

COUNTY OF VENTURA	2018 ADMINISTRATIVE POLICY MANUAL	GENERAL INFORMATION CHAPTER II
Originating Agency: BOS	Last Issued/Revised January 14, 2025	<u>Policy No. Chapter II – 11</u> OPERATING PROCEDURES FOR BOARD OF SUPERVISORS MEETINGS AND AGENDAS AND RULES OF DECORUM
Policy Change Requires:	<input checked="" type="checkbox"/> Board of Supervisors Approval <input type="checkbox"/> CEO Approval Forms Change Requires: <input checked="" type="checkbox"/> CEO Consultation with Board of Supervisors	

POLICY

It is the policy of the Board of Supervisors to hold public meetings in accordance with the requirements of the Brown Act (Government Code section 54950 et seq.) and any other applicable governing legislation. Items to be considered by the Board shall be listed on the agenda prepared for that meeting. Before the end of January, the Board shall choose a Chair and Vice Chair to serve for one year. In addition, in November of each year the Board shall adopt its annual meeting calendar for the following year. 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 Ventura and its residents. In addition to the five members of the Board, other officials routinely present at Board meetings include the County Executive Officer, Auditor-Controller, County Counsel, and Clerk of the Board.

PROCEDURE

GENERAL PROVISIONS

Rule 1. Applicability of Rules

These Rules of Procedure (“Rules”) are adopted pursuant to Government Code section 25003. The Rules shall apply to the Board of Supervisors of the County of Ventura whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority, or board (“dependent special district”).

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.

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 that are not in accordance with the Rules.

Rules of Decorum set forth in Rule 33 of this policy shall also apply to the Public, County staff and Board Members during Board of Supervisors meetings

Rule 2. Definitions

Definitions to apply in interpreting these Rules:

- (a) "Board" refers to the Board of Supervisors of the County of Ventura, whether sitting as the Board of Supervisors of the County or as the governing body of any dependent special district.
- (b) "Chair" and "Vice Chair" refer to the Board members elected to those respective offices.
- (c) "Clerk" refers to the Clerk of the Board.
- (d) "Chief Deputy Clerk" refers to the Chief Deputy Clerk of the Board.
- (e) "Deputy Clerk" refers to staff of the Chief Deputy Clerk.
- (f) "CEO" refers to the County Executive Officer.
- (g) "County Counsel" refers to the Board's attorney.
- (h) "Auditor-Controller" refers to the elected financial officer.

MEETINGS

Rule 3. Organization Meeting

The organization meeting of the Board shall be held on the first Tuesday succeeding the first Monday after the first day of January of each year or at its first regular meeting in January pursuant to the Board's adopted calendar if later than the first Tuesday, at which time there shall be elections of a Chair and Vice Chair for the ensuing calendar year.

Rule 4. Regular Meetings

Regular meetings shall commence at 8:30 a.m. on Tuesdays. The Board shall not be required to hold a regular meeting: (1) during the week the California State Association of Counties has its annual convention; (2) on any Tuesday that is the fifth Tuesday of a calendar month; (3) on any Tuesday following a Monday holiday; (4) all Tuesdays during the Board's summer recess; (5) during the weeks the National Association of Counties has its conferences; or (6) any Tuesday meeting which is canceled pursuant to the annual meeting calendar adopted by the Board.

The annual meeting calendar will be developed and posted annually by the Clerk. Any scheduled meeting may be canceled upon order of the Chair or a majority of the members of the Board.

Rule 5. Special Meetings

Special meetings to discuss a specific topic(s) may be called as provided by state law. No other business shall be considered at the special meeting per Government Code section 54956. Agendas and notifications to the press must be posted at least 24 hours prior to the scheduled special meeting.

Rule 6. Place and Time of Meetings

All regular meetings shall be held at the Ventura County Government Center, Hall of Administration, Board of Supervisors Hearing Room at 800 South Victoria Avenue, Ventura, California, and shall begin at the hour specified in these Rules except as otherwise noted. Business shall be conducted from 8:30 a.m. to adjournment.

Rule 7. Adjourned Meetings, Continued Hearings

Any regular, adjourned regular, special, or adjourned special meeting of the Board may be adjourned to a future date and time per Government Code section 54955.

Rule 8. Absence of a Quorum, Adjournment

In the absence of a quorum, the remaining members or the Clerk may adjourn the meeting to another date and time in accordance with Government Code section 54955, and the Clerk shall post a Notice of Adjournment.

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 9. Annual Selection of Chair and Vice Chair

At its meeting on the first Tuesday after the first Monday after January 1 of each year or at its first regular meeting in January pursuant to the Board's adopted calendar, the Board shall nominate and elect from its membership a Chair and Vice Chair to serve for a minimum of one full year or until the selection of their successors.

Rule 10. Powers and Duties of Chair

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

Rule 11. Powers and Duties of the Vice Chair

The Vice Chair shall have and exercise all powers and duties of the Chair at the meetings over which he or she is called to preside. In the event of nonappearance by the Chair at any regular or special meeting, the Vice Chair shall call the Board to order and shall serve as the presiding officer.

Rule 12. Selection of a Chair Pro Tempore

If neither the Chair nor the Vice Chair is present at a meeting, the Board members present shall, by an order entered into the minutes, 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.

DUTIES OF COUNTY STAFF

Rule 13. Clerk of the Board (“Clerk”)

A. Delegation of Primary Duties

The CEO serves as the Ex-Officio Clerk. The Clerk has delegated to the Chief Deputy Clerk or his or her designee the performance of the primary duties of the Clerk.

B. Attendance at Meetings

The Chief Deputy Clerk or Deputy Clerk shall be present during all meetings for the purpose of taking and maintaining minutes of the meeting; presenting correspondence, records, documents, reports or petitions; preserving all records; marking or attesting all resolutions and ordinances; imparting information on Board documents of public record; and otherwise fulfilling all duties imposed by law or required by the Board or by the presiding officer as required by law.

C. Preparation and Distribution of Agenda

The Chief Deputy Clerk or his or her designee prepares, posts, and distributes all agendas of the Board meetings. All prospective items from agencies and departments, whether appointed or elected, are to be routed through the County Executive Office for review and placement on the agenda. The agenda consists of a brief statement of each item to be considered by the Board pursuant to the Brown Act.

The regular Board meeting agenda and agenda materials will be distributed and made available to the public no later than 72 hours prior to the meeting pursuant to the Brown Act by both physical posting of the agenda and making the agenda and all agenda materials available on the internet. Internal distribution shall be made to the members of the Board, County Executive Officer, County Counsel, and the Auditor-Controller. Addendum agendas shall be made available prior to the scheduled meeting in accordance with the timeframes allowed under the Brown Act.

D. Preparation and Distribution of Summary Action Minutes and Official Summary Action Minutes

The Chief Deputy Clerk or his or her designee shall prepare and publish Summary Action Minutes of Board meetings. The minutes shall consist of the brief statement of each item posted on the agenda plus all motions (in summary format), ordinance numbers related thereto, all votes recorded thereon, and the final action taken by the Board.

The summary minutes shall be distributed and made available to the public within 72 hours of the conclusion of the meeting via the internet.

The Chief Deputy Clerk or his or her designee shall prepare, submit to the Board for approval, and publish upon approval of the Board Official Summary Action Minutes of Board meetings. The minutes shall consist of the brief statement of each item posted on the agenda plus all motions (including details of motions), ordinance numbers related thereto, all votes recorded thereon, and the final action taken by the Board.

The official summary minutes shall be distributed and made available to the public within 72 hours of the conclusion of the meeting at which they are approved via the internet.

The minutes shall be made available at no cost at the Clerk of the Board's office.

E. Custodian of Audio and Audio/Video Records

The Clerk shall maintain the official audio/video record of any meeting broadcasted. These audio/video records will also be available to the public for viewing at no cost and will be maintained for a period of no less than five years. The Clerk is authorized pursuant to Government Code section 26202 to destroy these audio/visual records after five years.

Rule 14. County Executive Officer ("CEO")

The CEO or designee shall be present during all regular meetings for the purpose of advising the Board on administrative matters and assisting Board members in their deliberations and decision making.

Rule 15. County Counsel

The County Counsel or Assistant County Counsel shall be present during all regular meetings for the purpose of advising the Board on appropriate rules to comply with legal requirements.

Rule 16. Auditor-Controller

The Auditor-Controller or Deputy Auditor-Controller may be present during regular meetings for the purpose of advising on and recording accounting transactions.

Rule 17. Sheriff

The Sheriff, or a representative designated by the Sheriff, may be available to respond to each Board meeting immediately upon call as the Board's Sergeant-at-Arms and shall carry out all orders given by the Chair for the purpose of maintaining order and decorum at Board meetings and shall insure that the aisles, entrance to the Board hearing room, and lobby area are clear and that individuals are seated to maintain public safety in the event of an emergency.

Rule 18. Department/Agency Heads

A department/agency head, or a designated representative, having any matter on the agenda for consideration by the Board, whether consent or regular, shall be available for the purpose of providing information to the Board and shall attend any Board meeting when requested to do so by the CEO or a Board member or when, in the judgment of the department/agency head, the Board will likely require additional information.

AGENDA STAFF REPORTS

Rule 19. Use of Clerk of the Board Required Transmittal Forms

Board offices and all departments/agencies shall use the appropriate forms as determined by the Clerk, located on the Clerk intranet site, when submitting items to be signed by the Chair of the Board or when submitting executed contracts, materials for presentation, and/or other related documents.

Rule 20. Audio/Visual Presentations to the Board

Departments/agencies must submit their presentations to their designated CEO Analyst for review prior to noon on the Monday preceding the Board meeting. Refer Administrative Policy Manual Chapter II-12, *Board Letter Procedures*.

Rule 21. Department/Agency Agenda Responsibilities

When submitting an item for consideration to the Board, it is the responsibility of the originating department/agency to submit the item along with all attachments and exhibits and contracts in the agenda management system following the procedures outlined in Policy II-12, *Board Letter Procedures*, in order to meet the publishing deadlines.

Rule 22. County Counsel Approval of Legality as to Form

No ordinance, resolution, agreement, or contract, or amendments submitted with an agenda item will be considered by the Board until its legality as to form has been approved by the County Counsel.

Rule 23. Auditor-Controller Approval of Financial as to Form

Advance review and approval by the Auditor-Controller are required of all items that direct the Auditor-Controller to perform a transaction or which would affect the workload of that office.

Rule 24. Central Support Department(s), Review/Approval

Advance reviews are required of all items that either direct an action to be performed by a support department or could affect the workload or facilities of such department (e.g., ITSD, GSA).

Rule 25. Human Resources Approval of Positions

Advance reviews by CEO-Human Resources are required of all items that establish classifications, delete positions, and/or modify salary ranges. CEO-HR will coordinate the review with the department/agency designated CEO Analyst.

Rule 26. Adoption of Ordinances

The recommended action section of any agenda item proposing adoption of an ordinance must recommend that the title of the ordinance be read and that the reading of the ordinance in its entirety be waived. This requirement does not apply to ordinances that by statute can be passed only after notice and a public hearing.

The Board letter packet for an ordinance to be considered for revision or amendment by the Board must include a "strike-out" version (also known as a legislative version) along with the "clean" revised version of the ordinance. The "strike-out" version will have strikes through words to be deleted and new language will be highlighted.

The Clerk's office will pay for all ordinance publications that do not exceed two pages in length as well as "summary" ordinances of any length.

If a department opts to publish an ordinance in full, rather than publishing a "summary," and the ordinance exceeds two pages in length, the department/agency shall bear the full cost of publishing the ordinance in its entirety.

The summary shall be prepared by an official designated by the Board. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be made available to the public upon request by the Clerk at least five days prior to the Board meeting at which the proposed ordinance or amendment or alternative thereto is to be adopted. The Clerk shall also post a copy of the full text of the ordinance or amendment on the County's internet web site five days prior to the Board meeting at which the ordinance or amendment will be adopted. Within 15 days after adoption of the ordinance or amendment, the Board shall publish a summary of the ordinance or amendment with the names of those Supervisors voting for and against the ordinance or amendment and the Clerk shall post on the County's internet web site a copy of the full text of the adopted ordinance or amendment along with the names of those Supervisors voting for and against the ordinance or amendment.

Rule 27. Review and Filing Procedure

All agenda items to be placed on the agenda are to be filed in the agenda management system following the Review Period as defined in Policy II-12, *Board Letter Procedures*.

Rule 28. Amendments to Board Letters and Attachments

If the originating department/agency desires to revise any document on an agenda item after the item has been published by the Clerk, it is the responsibility of the department/agency to first obtain CEO approval and submit a revision packet to the Clerk. The changes must be substantial in nature (not typos).

If amendments are needed to Board letters and/or exhibits/attachments after the agenda has been posted, the submitting agency/department must contact its assigned CEO Analyst to obtain approval for the changes. The changes must be substantial in nature. All amended materials must be submitted to the County Executive Office by 9:00 a.m. on the Friday preceding the Board meeting and submitted to the Clerk by 12:00 noon. The assigned CEO Analyst will subsequently consult with the County Executive Officer or the Assistant County Executive Officer to determine if the Board letter should be amended, removed, rescheduled, or referred for further study, etc. The CEO Analyst shall notify the agency/department of approval. Upon CEO approval, the submitting agency/department shall notify the Clerk, County Counsel, and Auditor-Controller of the decision.

The Clerk will need to receive the written revision prior to 12 noon the Friday preceding the Board meeting in order to permit the Clerk to distribute the revision to the Board offices, CEO, County Counsel, and Auditor-Controller.

Departments/agencies must provide the following revision packet containing 2 PDFs to the Clerk:

FORMAL REVISION PACKET FOR DISTRIBUTION TO THE BOARD OF SUPERVISORS (1 PDF CONTAINING 3 ITEMS)

- Department Memorandum addressed to “Clerk of the Board of Supervisors and Board of Supervisors Agenda Distribution” indicating the meeting date, agenda item number, and a brief explanation of why the document is being changed.
- Red-lined (strike-out) copy of the revised page(s) only.
- Clean copy of the revised page(s) only.

AGENDA MANAGEMENT SYSTEM REPLACEMENT FILES

- Clean copy of the entire corrected document (Board letter or exhibit).

The revision packet (a total of 2 files) must be emailed to clerkoftheboard@ventura.org.

If the error is discovered on the Board meeting date, bring 10 copies of the Department Memorandum addressed to "Clerk of the Board of Supervisors and Board of Supervisors Agenda Distribution" indicating the meeting date, agenda item number, and a brief explanation of why the document is being changed, a red-lined (strike-out) copy of the revised page(s) only, and a clean copy of the revised page(s) only to the Board Meeting to present to the Board. A revised copy of the entire document must also be emailed to the Clerk.

A motion to adopt the recommended action shall be deemed a motion to adopt the last revised recommended action. The Clerk, at the time of the meeting, will note for the record that the recommended action has been modified from its original submission when appropriate.

Rule 29. Supplemental Correspondence and Information

Any supplemental correspondence or written information related to an agenda item that is provided by the public to County staff, or by County staff to one or more Board members, and/or members of their staffs, shall be submitted to the Clerk and made part of the official published record. The process defined in Rule 28 governs the submission of the document(s) to the Clerk. This rule shall not apply to attorney-client privileged communications.

THE AGENDA

Rule 30. Requirements

All agenda items to be placed on the agenda are to be filed in the agenda management system following the Review Period as defined in Policy II-12, Board Letter Procedures.

The Clerk shall prepare an agenda for delivery to each Board office pursuant to the Brown Act. The agenda shall contain a brief general description of each item to be discussed or transacted at the meeting to which the agenda applies, along with a CEO recommended action, and shall include the full title of any ordinance proposed for adoption. The agenda shall indicate the time and location of the meeting and shall be posted by the Clerk as required by law. The agenda is posted on the County of Ventura internet as well as on the "Legal Notice" posting board at the front entrance of the Ventura County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura, California on the Thursday prior to the Board meeting.

The Clerk shall arrange items to be discussed by the Board under the following agenda headings: Opening; Consent; Time Certain Ceremonial Proclamations, Presentations and Recognitions; Regular; Time Certain Public Hearings; Board and County Executive Officer Comments; Correspondence, and Closed Session.

Rule 31. Addendum Agenda Items

Addendum agenda items shall be kept to a minimum. With the exception of closed sessions requested by the County Counsel or administrative errors/actions placed by the Clerk, any addendum item must be concurred with and approved by the CEO and received by the Clerk no

later than 12:00 noon the Friday before the Board meeting at which it will be considered.

Board members and County department/agency heads should use the following justification criteria when requesting approval of an addendum item:

- (a) The item is based upon facts that were not known, nor with the exercise of reasonable diligence could have been known, in sufficient time to meet the ordinary agenda deadline date and hardship will likely result if the addendum is not agendaized and heard. Items of economic and financial hardship will be given priority consideration.
- (b) The item requires immediate action to avert a crippling disaster, work stoppage, or other activity that may severely impair public health, safety, or both.

Rule 32. Removal; Continuances

Any member of the Board, the CEO, or a department/agency head may request in writing that the Clerk remove or continue any item from the agenda (except those items that are filed by a Board member), up to 5:00 p.m. on the Friday preceding the meeting. The request will be provided as information to Board members, CEO, County Counsel, and the Auditor-Controller by 12 noon on Monday preceding the Tuesday meeting. The CEO will inform the Board at the Tuesday meeting under "Agenda Review" of the request for the agenda item to be removed or continued.

ORDER OF BUSINESS; RULES OF DECORUM

Rule 33. Order of Business; Rules of Decorum

In order to assure that business is conducted in an orderly fashion and that all persons have an equal opportunity to see, hear, and participate in public proceedings, the following order of business and rules of decorum shall apply to all public meetings held within the Board room of the Ventura County Board of Supervisors and shall be applicable to the public, County staff, and to the Board of Supervisors.

I. 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 are set forth below. After the pledge of allegiance to the flag, the Chair may change the order of business for the remainder of the meeting except that time certain items shall not be heard earlier than the time listed on the agenda.

1. Meeting Called to Order
2. Roll Call

The presiding officer shall initiate the proceedings by gaveling the meeting to order. The Clerk, at the commencement of a meeting of the Board, shall call the roll and shall record by name all members present or absent. If the Clerk has been notified prior to the meeting that a member will be absent, the Clerk shall record in the minutes that the absence of said member is by prearrangement (excused). The Clerk shall further record,

during the course of each meeting, the arrival of any member listed as absent and the departure of any member listed as present.

3. Pledge of Allegiance to the Flag of the United States of America

The presiding officer shall designate a member of the Board, or other official, to lead the meeting in reciting the Pledge.

4. Moment of Inspiration

The Board will hear a moment of inspiration offered by a person or group called upon by the presiding officer. The moment of inspiration should generally be no more than five minutes unless additional time is allowed by the presiding officer. The presiding officer shall determine whether the moment of inspiration includes video or a PowerPoint presentation.

5. Agenda Review

The CEO or designee will review any agenda amendments and/or revisions, and requests for items to be continued or removed from the Consent agenda. The Board will consider and approve, by majority vote, such revisions to Board agenda items and any item added to, or removed/continued from, the Board agenda. The Board members will also report on any Levine Act disclosures.

6. 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 pulled and considered during the Regular agenda for separate action at the request of a Board member, staff member, or a member of the public (see also Rule 39.) Consent items are heard at the Board's discretion and may be heard at any time during the meeting.

7. Minutes

The minutes of previous meetings of the County and dependent special districts governed by the Board shall be considered and any corrections, alterations, or additions may be made by the Board. The reading of the minutes of previous Board meetings by the Clerk of the Board is not required.

8. Public Comment

The rules relating to public comment are as follows:

A. Addressing the Board of Supervisors – General

1. Prior to the meeting, or during the meeting prior to the time the agenda item to be

addressed begins, a person wishing to address the Board should check in with the Clerk if appearing in person at the meeting or register via Zoom if appearing remotely at the meeting. Additional instructions regarding public participation can be found at the Clerk of the Board's website. Prior to closing the public comment period, the Clerk shall ask if any person who did not check in or register would like to comment on the item. While checking in and registration is helpful for the minutes of the meeting, a speaker is not precluded from speaking if the speaker does not check in or register or does not give the speaker's name.

2. When called upon, the person should come to the podium, may state their name and city of residence for the record, and, if speaking for an organization or other group, may identify the organization or group represented. The Clerk shall enter in the minutes the names of the individual(s) speaking, if a name is provided.
3. All remarks should be addressed to the Board as a whole since public comment is the public's opportunity to address the legislative body under Government Code section 54954.3(a) and comments should not be addressed to individual members of the Board, unless responding to a question from a specific member. Each person speaking from the floor shall obtain permission from the presiding officer. No person shall address the Board until the person has first been recognized by the presiding officer. The decision of the presiding officer to recognize or not recognize a person may be changed by majority vote of the Board
4. To ensure that order is maintained, questions, if any, should be addressed to the presiding officer who will determine whether, or in what manner, an answer will be provided.
5. Nothing herein shall preclude a member of the public from commenting on, questioning, or criticizing the policies, procedures, programs, or services of the County, the acts or omissions of the Board, or the positions, statements, votes, actions or omissions of members of the Board.

B. Public Comment – Public Statements other than Public Hearings

1. General Public Comment is that period of time set aside at Board meetings for members of the public to address the Board on items of County or dependent special district business not listed on the agenda that is within the subject matter jurisdiction of the Board. The general public comment period during the opening part of the meeting to address non-agenda items is limited to no more than two minutes per speaker and may be decreased by the Chair depending on the number of speakers for non-agenda items, it may also be moved to anytime during the meeting.
2. If a member of the public would like to address the Board on an item listed on the Consent agenda, the item will be moved to the Regular agenda for consideration following the approval of the remainder of the Consent agenda, at which time the speaker will be heard, or the speaker will be allowed his or her time before the Board's consideration of the Consent agenda.

3. Excluding the general public comment period during the opening part of the meeting, if a member of the public would like to address the Board on any other item on the agenda, public comment shall be limited to no more than three minutes per speaker, per agenda item. At the discretion of the presiding officer, the time allotment for speakers may be adjusted above or below three minutes relative to the number of speakers present for the agenda item.
4. The Public Comment portion of the Board meetings shall be deemed to constitute the opportunity for members of the public to address the Board in compliance with Government Code section 54954.3.
5. If a matter has been presented orally before the Board, whether the Board has taken action, or determined to take no action, the same or substantially same matter shall not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the Board in writing for such action or non- action as the Board, in its discretion, may deem appropriate.

C. Public Comment – Public Hearings

1. Any member of the public wishing to address the Board orally on a public hearing appearing on the Board agenda may do so when that item is taken up by the Board, or as otherwise specified by the Board or its presiding officer. Oral presentations in connection with public hearings may not exceed three minutes for each public hearing unless otherwise provided.
2. A project applicant, appellant, or other person or entity with an interest in a noticed public hearing item, or any duly designated representative of such a person or entity, shall have time for oral presentation or testimony in connection with the noticed public hearing item. Oral presentations are limited to three (3) minutes unless otherwise provided by the presiding officer.
3. Persons who anticipate oral presentations exceeding three minutes are encouraged to submit comment in writing, in advance, in care of the Clerk, for prior distribution to the Board and other interested parties, whenever possible, by the Thursday preceding the scheduled Board meeting relating to the matter or, if that is not possible, at the earliest feasible time prior to the meeting. In addition, submission of comments in writing is encouraged in lieu of possible lengthy oral presentations, which may not be permitted.

D. Comments in Writing Encouraged

1. Members of the public may submit, and are encouraged to submit, comments in writing to the Board relating to any items of County or dependent special district business, whether on the Board agenda or otherwise. When written materials are provided to the Board during a meeting, an original and 10 copies are required. Such written comments will be distributed to members of the Board and considered and acted upon, or not acted upon, as the Board in its judgment may deem appropriate.

E. Miscellaneous

1. 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 or item, the presiding officer may request that a spokesperson be chosen by the group and, in case additional matters are to be presented by any other member of the group, limit the number of such persons addressing the Board. A specific time limit may also be set for the total presentation.
2. Any of the foregoing rules may be waived by the presiding officer 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.
3. 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 and dependent special districts.

9. Time Certain Items

Time certain items are scheduled in advance by the sponsoring agency/department or Board member through the Clerk to be heard at a specific time during the Board meeting for an estimated duration. Other than public hearings, the presiding officer may choose to limit the number of time certain items at each meeting. Each January, the presiding officer shall determine how he or she intends to handle time certain items for the year and will communicate same to the Clerk of the Board for implementation. Any exceptions to the presiding officer's direction seeking to place additional time certain items on the agenda shall require the consent of the presiding officer and CEO. Contact the Clerk to obtain a Time Certain confirmation prior to submitting the item in the agenda management system.

Time Certain items are generally scheduled for:

- Board of Supervisors items as requested
- Public hearings
- Controversial issues/community involvement
- Coordination of non-County and/or other County entities

10. Regular Agenda Items

Items not included in the Consent agenda or items that are not time certain are taken up for consideration as part of the Regular agenda. They will be heard at the Board's discretion, either before or after scheduled appointments and hearings. If there are no public speakers or requests to pull item for separate action by the Board, the Regular agenda items may be

reviewed and approved together as recommended and without discussion, at the discretion of the presiding officer.

11. CEO Comments

The CEO or designee may make brief announcements and report on CEO and County workforce activities.

12. Board Comments

Comments by Board members on matters they deem appropriate including memorial adjournments. A Board member may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities to include a report on expenses incurred in the performance of official duties in compliance with the provisions of Government Code section 53232.3(d). A Board member may also provide a reference to staff or other resources for factual information or request staff to report back to the body at a subsequent meeting concerning any matter. The Board may also direct staff to place a matter of business on a future agenda.

13. Correspondence Agenda

Correspondence received by the Clerk addressed to the Board from the general public or other governmental entities is distributed to each member of the Board by the Clerk for information. Additionally, the Clerk may refer these matters to agencies and departments for acknowledgement, investigation and report back, direct action, or response as appropriate. Written communications addressed to a specific Board member will be forwarded to that member and will not be distributed to other Board members, unless requested by the respective Board member. Written communications addressed to the Board, or to an individual Board member, may be placed on the correspondence agenda by the Clerk when requested by a member of the public, county department, or a member of the Board. However, correspondence items which are obscene or profane, which are repetitive, which were previously submitted matters by the same author, or which are unsigned or anonymous will not be included on the correspondence agenda but will still be distributed to all members of the Board. When correspondence items are listed on the correspondence agenda, the items are presented to the Board for information and may require no action or may not be ready for Board consideration.

14. Closed Session

County Counsel closed session discussion items may be heard at any time during the meeting. The Chair of the Board will announce that the Board is going into closed session.

15. Memorial Adjournments

The names of the individuals on the memorial adjournment lists submitted by individual Board members during Board Comments are published in the minutes.

II. Rules of Decorum

1. To minimize distractions during public meetings, all personal communication devices must be turned off or put in a non-audible mode.
2. Signs, placards or posters shall not be brought into the Board room if the presence of such item disturbs, disrupts or otherwise impedes the orderly conduct of the meeting. The presiding officer may direct that all signs, placards and posters be placed in the back of the Board room where they will still be visible by members of the Board but will not block or otherwise obstruct the view or participation of other members of the public attending the meeting.
3. Speakers, board, commission and audience members are prohibited from using profane or vulgar language, making true threats of physical violence, and from engaging in such other conduct that disrupts, disturbs, or impedes the orderly conduct of the meeting.
4. Audience, board, and commission members are prohibited from engaging in audible displays such as shouting, yelling, whistling, foot stomping, clapping, booing, hissing, and cheering in a manner that disturbs, disrupts or otherwise impedes the orderly conduct of the meeting.
5. Smoking, eating, or drinking with the exception of water is prohibited in the Board room.

III. Maintaining Order and Decorum

1. The presiding officer shall be responsible for maintaining the order and decorum at public meetings and uniformly enforcing the provisions of this Rule 33.
2. In the event any person violates a provision of this Rule 33 in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting, the presiding officer may order that person to cease the offending conduct.
3. If any person continues to violate the provision in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting following an order from the presiding officer to cease the offending conduct, the presiding officer may order that person to leave the meeting.
4. If any person refuses to leave the meeting following an order from the presiding officer to do so, the presiding officer may order any law enforcement officer on duty to remove that person from the meeting.
5. Any person removed from the meeting shall be excluded from further attendance at the meeting from which the person has been removed unless permission to attend has been granted by the presiding officer or by majority vote of the Board.

Rule 34. Board Members; Notification of Absence

If any Board member is unable to attend a meeting, all reasonable effort shall be made to notify the Chair and the Clerk in writing as soon as possible.

Rule 35. Quorum and Action

Three members of the Board shall constitute a quorum sufficient to transact business. A valid action must reflect consent of at least three members present (Government Code section 25005), unless a 4/5ths or unanimous vote is required by law. (See Rules 47 and 48 for 4/5ths and 3/5ths vote requirements.)

Rule 36. Emergency Items

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

1. Upon a determination by a majority vote that an emergency situation exists, as defined in Government Code section 54956.5;
2. Upon a determination by a two-thirds vote, 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 County subsequent to the agenda being posted; or
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.

No item will be considered by the Board which is not on the posted agenda unless the Supervisor or the department/agency head who presents the item provides evidence that assures the Board that an emergency situation exists or that the need to take immediate action came to the attention of the County subsequent to the agenda being posted and cannot be considered on the next regular meeting agenda for specific reasons. Any item not on the agenda that is proposed for consideration shall state facts to support the determination that it comes within one of the foregoing provisions.

Rule 37. Resolutions and Proclamations Usage by Board Members

Resolutions: A resolution is a formal declaration of the Board of Supervisors with respect to the proceedings of the Board of Supervisors or some other future purpose of the County. Resolutions do not have the force of law of a County ordinance but operate as expressions of opinion of the Board Supervisors or evidence of a decision made by the Board of Supervisors and often relate to the business of the County or for the disposition of which the specific resolution provides. Resolutions can direct County staff in the operation of the County (e.g., contract approvals, employee position approvals, etc.). Resolutions require formal action by the Board of Supervisors to approve.

Proclamations: Proclamations are ceremonial documents to commend individuals and organizations or to commemorate a specific time period (day, week, or month) for the purpose of raising awareness about local efforts. When about an organization or individual, a proclamation should only be placed on the Board agenda for consideration by the entire Board if the organization's or individual's achievement is of direct benefit to the entire County. Proclamations are intended to be purely ceremonial in nature and reflective of current ceremonial expression of the Board, with no future effect. Proclamations presented at Board of Supervisors meetings are approved as part of the action on the Agenda Review approval and do not require any further formal action by the Board of Supervisors other than the presentation of the proclamation at the Board meeting. Any proclamation to be presented outside of a Board of Supervisors meeting must be identified by title in a receive and file item from the Clerk of the Board and placed on the Board's consent agenda at the first Board meeting of the month during which that proclamation is to be presented. Proclamations identified on the Board's Attachment A agenda, either as a presentation or through a consent item, may be signed electronically by the Board of Supervisors.

Retirement Proclamations and Presentations: Individuals must have at least 30 years of public service to be recognized by the Board of Supervisors at a Board meeting.

Service Awards: The County Executive Office will schedule Service Awards once per quarter to recognize individuals with 25 years of County service. Individuals may be recognized every 5 years thereafter.

Service Awards, Adjourn in Memory Certificates, County Retirement Certificates (including Sheriff Department Retirements), County Employee Recognition Certificates, and Volunteer Recognition Certificates are all purely ceremonial in nature and may be signed electronically by the Board of Supervisors.

Rule 38. Department/Agency Use of Supervisorial District Designation on Agenda Items

Departments/agencies are required to utilize the "all districts" designation, unless the item relates to a specific project, facility, or area within a specific district(s) regardless of its countywide or multi-district service area.

Rule 39. Consent Items

Consent agenda items consist of items that are routine in nature and that do not require individual consideration. Such items may be moved from the Consent agenda for discussion and separate consideration on the Regular agenda at the request of a Supervisor, staff member, or the public.

Consent items may include, but are not limited to:

- Receive and file reports (that do not require discussion)
- Routine contracts/purchase orders
- Appointments to boards/commissions

Items that may not be on the Consent agenda include, but are not limited to:

- Permanent position allocations – adding/deleting
- Appointments of retirees within 180 days of retirement to fill critically needed positions

All items listed under Consent agenda on the Board's agenda will be enacted by one motion for approval of the recommended action(s). There will be no separate discussion of these items prior to the time the Board votes on the motion unless any member of the Board, the CEO, or a member of the public requests removal of specific items from the Consent agenda for separate discussion and action.

Members of the public who wish to discuss a Consent agenda item should check in with the Clerk prior to the commencement of the meeting. The Clerk will advise the Chair of such request and the individual will be given an opportunity to speak.

A Board member may ask the Clerk to record a "no" or "abstention" vote on any Consent agenda item.

Rule 40. Draft Agenda

Pursuant to the Board's action on March 8, 2016, the Clerk shall publish a Draft Agenda with no materials eight days prior to the Board meeting (seven days in the event of a holiday). The Draft Agenda shall include information known to the Clerk at the time of publishing and will include a Future To Be Scheduled section listing items that the County Executive Office believes would benefit the public by having as much advance notice as possible. This would include, but not be limited to, items of expressed or anticipated high public interest and items having significant impact to the community or environment.

Rule 41. Public Hearings

Upon receipt of a request by a County agency or Board member for a public hearing established by statute, the Clerk may proceed to set the matter for public hearing without further action of the Board unless the Board is required by law to set the matter for hearing. In that event, the matter will be placed on the Regular agenda for the Board to set the matter for hearing.

Public hearings are generally noticed and therefore require a time certain confirmation. Time certain items are scheduled in advance by the sponsoring agency/department or Board member through the Clerk to be heard at time listed during the Board meeting for an estimated duration. The Clerk should be contacted to obtain a time certain confirmation prior to submitting the item in the agenda management system.

Rule 42. Public Hearings for Planning and Zoning Matters (Land Use Matters)

Pursuant to Board Resolution No. 222/240 adopted February 24, 1976, as amended by Board Resolution No. 13-052 adopted July 23, 2013, the Board of Supervisors has adopted "Procedures for the Conduct of Hearings on Land Use Matters Before the Planning Commission and the Board of Supervisors." The hearings should be conducted as follows:

Presentation of Evidence – Recording

All hearings on land use matters shall be recorded. Any person desiring to have a hearing

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 and business address and telephone number of the reporter being used.

Statement of Legal Principles

The Chair of the Board may, in his or her discretion, request that the County Counsel make a brief statement of applicable legal principles and requirements for the information of members of the audience or Board at the opening of the hearing. The statement may include a summary of the statutory and judicial requirements applicable to the hearing Board decision on the specific type of land use matter (e.g., conditional use permit, variance, etc.) to be heard.

Order of Procedure

Unless the Chair in his or her discretion shall direct otherwise, the order and time limits for presentation of evidence on particular land use items shall be as follows:

- a. Presentation(s) by staff;
- b. Presentation by the project applicant (15 minutes);
- c. Presentation by the appellant, if any (15 minutes);
- d. Comments by members of the public (3 minutes per speaker). At the discretion of the Chair, elected officials, public agency representatives, or others may be allowed to speak at the beginning of the public comment period;
- e. Rebuttal by appellant, if any (5 minutes);
- f. Rebuttal by project applicant (5 minutes);
- g. Closing comments by staff.

Swearing of Witnesses

Witnesses will not ordinarily be sworn unless a specific request therefor is made and granted prior to the taking of any testimony. The Chair may, upon request of any member of the Board or advice of County Counsel, require that all witnesses be sworn before giving testimony in a particular matter. Witnesses may be sworn as a group prior to the presentation of the staff report.

Rules of Evidence

The hearing need not be conducted according to technical judicial rules of evidence, but statutory and judicial rules regarding inferences and presumptions in civil litigation shall be applicable. 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. Evidentiary objections shall be waived unless timely made to

the Board.

Exhibits and Staff Report

- a. Subject to the conditions stated below, 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.
- b. All exhibits presented to the Board will be marked for purposes of identification. Exhibits presented by County staff will be marked in order numerically. Exhibits presented by persons other than County staff will be marked in order alphabetically. Each exhibit shall also be marked so as to indicate the number of the case, the date upon which it was presented, and the name of the person by whom it is presented.
- c. Any written staff report presented to the Board shall be marked as "Exhibit 1" and shall be made available to the public prior to, or at the beginning of, the hearing.
- d. Any staff exhibit (e.g., a general plan or area map) which has been or will be used in other land use hearings need not be retained in a particular case file, but shall be preserved by the Planning Division for future reference and a notation indicating its locations shall be made in the case file in any matter in which it has been used.
- e. Scale models and other physical exhibits that cannot be conveniently retained in case files may be photographed at the expense of, and then released to, the person submitting them. The photograph shall be entered in the file in place of the original exhibit, and a notation shall be made on the photograph as to where the original exhibit is located.
- f. Any person referring to an exhibit during testimony shall indicate the number or letter designation assigned to such exhibit.
- g. Upon timely objection in non-legislative hearings, petitions and letters signed by persons and letters signed by persons not present at the hearing for questioning as to their contents shall be received by the hearing body only for the limited purpose of showing the names of the persons protesting or supporting the action under consideration.

Oral Evidence

Any person desiring to speak are encouraged to check in with the Clerk prior to the commencement of the hearing. The Chair will call on the individual to speak when the public hearing is open for public testimony. All comments must be made clearly and distinctly into the podium microphone, and all speakers must first state their full name and address and the names of any persons in whose behalf they are appearing.

Time Limits and Number of Witnesses

In order to expedite the conduct of the hearing, the Chair may limit the maximum three-minute time a person may use in addressing the hearing body. The Chair may also limit the number of speakers or amount of testimony upon a particular issue in order to avoid repetitious and cumulative evidence. Except when necessary for immediate clarification of a particular point or to answer a question by a member of the Board, no person shall be allowed to speak a second time.

Questioning of Speakers

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. Direct questioning of speakers or staff members may be allowed at the discretion of the Chair.

Information Obtained Outside Public Hearing

- a. Except for site visits in compliance with the "Field Investigations" section below, members of the Board should not, after application thereon has been filed, solicit or receive evidence outside of the public hearing on a quasi-judicial matter for which a public hearing is required by state law or County ordinance; provided, however, that this prohibition shall not apply to procedural aspects of the hearing process or to quasi-legislative matters, such as major general plan proposals or amendments to zoning ordinances involving definitions of words of use in an entire zone, which have broad application throughout the County as distinguished from specific application to individual parcels of property.
- b. Members of the Board should avoid personal contacts, correspondence, and telephone calls concerning substantive issues relating to quasi-judicial matters outside of the public hearing and shall inform persons contacting them to make their information or objections known at the public hearing.
- c. Where information of a specific nature is gathered by a member of the Board for a quasi-judicial matter through contacts outside the record, and the information is not already in the record, the member shall disclose the contact and its substance on the record prior to the commencement of the hearing to which such contact relates. Where the information is received during the pendency of a hearing, the matter shall be disclosed prior to completion of the hearing and the parties and public shall have an opportunity to respond if the matter is substantially new information.

Field Investigations

a. Individual Members

1. Board members may make site visits for the sole purpose of observing the site

and its physical and operational characteristics regarding a matter scheduled for hearing, provided that no more than two Board members visit the site together except as provided in subpart (b) below.

2. Upon a visit to a site, Board members may be accompanied by County staff and/or other persons for the purposes of obtaining site access or being directed to characteristics of the site for viewing. No other evidence, presentation, or argument should be received from County staff or other persons during the site visit regarding a quasi-judicial matter; if any such information is received during a site visit, it shall be disclosed by the Board member to the extent required in accordance with subpart (c) in the section above entitled "Information Obtained Outside Public Hearing."
3. Each Board member making a site visit shall publicly report such fact and describe in general terms what was viewed and who was present at the hearing so the hearing record indicates that the field trip was taken into consideration as evidence.

b. Board

1. The Board may make site visits to observe the site and its physical and operational characteristics or for other purposes relevant to a matter scheduled for hearing. Such field trips shall be taken as part of a regular, adjourned, or special meeting of the Board, and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments.
2. A record of the field trip shall be entered into the minutes so the hearing record indicates that the field trip was taken into consideration as evidence.

Study Session

The Board may hold a study session as part of a regular, adjourned, or special meeting. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chair. Persons speaking at study sessions may be questioned pursuant to "*Questioning of Speakers,*" above. Public notice for study sessions on specific matters for which public hearings are anticipated in the future shall be given in the same manner as that required for public hearings and a record of such study sessions shall be entered into the minutes of any such future public hearings so that the hearing records will indicate whether any information received at the study sessions was taken into consideration as evidence at the subsequent public hearings.

Decision

1. Voting
 - a. Approval of any request or appeal brought before the Board shall require the affirmative vote of no less than three of its members.

- b. Voting upon a motion may, at the discretion of the Chair, and shall, upon request of any member, be by roll call. When voting is not by roll call, the Chair may, in this absence of objection by any member of the Board, declare an item to be unanimously approved.
- c. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.
- d. A member who is absent from any portion of a hearing conducted by the Board may vote on the matter at the time it is acted upon by the hearing body provided he or she (1) has listened to the tape recording or has watched the video streaming for the portion of the hearing from which he or she was absent, (2) has examined all of the exhibits presented during any portion of the hearing from which he or she was absent, and (3) states for the record prior to voting that he or she deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

2. Findings

On any matter for which state law or County ordinances require the preparation of written findings, the staff report submitted on the matter shall contain findings proposed for adoption by the hearing body. Any motion directly or impliedly rejecting such proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable amount of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

Rule 43. Ordinances

When the Chair announces an item that proposes the adoption of an ordinance, the Clerk shall read the title of the ordinance and further reading is waived. Following Board action, the ordinance shall be placed by the Clerk on the agenda of the next regularly scheduled Board meeting for adoption, or a later date if the Board so directs. Any alteration of the proposed ordinance, other than to correct clerical or typographical errors, shall necessitate continuance of the item at least five days to the next regular meeting. This rule shall not apply to ordinances which, by statute, can be passed only after notice of a public hearing, and shall not apply to urgency ordinances except for reading of the title and waiver of further reading.

Rule 44. Members to Address Chair and Avoid Personalities

When any Board member is about to speak, he or she shall respectfully address himself or herself to “Mr. Chair” or “Madam Chair” as appropriate. When two or more members address the Chair at the same time, the Chair shall name the member who is first to speak, and the speaker shall confine his or her remarks to the question under debate and shall avoid personality conflicts.

Rule 45. Motions

- (a) Action of the Board shall be taken by motion. Any action of the Board may be proposed by the motion of any member. Such a motion, if seconded by a member, shall be on the floor and must be considered. If a motion is not seconded, the motion fails for lack of a second, shall be so declared by the Chair, and shall not be further considered.
- (b) A motion may be withdrawn by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the motion shall remain on the floor. The second to a motion may be withdrawn by the second at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the Chair unless seconded by another member.
- (c) When a question or "original motion" is under debate, no motion shall be received unless:
 - 1. To adjourn
 - 2. To lay on the table
 - 3. To consider the previous question
 - 4. To continue to a certain date
 - 5. To substitute
 - 6. To amend
 - 7. To remove

These motions shall have preference in the above order.

- (d) A motion on the floor may be substituted at any time before adoption or rejection. A substitute motion is used to propose an alternative to the main motion, to essentially do away with the main motion. If the substitute motion has been seconded, the substitute motion will be voted upon first. If the substitute motion passes, it eliminates the prior motion (normally the original motion). If the substitute motion fails, the prior motion (normally the original motion) is then voted upon.
- (e) A motion on the floor may be amended by motion at any time before adoption or rejection. If the motion to amend fails, the original motion will be voted upon. If the motion to amend passes, the amendment is adopted and, thereafter, the original motion, as amended, will be voted upon.

After a motion has been seconded, any member may discuss the subject of the motion. When no member wishes to discuss the motion further, the Chair shall call for the vote on the motion. At any time after a motion has been seconded, any member who has the floor may call for the question. The Chair may call for the vote if it appears that further discussion will be repetitious or that a majority of the Members present concur in the call.

- (f) A motion to consider the previous question shall preclude all amendment from debate to the main question and shall be put in the form "shall the main question be put to a vote."
- (g) A member called to order shall relinquish the floor unless permitted to explain, and the Board, if appealed to, shall decide on the case, but without debate. If there is no appeal,

the decision of the Chair shall be final.

- (h) A Motion to Reconsider Made at the Same Meeting – Upon motion by a Board member who voted with the prevailing side of the matter previously considered, and seconded by any Board member, the Board may, by majority vote of the entire Board (at least three votes in favor), reconsider any matter dealt with previously by the Board at the same meeting. The motion may be made either during the same session or at any recessed or adjourned session of that same meeting.
- (i) A Motion to Reconsider Made at a Subsequent Meeting – Upon request of and a motion by a Board member who voted with the prevailing side of the matter previously considered, and seconded by any Board member, the Board may, by majority vote of the entire Board (at least three votes in favor), reconsider any matter dealt with previously by the Board at a previous meeting of the Board. All such requests for reconsideration that appear on the agenda shall contain both the recommendation to reconsider and a recommendation on the matter previously considered, and are subject to standard agenda requirements. All decisions made after consideration at a public hearing shall be reconsidered only at a public hearing, which is noticed in the same manner as the original hearing.
- (j) A Motion to Reconsider a Quasi-Judicial Decision – Notwithstanding Rule 45(h) and (i) above, the following policies shall apply for reconsideration of quasi-judicial decisions.
 - a. Reconsideration of a Quasi-Judicial Decision Requested by a Board Member – Except as otherwise provided by law, requests by a Board member for reconsideration of a quasi-judicial decision shall be made within 15 calendar days of the decision. Except as otherwise required by law, such request shall be determined by the Board within 15 days of the request or at the next regular meeting, whichever is later. The provisions of Rule 45(g) or (h), whichever is applicable, shall be followed. If no action is taken on the request within the time specified, the request shall be deemed denied.
 - b. Reconsideration of Quasi-Judicial Decision Requested by Party – Except as otherwise provided by law, a party to a quasi-judicial decision may request reconsideration in writing, filed with the Clerk within 15 calendar days of the decision. Except as otherwise required by law, such request shall be determined by the Board within 15 calendar days of the filing of the request or at the next regular meeting, whichever is later. All such requests for reconsideration shall appear on the agenda and are subject to standard agenda requirements. The Board may, upon a demonstration of good cause by the requesting party and a majority vote of the entire Board (at least three votes in favor), elect to reconsider its quasi-judicial decision. If no action is taken on the request within the time specified, the request shall be deemed denied. Any right a party may have to seek judicial review of the quasi-judicial decision shall not be affected by the failure to seek reconsideration by the Board. All decisions made after consideration at a public hearing shall be reconsidered only at a public hearing that is noticed in the same manner as the original hearing.

Rule 46. Votes

In voting upon a motion, the vote of each Board member shall be made electronically, and after each Board member has voted, the votes of all Board members shall be disclosed simultaneously to the Board members and the public. When electronic voting is unavailable or when specifically required by law or requested by a Board member, voting shall be roll call. Each roll call vote shall be made in an order determined by the Clerk or directed by the Chair but shall first include the maker of the motion and the member who seconded the motion, followed by the balance of the members present, with the Chair called last, unless the Chair made, or seconded, the motion.

Rule 47. Four-fifths (4/5ths) Vote

Listed below are items likely to appear on the Board of Supervisors' agenda that require four-fifths (4/5ths) vote:

- An item not appearing on the agenda (which may be considered when it can be demonstrated, in writing, that an emergency situation exists that affects the health, safety, or welfare of the citizens of Ventura County AND, by a four-fifths vote, the Board of Supervisors makes such a finding).
- The sale of County property for \$25,000 or more (this does not apply to Watershed Protection District and Fire Protection District property).
- Decrease to contingency.
- Increase to estimated revenues for unanticipated revenue that is appropriated.
- Approval of release of all or part of obligated fund balances, excluding general reserves and balance sheet reserves.
- Midyear decrease to general reserves (allowed only in a state of emergency).

Rule 48. Three-fifths (3/5ths) Vote

Listed below are items likely to appear on the Board of Supervisors' agenda that require a three-fifths vote (3/5ths) vote:

- Reconsideration of any matter dealt with previously by the Board. (All requests for reconsideration shall appear on the agenda and are subject to standard agenda requirements. All decisions made after consideration at a public hearing shall be reconsidered only at a public hearing that is noticed in the same manner as the original hearing.) See Rule 45(i), (j), (k (a)) and (k (b)).
- Transfer (equal increase and decrease) of appropriations between budget units within the same fund, including increases to contingency.
- Decrease to estimated revenue and appropriations to recognize significant under realization of

revenues.

- Increase to obligated fund balances.

Rule 49. Abstention

The Board of Supervisors, by order dated December 5, 1978, adopted a policy on abstentions from Board votes to the effect that whenever a Board member abstains from voting it is an indication that such Board member is taking no position on the matter and the abstention will not be recorded as a yes vote or a no vote.

A supervisor cannot change his or her vote after the vote is taken. (56 Ops. Cal. Atty. Gen. 224 (1973).)

Rule 50. Conflict of Interest

Members shall not be financially interested in any contracts, purchases at any sale or vendors at any purchase made by them in their official capacity, or by any board or body of which they are members.

Any member with a disqualifying conflict of interest must, in compliance with the Political Reform Act:

- a. Publicly state the nature of the conflict of interest in sufficient detail to be understood by the public; and
- b. Recuse himself or herself from discussing and voting on the item; and
- c. Leave the room until the item has concluded, unless it is on the Consent agenda.

The member may be allowed to address the Board as a member of the public. Said disclosure shall be noted in the official Board minutes. The member must also comply with all other applicable conflict of interest laws.