board member may request that the meeting be adjourned in memory of a recently deceased person.

Rule 11. Conduct of Meetings

11.1 Addressing the Board—General

11.1.1 Before the meeting, or during the meeting before the agenda item to be addressed, a person wishing to address the Board should fill out a yellow speaker card and deposit it in the box near the podium.

11.1.2 When called upon, the person should come to the podium, state his or her name for the record, and, if speaking for an organization or other group, identify the organization or group represented.

11.1.3 All remarks should be addressed to the Board as a whole, not to individual members, to the staff, or to the audience. Each person speaking from the floor shall obtain permission from the Chair.

11.1.4 Questions, if any, should be addressed to the Chair, who will determine whether or by whom an answer will be provided.

11.1.5 Each speaker will have three minutes. This time may be extended or reduced, in the discretion of the Chair.

11.1.6 All speakers, especially those who anticipate making oral presentations or comments exceeding three minutes, are encouraged to submit comments in writing, in advance, to the Clerk for distribution to the Board and other interested parties at the earliest feasible time before the meeting, but no later than 8:00 a.m. on the day of the meeting. Written comments may be submitted either by mail or via email: clerkoftheboard@cob.cccounty.us. The Board requests that a person providing written materials to the Board during a meeting submit an original and 10 copies. Such written comments will be distributed to members of the Board and staff.

11.1.7 In order to maintain a public meeting environment conducive to receiving public testimony from all sides of any issue, it is the Board's policy that the audience will be discouraged from engaging in audible or emotional displays of support or opposition to testimony provided. Behavior such as clapping, booing, hissing, and cheering can create an intimidating environment for people interested in giving public testimony and can unnecessarily lengthen Board meetings. Consequently, such behavior is discouraged.

11.1.8 Speakers should not present the same or substantially the same items or argument to the Board as presented by earlier speakers, or be profane in presenting their oral comments.

11.1.9 In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, the Chair may request that a spokesperson be chosen by the group to comment on its behalf.

11.1.10 To minimize distractions during public meetings, all personal communication devices, such as mobile phones and pagers, will be turned off or put in a non-audible mode during Board meetings.

11.1.11 Any of the foregoing rules may be waived by the Chair or by a majority vote of the Board members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

11.1.12 The rules set forth above are not exclusive and do not limit the inherent power and general legal authority of the Board, or of its presiding officer, to govern the conduct of Board meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the County.

~~11.2~~ 11.2 Addressing the Board—Public Comment

Comments under Public Comment are limited to subjects within the subject matter jurisdiction of the County but not on the agenda. Such comments are limited to no more than three minutes per speaker. If numerous persons wish to make comments, the Chair may limit the Public Comment period to a specific amount of time, *e.g.* 30 minutes total for all speakers, and/or may reduce the time limit per speaker, *e.g.* 2 minutes per speaker. Speakers are encouraged to submit written comments, either by mail or via email: clerkoftheboard@cob.cccounty.us. Written comments must be received by the Clerk of the Board before 8:00 a.m. on the day of the meeting in order to be considered at the meeting.

~~11.3~~ 11.3 Addressing the Board—Items Removed from Consent Calendar

Members of the public addressing the Board in connection with more than one item that has been removed from consent calendar at a single meeting are limited to a cumulative total of not to exceed 12 minutes for all of their oral presentations at such meeting, unless otherwise allowed by the Chair. The purpose of this provision is to ensure that all members of the public who wish to speak during a meeting have an opportunity to do so and to permit the effective and orderly conduct of the County's business.

~~11.4~~ 11.4 Addressing the Board—Public Hearings

~~11.4.1~~ 11.4.1 Any member of the public wishing to address the Board orally on a public hearing on the Board agenda may do so before or during the hearing, or as otherwise specified by the Chair.

~~11.4.2~~ 11.4.2 Any person desiring to have a hearing transcribed by a stenographic reporter at his or her own expense may do so, provided that he or she consults the Clerk to arrange facilities for such reporting prior to commencement of the hearing and advises the Clerk of the full name, business address, and telephone number of the reporter being used.

~~11.5~~ 11.5 Use of Acronyms

The Board discourages the use of acronyms, abbreviations, and industry-specific language in its meetings and written materials.

Rule 12. Public Hearings for Planning and Zoning Matters—(Land Use Matters)

12.1 Order of Procedure

Unless the Chair in his or her discretion directs otherwise, the order for presentation of testimony on particular land use items shall be as follows:

12.1.1 Presentation by staff.

12.1.2 Documents. The Chair acknowledges receipt of any documents offered as evidence and filed with the Clerk before the hearing.

12.1.3 First Presentation. If the item is presented for Board approval (e.g., rezoning, development plan), the first presentation is by the project applicant, followed by public testimony. If the item is an appeal from a decision of a lower body (e.g., subdivision, land use permit), the first presentation is by the appellant, followed by the presentation by the project applicant. This presentation (or each presentation, if the item is an appeal) shall not exceed 10 minutes or the approximate length of the staff presentation, whichever is greater.

12.1.4 Public testimony. Each speaker shall have no more than three minutes.

12.1.5 Rebuttal. A rebuttal not exceeding five minutes may be made by the person making the first presentation.

12.1.6 Closing comments by staff.

12.1.7 Board discussion and decision.

12.2 Conduct of Hearings

12.2.1 Witnesses' Testimony. Witnesses will not be sworn.

12.2.2 Rules of Evidence. The hearing will not be conducted according to technical judicial rules of evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The Chair may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings ensuring basic fairness and a full airing of the issues involved.

12.3 Exhibits.

12.3.1 Subject to paragraph 12.3.2, all exhibits, including documentary materials such as photographs, drawings, maps, charts, letters, petitions and other physical evidence, presented at a land use hearing shall be retained in the Board of Supervisors files as part of the record of the hearing.

12.3.2 Any staff exhibit (e.g., a general plan or area map) that has been or will be used in other land use hearings will be preserved by the Community Development Department for future reference. A notation indicating its location shall be made in the case file in any matter in which it has been used.

12.4 Questioning of Speakers and Staff.

Any person desiring to direct a question to a speaker or staff member shall submit the question to the Chair, who shall determine whether the question is relevant to the subject of the hearing and whether or not it need be answered by the speaker or staff member.

12.5 Overriding Fairness. Notwithstanding the provisions of paragraph 12.1, the Board is committed to provide an applicant, appellant, or other person or entity with a substantial, direct property interest in an item, a full and fair hearing, based on the facts and circumstances of the particular matter, the nature and complexity of the particular issue, the number of persons wishing to be heard, and similar due process considerations. Toward this end, the Chair, in his or her discretion, may extend the time limits set forth in paragraph 12.1 and consider other procedural mechanisms.

12.6 Absent From Hearing. A Supervisor who was absent from all or part of a hearing may vote on the matter if the Supervisor states for the record that he or she has reviewed all evidence received during the absence and also states that he or she has either: (1) listened to the Clerk's recording, (2) watched the video, or (3) read a complete transcript of the proceedings that occurred during his or her absence.

Rule 13. Nuisance Abatement Hearings

A hearing on an appeal from the County Abatement Officer's Notice and Order to Abate shall be held in accordance with the provisions of County Ordinance Code section 14-6.418, as well as with these Procedures. In the event of a conflict, the provisions of County Ordinance Code section 14-6.418 shall prevail.

Rule 14. Rules for Participating by Teleconference

The Brown Act permits members of the Board of Supervisors to participate in Board meetings by teleconference, but only when certain legal requirements are met. (Gov. Code, § 53953 (b).) If these requirements are not met, then the Supervisor calling in cannot be counted as part of the quorum for the meeting, can only listen to the meeting, and cannot discuss any item or vote.

If a Supervisor wishes to be able to discuss items and vote by telephone, then, in addition to the usual agenda posting requirements, the following must occur in advance of the meeting:

14.1. Quorum Required. The County Administrator must ensure that during the teleconference meeting, at least a quorum of the Board will participate from locations in the County.

14.2 Agenda Requirement - All Locations Must be Listed. Each telephone conference location and the meeting location must be shown on the agenda for the meeting. In addition, the agenda must provide an opportunity for members of the public to give public comment from each teleconference location. So, for example, if a Supervisor is participating at a Board Committee from his or her District Office, then the location for the meeting shown on the agenda would be, for example: 651 Pine Street Room 101, Martinez, CA, AND the address of the Supervisor's District Office. The Supervisor's Office would be considered a meeting location, and the public would be entitled to attend the meeting at that location. See Item 14.4 below.

14.3 Agenda Requirement - Posting. In addition to the usual posting agenda locations and County website, an agenda will be posted at each teleconference location 96 hours in advance of the meeting. The Supervisor participating from his/her District office shall post the Agenda at his/her office 96 hours in advance of the Board meeting.

14.4 Public Participation at Remote Location. Each teleconference location must be open and accessible to members of the public. Thus, if a Supervisor's District Office is a teleconference location, it must be open to the public during the meeting. The Supervisor would need to have a speaker phone so that members of the public would be able to hear the meeting and address the Board directly by speaker phone from his/her office.

14.5 Roll Call Vote. All votes taken during a teleconference meeting must be by roll call.

Rule 15. Disruption of Meeting

For the purpose of insuring the orderly conduct of the Board of Supervisors meeting, no whistles, horns, drums, noise makers, megaphones, air horns, bullhorns, or other amplified devices are allowed inside the County Administration Building while the meeting is in session. If any meeting is willfully interrupted by a group or groups of persons so that the orderly conduct of the meeting becomes infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared, as authorized by law (Gov. Code, § 54957.9), recess the meeting, or adjourn the meeting.~~If any meeting is willfully interrupted by a group or groups of persons so that the orderly conduct of the meeting becomes infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared, as authorized by law (Gov. Code, §~~

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