

RULES OF PROCEDURE 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. 2019/500.

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 the 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.

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 1025 Escobar 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 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, and modified as necessary.

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, each Board member will submit to the Clerk their individual preference for appointment to committees, boards and commissions. During the month of December, the Clerk will ask the Board to acknowledge receipt of the preference forms as a Board action item on a public agenda.
- 6.2 The election of officers of the Board 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.
- 6.3 At its Organization Meeting, or thereafter, the incoming/new Chair 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.

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:

- 10.1 Call to Order. The presiding officer initiates the proceedings by bringing the meeting to order.
- 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.
- 10.3 Inspirational Thought. The Board hears an inspirational thought as set forth on the agenda.
- 10.4 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.
- 10.5 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.

- 10.6 Added Items. The Board may take action on items of business not appearing on the posted agenda under any of the following circumstances:
- 10.6.1 Upon a determination by a majority vote that an emergency situation exists, as defined in Government Code Section 54956.5.
 - 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.
 - 10.6.3 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.
- 10.7 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.
- 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.
- 10.9 Public Comment. Public Comment is that period of time set aside for members of the public to address the Board on matters within the jurisdiction of the Board that are 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.
- 10.10 Discussion Items. Discussion items include items previously removed from the Consent calendar.
- 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.
- 10.12 Adjournment. Any Board member may request that the meeting be adjourned in memory of a recently deceased person.

Rule 11. Conduct of Meetings

Members of the public may participate in meetings in person, via the telephone, or via internet-based options.

11.1 Addressing the Board—General

- 11.1.1 For speakers who attend the meeting in person, 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 The Clerk shall ensure that members of the public have the ability to address the Board remotely via telephonic and Internet-based options. Instructions for public participation via remote options will be included on meeting agendas and on the County's website.
- 11.1.3 When called upon, a speaker who attends the meeting in person should come to the podium. A speaker whether attending in person or remotely, should state his or her name for the record, and, if speaking for an organization or other group, identify the organization or group represented. The Chair has the discretion to determine the order in which to call upon speakers for comment.
- 11.1.4 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 or via remote participation shall obtain permission from the Chair.
- 11.1.5 Questions, if any, should be addressed to the Chair, who will determine whether or by whom an answer will be provided.
- 11.1.6 Each speaker wishing to comment on an agenda item not on the Consent agenda, including items removed from the Consent agenda, will have two minutes to comment on each item. This time may be extended or reduced, in the discretion of the Chair.
- 11.1.7 Any member of the public may comment on one or more items listed on the agenda as Consent items. Each speaker will be allowed two minutes to comment on the entire Consent agenda. This time may be extended or reduced, in the discretion of the Chair.
- 11.1.8 No speaker may yield time to another speaker.
- 11.1.9 A speaker utilizing the services of a translator will be allotted twice the amount of time to speak to ensure that non-English speakers receive the same opportunity to address the Board.
- 11.1.10 All speakers, especially those who anticipate making oral presentations or comments exceeding two 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.

- 11.1.11 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.
 - 11.1.12 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.
 - 11.1.13 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.
 - 11.1.14 To minimize distractions during public meetings, all personal communication devices, such as mobile phones, will be turned off or put in a non-audible mode during Board meetings.
 - 11.1.15 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.
 - 11.1.16 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 Addressing the Board—Public Comment. Comments under the Public Comment portion of the agenda are limited to subjects within the subject matter jurisdiction of the County but are not listed as separate items on the agenda. These comments are limited to no more than two minutes per speaker. If numerous persons wish to make comments, the Chair may limit the Public Comment period to a specific amount of time, and/or may reduce the time limit 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 before 8:00 a.m. on the day of the meeting in order to be

considered at the meeting. Comments submitted by mail or email will be included in the record of the meeting, but will not be read during the meeting.

- 11.3 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 two 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.

12.2.3 Transcripts. 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.

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 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 Rules. 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

14.1 Traditional Teleconference Procedure. The Brown Act permits members of the Board to participate in Board meetings by teleconference, 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 teleconference, then, in addition to the usual agenda posting requirements, the following must occur in advance of the meeting:

- 14.1.1 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.
 - 14.1.2 Agenda Requirement - All Locations Must be Listed. Each teleconference 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 the Supervisor's District Office, then the location for the meeting shown on the agenda would be, for example: 1025 Escobar Street, 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 paragraph 14.4 below.
 - 14.1.3 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 the District office shall post the Agenda at the District office 96 hours in advance of the Board meeting.
 - 14.1.4 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 or computer with a microphone so that members of the public would be able to hear the meeting and address the Board directly from the Supervisor's office.
 - 14.1.5 Roll Call Vote. All votes taken during a teleconference meeting under this Rule must be by roll call.
- 14.2 Rules for Participating by Teleconference for "Just Cause" or Due to "Emergency Circumstances"

The Brown Act permits individual members of the Board to participate in Board meetings by teleconference for "just cause" or due to "emergency circumstances" when certain legal requirements are met. (Gov. Code, § 53953 (f).) This provision of the Brown Act lasts until January 1, 2026.

- 14.2.1 Teleconference Participation for Just Cause. If a Supervisor wishes to attend a meeting remotely for “just cause,” the Supervisor must notify the Board at the earliest opportunity, up to and including the start of a regular meeting, of the need to participate remotely. The Supervisor must provide a general description of one of the following “just cause” circumstances: (i) there is a childcare or caregiving need for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (ii) a contagious illness that prevents the Supervisor from attending in person; (iii) a need related to a physical or mental disability that is not otherwise accommodated for; or (iv) travel while on official business of the Board or another state or local agency.
- 14.2.2 Teleconference Participation for Emergency Circumstances. If a Supervisor wishes to attend a meeting remotely due to “emergency circumstances,” the Supervisor must provide a general description of the need to appear remotely, which need not exceed 20 words or include any personal medical information. The Supervisor must make the request to participate remotely as soon as possible. “Emergency circumstances” is a physical or family medical emergency that prevents a Supervisor from attending in person.
- 14.2.3 Board Action Requirements. The Board need not take action to allow a Supervisor to attend virtually for “just cause.” To allow a Supervisor to attend virtually for “emergency circumstances,” the Board must take action on the request at the meeting. If there is insufficient time to include the item on a posted agenda, the Board may take action on the request at the beginning of the meeting and approval must be by majority vote. The Supervisor requesting the remote appearance for this reason may not vote on the request.
- 14.2.4 Participation Requirements. A Supervisor appearing by teleconference under this Rule must participate in the meeting through both audio and visual technology.
- 14.2.5 Disclosure Requirements. A Supervisor appearing by teleconference under this Rule must publicly disclose at the meeting before any action is taken, whether any other individuals 18 years or older are in the room at the remote location with the Supervisor and the general nature of the Supervisor’s relationship with such individual(s).
- 14.2.6 Quorum Required. The County Administrator must ensure that during the teleconference meeting conducted under this Rule, at least a quorum of the Board will participate in person, at a single, physical location identified on the agenda that is open to the public and situated within the County.
- 14.2.7 Limitations on Number of Remote Appearances. A Supervisor may not use a “just cause” reason to appear remotely for more than two meetings per calendar year. A Supervisor may not participate remotely under this Rule for more than three consecutive months or 20 percent of the regular meetings of the Board within the calendar year.

- 14.2.8 Roll Call. All votes taken during a teleconference meeting conducted under this Rule must be by roll call.
- 14.2.9 Technological and Access Requirements. If a Supervisor participates remotely under this Rule, the public must be able to remotely hear and visually observe the meeting and remotely address the Board, via a two-way audiovisual platform, or a two-way telephonic service and a live webcasting of the meeting.

Rule 15. Disruption of Meeting

- 15.1 For the purpose of ensuring the orderly conduct of the Board 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.
- 15.2 Removing an Individual. The Brown Act permits the Chair to remove a disruptive individual from a Board meeting. (Gov. Code, § 54957.95.)
- 15.2.1 Disruptive Behavior. An individual's behavior constitutes a disruption if the individual is engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including, but not limited to, a failure to comply with the reasonable and lawful regulations of the Board and engaging in behavior that constitutes a use of force or a true threat of force.
- 15.2.2 Threat of Force. A true threat of force is a threat that is sufficiently serious such that a reasonable observer would perceive it to be an actual threat to use force.
- 15.2.3 Prior Warning. Before the removal, the Chair will warn the individual that the individual's behavior is disrupting the meeting and that if the behavior does not stop, the individual may be removed from the meeting. No prior warning is required before removal if the individual's behavior constitutes a use of force or a true threat of force.
- 15.2.4 Removal. If the disruptive individual does not promptly stop the disruptive behavior, the Chair may have the individual removed from the meeting. The Chair may request the assistance of the Sheriff's Office staff in removing the individual from the meeting. Any person removed from a meeting shall be excluded from further attendance for the remainder of the meeting.
- 15.3 Clearing the Room. The Brown Act permits the Chair to clear the meeting room and continue in session if a meeting is willfully interrupted by a person or by a group or groups of persons so that the orderly conduct of the meeting becomes infeasible and order cannot be restored by removal of the disruptive individual(s) as set forth in Rule 16.2. In such case, the Chair may order the meeting room cleared and continue in session, as authorized by law (Gov. Code, § 54957.9), recess the meeting, or adjourn the meeting. If the Chair clears the meeting room and continues in session, duly accredited representatives of the press or other news media, except those participating in the disturbance, will be allowed to remain in the

meeting room. The Chair may request the assistance of the Sheriff's Office staff in clearing the meeting room. Only those matters appearing on the posted agenda may be considered in such a session.

Rule 16. Civility

The Board desires to encourage civility and civil discourse in its meetings and to encourage County elected officers, staff, and the public to follow best practices for civility and civil discourse at Board meetings. Best practices for fostering civility and civil discourse include:

- Respecting the right of all people to hold different opinions.
- Avoiding rhetoric intended to humiliate, malign, or question the motivation of those whose opinions are different from others.
- Striving to understand differing perspectives.
- Choosing words carefully and avoiding personal attacks.
- Speaking truthfully without accusation and avoiding distortion of facts.
- Speaking out against violence, prejudice, and incivility should they occur at Board meetings, while also recognizing First Amendment rights, including the public's right to criticize programs, procedures, policies, or services of the County or the acts or omissions of the Board, elected officials, advisory bodies, and staff.

The Board desires to build a civil political community in which each person is respected, and spirited public and political debate is aimed at the betterment of Contra Costa County and its people and not at the disparagement of others. The Board therefore encourages all County elected officers, staff, and the public to endeavor to adhere to and promote the best practices for civility and civil discourse in conducting business at all Board meetings. Under Resolution No. 2022/73, all those participating in all public meetings should aspire to follow these best practices.