

Sonoma  
County  
Board of  
Supervisors

Board Rules of Procedures



4/25/2017

# RULES OF PROCEDURE

## OF THE BOARD OF SUPERVISORS SONOMA COUNTY, CALIFORNIA

### PURPOSE

The Institute for Local Government recommends local governments establish a set of rules and procedures for facilitating the decision-making process in a smooth and fair manner. The purpose of these Rules of Procedures (“Rules”) is to foster understanding and respect for the democratic process, facilitate compliance with applicable laws, encourage public participation, provide guidance on decorum, and enhance effective and efficient management of Board meetings.

### GENERAL

#### Rule 1. Applicability of Rules

These Rules are adopted pursuant to Government Code §25003. The Rules shall apply to the Board of Supervisors of the County of Sonoma whether sitting as the Board of Supervisors of the County or as the governing board of any other district, commission, authority or board.

These Rules are intended to expedite the transaction of business of the Board in an orderly fashion, and are deemed to be procedural only. 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. Except as otherwise provide by law, these Rules, or any one of them, may be suspended by a majority of the Board. These Rules supersede and replace all rules of procedure previously adopted by the Board.

#### Rule 2. Definitions

In interpreting these Rules:

“Board” refers to the Board of Supervisors of Sonoma County, whether sitting as the Board of Supervisors of the County or as the governing body of any other district, authority or board

“Board member” refers to a member of the Board

“Chair” and “Vice Chair” refers to the Board members elected to those respective offices

“Clerk” refers to the Clerk of the Board of Sonoma County

“County Administrator” refers to the County Administrative Officer of Sonoma County

### MEETINGS

#### Rule 3. Regular Meetings and Annual Calendar

Regular meetings generally shall be held on each Tuesday of every month except the Board shall generally not meet on any fifth Tuesday of a calendar month, or on any Tuesday following a Monday holiday. In addition, any meeting may be cancelled upon the order of the Chair, or by a majority of the members of the Board.

Regular meetings shall commence at 8:30 a.m. and shall be held at the Board of Supervisors Chambers at 575 Administration Drive, Suite 102A, Santa Rosa, California, unless the time, date and location are changed by a majority vote of the Board, and so noticed. Business shall normally be conducted between 8:30 a.m. and 5:00 p.m., but may continue past 5:00 p.m., without objection from the Board members present.

An annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings.

#### **Rule 4. Special Meetings, Budget Hearings, Workshops and Planning Meetings**

Special meetings may be called at any time by the Chair, or by a majority of the members. Upon the call of a special meeting, the Clerk will prepare and distribute, at least 24 hours before the time of the special meeting, written notice to each member and to a local newspaper of general circulation. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings (Government Code §54956).

Budget Hearings, Workshops, Study Sessions and Planning Meetings may be called by the Chair or by a majority of the Board at times and locations in accordance with the law and specified notice provisions.

#### **Rule 5. Emergency Meetings**

Emergency meetings may be called by the Chair or by a majority of the Board, in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, or response to natural or other disaster. Upon the call of an emergency meeting, the Clerk shall give notice of the meeting, and comply with posting requirements (Government Code §54956.5).

#### **Rule 6. Closed Sessions**

Closed sessions of the Board can be called by the Chair or by a majority of the Board, for those purposes allowed by law (Government Code §54956.7).

Prior to holding any closed session, the Chair shall announce the session in an open meeting, and shall provide an opportunity for public comment on items on the closed session agenda. During the closed session the Board may consider only those items on the agenda. At the conclusion of the closed session the Board shall report, in an open meeting, as required by law, action taken (Government Code §54957.1).

### **ELECTIONS, POWERS, AND DUTIES OF THE CHAIR, VICE-CHAIR, AND CHAIR PRO-TEMPORE**

#### **Rule 7. Annual Selection of Chair and Vice Chair**

At its first regular meeting, after January 1 of each year, the Board shall nominate and elect from its membership a Chair, Vice Chair, and a Chair Pro-Tempore. The Chair shall call the meeting to order and the first order of business shall be the election of officers for the ensuing calendar year. The Chair, Vice Chair, and Chair Pro-Tempore shall serve until the election of their successors.

#### **Rule 8. Powers of Chair, Vice-Chair, and Chair Pro-Tempore**

The Chair shall serve as presiding officer of the Board, rule on questions of procedure, appoint members to committees and special assignments, and execute official Board records and documents presented by the County Administrator/Clerk. In the absence or unavailability of the Chair, the Vice-Chair shall call the meeting to order and serve as presiding officer. The Vice-Chair shall have and exercise all powers and duties of the Chair for meetings over which he or she is called to preside, including executing official board records and documents, and at ceremonial and official functions, which the Chair cannot attend.

If both the Chair and the Vice-Chair are absent or unable to participate, the Chair Pro-Tempore shall call the meeting to order, serve as the presiding officer, and shall have and exercise all power and duties of the Chair for the meeting over which he or she is called to preside and at ceremonial and official functions, which the Chair or Vice Chair cannot attend.

### **AGENDAS AND AGENDA MATERIALS**

#### **Rule 9. Meeting Agenda**

At least 72 hours before a regular meeting, the Clerk shall post an agenda. The agenda shall consist of a brief

statement of each item to be considered by the Board (Government Code §54950). The agenda shall indicate the time and location of the meeting and shall be posted as required by law.

#### **Rule 10. Addendums/Supplemental Agenda Items**

The Clerk shall prepare, post, and distribute all addendums/supplemental agendas when there has been an item added, continued, deleted, and/or modified since the distribution of the initial meeting agenda.

#### **Rule 11. Use of Clerk of the Board Required Agenda Form**

All Departments/Agencies shall use agenda forms, as prescribed by the Clerk, when submitting items to be placed on the Board's agenda for consideration. The Clerk shall make prescribed forms available. Without amendment to these Rules, the County Administrator may change agenda forms.

#### **Rule 12. Department/Agency Agenda Responsibilities**

When submitting an item for consideration by the Board, it is the responsibility of the originating Department /Agency to provide all required information, and to meet all timelines established by the County Administrator and Clerk. Originating Departments/Agencies shall submit sufficient copies to meet the distribution and processing requirements of the Clerk.

#### **Rule 13. Review and Filing of Agenda Items**

All agenda items, regardless of the official capacity in which the Board is acting, require review by the County Administrator's Office prior to submission to the Clerk for placement on the agenda. Agenda items are to be submitted to the County Administrator's Office complete, with all back-up materials, and in accordance with all requirements and instructions as established by the County Administrator.

The County Administrator may ask for additional information, clarification, and may determine not to place any item on the agenda. Without amendment to these Rules, agenda submittal instructions may be amended or additional requirements imposed to ensure appropriate review and Brown Act compliance.

#### **Rule 14. Supplemental Correspondence and Information Prior to Board Meeting and During the Board Meeting**

After Initial Agenda Distribution and Prior to the Meeting Rule - Agenda materials distributed, via mail, email, or hand delivered by the public to a majority of the Board or their staff, that is distributed or redistributed to another County employee, must be forwarded to the Clerk for public review.

At the Meeting Rule - Documents, including PowerPoint handouts, distributed to Board members by County employees or Board members themselves at the meeting, shall be kept to a minimum. When necessary to distribute materials at the meeting, 20 copies shall be provided to the Clerk for distribution to: Board members, County Administrator, County Counsel, and the Clerk, with remaining copies available for distribution to the general public. If large numbers of the public are anticipated to attend the Board Meeting on a matter and new information will be distributed to the Board members, then the number of copies should be increased to anticipate the number needed for the public.

Any supplemental correspondence or written information related to an agenda item which is provided to three or more Board members, and/or members of their staffs, shall be concurrently filed with the Clerk and made a part of the official record. This Rule shall not apply to attorney-client privileged communications.

Sufficient copies of supplemental correspondence and information should be delivered to the Clerk and the Clerk shall make the appropriate distribution to the Board, CAO and County Counsel.

#### **Rule 15. County Counsel Approval as to Form**

All agenda items which require County Counsel's approval shall be reviewed and approved, prior to submittal to

the County Administrator Office. County Counsel shall provide instructions to departments and agencies on what items require such approval.

## **CONDUCT OF BUSINESS**

### **Rule 16. Order of Business**

The Order of Business for Regular meetings is attached to these Rules as Appendix A. The Board shall conduct business in the order specified in the posted agenda or as modified as determined necessary by the Chair. The Board may permanently modify or amend the Agenda Order by majority vote.

### **Rule 17. Board Member; Notification of Absence**

If any Board member is unable to attend a meeting of the Board, all reasonable efforts shall be made to notify the Chair, County Administrator, and the Clerk, in writing and as soon as possible to ensure there are sufficient members present to consider all agenda items.

### **Rule 18. Quorum and Action**

Three members of the Board shall constitute a quorum sufficient to transact business. 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 §54944 and shall post a Notice of Adjournment.

### **Rule 19. Matters Not on the Agenda/Emergency Items**

No action shall be taken on any item not appearing on the posted agenda except: Upon a majority vote of the Board that an emergency situation exists as defined in Government Code §54956.5; Upon a determination by a four-fifths (4/5) vote of the Board, or if less than four-fifths (4/5) of the members are present, a unanimous vote of those members present, that 1) there is a need to take immediate action, and 2) the issue arose subsequent to the agenda being posted.

Any requests to hear a matter not on the agenda or emergency item shall be communicated to the Chair, County Administrator, County Counsel and Clerk as soon as the need becomes known.

### **Rule 20. Consent/Regular Calendar Items**

Agenda items on the Consent Calendar are routine in nature, consistent with adopted Board policy, and do not require individual consideration. The Consent Calendar will be enacted by one motion for approval of the recommended actions. 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 requests removal of a specific item from the Consent Calendar for separate discussion and action. Any Board member may ask the Clerk to record a “no” or “abstention” vote on any Consent Calendar item.

Agenda items on the Regular Calendar require separate discussion and/or action and may include, but are not limited to changes in policy, items that require the Board to consider options and provide direction, requests for new or unbudgeted positions, introductions or adoption of a proposed Ordinance, Public Hearings, and other matters as required by law.

### **Rule 21. Public Hearings**

Upon receipt of a request by a Department/Agency or Board member for a public hearing, the County Administrator or Clerk may set the hearing without action of the Board unless the Board is required by law to schedule the hearing. In that event, the matter shall be placed on the Consent Calendar to set the hearing. Subject to the Chair’s right to maintain order, any person wishing to speak at a public hearing shall be heard. Except for closing comments allowed an applicant and the appellant in the case of an appeal, each speaker shall speak only once.

Each speaker's presentation at a public hearing shall be relevant and to the point, and shall be as brief as possible; visual and other materials may be used as appropriate. The Chair may establish a time limit for presentations. When speakers use or submit to the Board visual or other materials, such materials shall become part of the file and identified and maintained as such. When CDs, DVDs, thumb drives, USB memory sticks, or other portable electronic media (e-media) are submitted to the Board, at least one hard-copy of the information stored on the e-media must be provided to the Clerk. Speakers with lengthy presentations are encouraged to submit them in writing.

The closing of a quasi-adjudicatory public hearing signifies the point after which the Board will no longer accept or consider any additional communication on the matter that was the subject of the hearing. As used in this Rule, "communication" includes oral communication; written communication such as documents, letters, and photographs; and any type of electronic communication, including e-mails, e-mail attachments, graphic images, spread sheets, text messages, and social media messages.

Should the Board close a public hearing and continue its deliberations to a subsequent meeting, or announce a tentative decision, by motion or other proceedings, and defer its action on a final decision to a subsequent meeting to allow preparation of appropriate findings and/or conditions of approval, any written or electronic communication received by a Board member or the Clerk after the close of the hearing on the matter that was the subject of the hearing shall be placed in a separate file kept by the Clerk and labeled to indicate it was received after the close of the hearing. Late written and electronic communication shall not be given to Board members, nor should Board members retain copies.

Should County staff determine that communication received after the close of a quasi-adjudicatory public hearing should be considered by the Board prior to its rendering a final decision on the matter that was the subject of the hearing, County staff shall recommend to the Board that the hearing be reopened. If the Board concurs, the Board shall reopen the hearing, following appropriate notice, for the limited purpose of receiving testimony and evidence on the new information.

## **PROCEDURE AND VOTING**

### **Rule 22. Quasi-Adjudicatory Hearings**

In addition to the procedures in Rule 21, the following requirements apply to quasi-adjudicatory hearings. Board members shall maintain their impartiality and avoid reaching a final decision in quasi-adjudicatory matters prior to the close of the public hearing. Board members may, however, express tentative opinions and concerns prior to their final decision, as this facilitates robust exploration and discussion of issues with which the Board is concerned. Consistent with the duty of impartiality and the conduct of a fair hearing, Board members are encouraged to explain to those seeking commitment on a vote or project that they cannot make a decision until they have considered all the information presented at the hearing.

Board members shall base their decisions solely on the public record and the information received at the public hearing. Board members may meet with interested parties and go on site visits prior to the public hearing. Where such contacts or site visits occur, the chair shall have Board members disclose these contacts or site visits, and any material facts learned from the contacts or site visits that are not in the staff report or public record, prior to the opening of the public hearing. This is to ensure all interested parties have an opportunity in the course of the public hearing to respond to any non-public and specific factual information that may have been learned by Board members prior to the hearing.

The Chair has authority to structure quasi-adjudicatory proceedings to fairly address any situation where new and unanticipated issues of importance arise in the hearing.

Notwithstanding Rule 14, all written communications from interested parties with members of the Board regarding

quasi-adjudicatory matters shall be submitted to the Clerk for public review.

### Rule 23. Order and Decorum

The Chair shall preserve order and decorum and shall decide all questions of order and procedure subject to an appeal to the Board. The nature of any appeal shall be briefly stated and the Chair shall have the right to state the reason for his or her decision

A Board member wishing to speak shall refrain until he or she has been recognized by the Chair. While a member is speaking, member shall be respectful and shall not engage in or entertain private discussions. Consistent with the purpose of the Rules, members are encouraged to use a formal style, including appropriate titles, in addressing the public, staff and each other. All members shall refrain from the use of profanity, emotional outbursts, personal attacks or any speech or conduct which tends to bring the organization into disrepute.

### Rule 24. Commitment to Civility

To assure civility in its public meetings, staff and the public are also encouraged to engage in respectful dialog that supports freedom of speech and values diversity of opinion. To achieve compliance with these Rules, Members, staff, and the public are encouraged to:

- Create an atmosphere of respect and civility where elected officials, County staff, and the public are free to express their ideas;
- Establish and maintain a cordial and respectful atmosphere during discussions;
- Foster meaningful dialogue free of personal attacks;
- Listen with an open mind to all information, including dissenting points of view, regarding issues presented to the Board; and
- Recognize it is sometimes difficult to speak at Board meetings, and out of respect for each person's feelings, allow them to have their say without comment, including booing, whistling or clapping;
- Adhere to speaking time limit.

### Rule 25. Use of Electronic Devices and Documents

The use of electronic documents, via iPads or other electronic means, is encouraged as a means of reducing the production and distribution of paper documents, and thereby decreasing costs.

Any member of the public may view the same electronic documents on line at ([http://supervisors.sonoma-county.org/meeting\\_archive.aspx?sid=1001&id=1002](http://supervisors.sonoma-county.org/meeting_archive.aspx?sid=1001&id=1002)), or may view the documents in paper form in the Clerk of the Board's Office.

The Board shall refrain from emailing, texting, using social media, or otherwise engaging in electronic communications in the Board Chambers on matters that are listed on the Board agenda.

### Rule 26. Motions – General

Any motion for action shall require a second before being acknowledged by the Chair. The Clerk shall enter into the minutes the motion and the names of the moving and seconding members. After a motion is stated by the Chair, it shall be open for debate but may be withdrawn by the maker at any time before a decision is made or an amendment adopted. A motion may be amended with the consent of the moving and seconding members at any time before a decision is made or an amendment adopted unless another motion is pending. The Clerk shall enter into the minutes the vote of each member on each motion.

### Rule 27. Voting

It shall take at least three affirmative votes of the Board to pass any motion (Govt. Code §25005), except where supermajority four-fifths (4/5) votes or unanimous votes are required by law. Appendix B contains a list of common items that require a four-fifths (4/5) vote. Appendix B may be up-dated without amending these Rules. An abstention shall count as neither an “aye” nor a “no” vote.

A supervisor who is absent from all or a part of: (1) a public hearing, (2) an item that requires findings, or (3) an item that is quasi-judicial in nature, may subsequently vote on the matter if the supervisor has reviewed all evidence received during his/her absence, listened to the Clerk's recording or read a true and complete transcript of the proceedings, and so states on the record.

### Rule 28. Roll Call Votes

Roll call votes shall be taken to act on any agenda items when there is not a unanimous action. A record of the roll call vote shall be included in the minutes by the Clerk of the Board.

Each roll call vote shall be made in an order determined by the Clerk or directed by the Chair but generally shall first include: the maker of the motion; the member who seconded the motion; the balance of the members present, with the Chair called last, unless the Chair made, or seconded, the motion.

### Rule 29. Conflicts of Interest

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

- Publically state the nature of the conflict in sufficient detail to be understood by the public;
- Recuse himself/herself from discussing and voting on item; and
- Leave the room until after the discussion, vote, and other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar.

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

Members may not have a financial interest in a contract approved or considered by the Board. In these cases disclosure and recusal does not remove the conflict and such a contract is considered void (Government Code §1090). The member is encouraged to discuss possible conflicts with County Counsel prior to the meeting.

### Rule 30. Motion to Rescind

A motion to rescind any action or motion shall require four-fifths (4/5) vote unless notice has been given at the previous meeting, either verbally or in writing. If notice has been given, the motion requires only a majority vote of all the members of the Board. A motion to rescind is not in order if action has been taken which cannot be changed.

### Rule 31. Motion to Reconsider

Any Board member who votes in the majority on a question, as well as any Board member who was absent, is eligible to make a motion to reconsider. A motion to reconsider shall be in order during the meeting at which the action to be reconsidered took place provided members of the public in attendance during the original action are still present in the Board chamber. In all other cases, motions for reconsideration must be placed on a future agenda for action.

A motion to reconsider shall require a majority vote. A motion to reconsider, if lost, shall not be renewed nor shall any subject be reconsidered a second time within twelve (12) months except by a four-fifths (4/5) vote of the Board. A motion to reconsider is not in order if action has been taken which cannot be changed.

### Rule 32. Substitute Motion

A substitute motion is an amendment where an entire resolution or section, or one or more paragraphs is struck out and another is inserted in its place. The motion to substitute, if adopted by majority vote, does away entirely with the original motion. The vote shall then be taken on the motion that was substituted. A substitute motion is appropriate if amendments become involved or a paragraph requires considerable changes. A substitute motion may not be made when an amendment is pending.

### Rule 33. Ordinances

It is the intent of the Board of Supervisors to provide meaningful time for public review of ordinances prior to the Board's consideration of the ordinances. For non-routine ordinances, this review period may be several weeks in length. The County Administrator will, in consultation with the Chair, County Counsel, and Department Heads, set this review period greater than that legally required based on the significance and potential impact of the proposed ordinance.

Ordinances (other than zoning ordinances) are introduced at one meeting (first reading), then generally placed on the agenda for adoption at a subsequent meeting.

The first reading will become the primary meeting at which: (1) the title of the ordinance will be read; (2) the Board will typically consider a motion to waive the reading of the text of the ordinance and to introduce the ordinance by title only; (3) members of the public shall have an opportunity to address the ordinance; (4) the ordinance shall be introduced by a motion and majority vote of the Board.

At the second reading: (1) the ordinance may be placed on the Consent Calendar for adoption; (2) if pulled from the Consent Calendar for separate action, the title of the ordinance may be read; (3) a motion to adopt the ordinance may be made; (4) a majority vote by roll call will adopt the ordinance.

Pursuant to Government Code §25123, ordinances shall generally become effective 30 days from the date of final passage.

Zoning ordinances are publicly noticed and may be adopted by majority roll call at one hearing. Other ordinance hearing procedures may be used as required by law.

### Rule 34. Planning Matters – Request for Continuance

Any Board member may, at his or her sole discretion, continue a planning matter within his/her District from one agenda to another regular meeting of the Board.

### Rule 35. Planning Matters – Original Jurisdiction

Any member may request the Board to exercise original jurisdiction over a use permit or other planning application, as authorized under the County Code, except in cases where state law requires a recommendation of the Planning Commission prior to action by the Board on the matter. A request to exercise original jurisdiction shall be filed in writing with the Clerk, or made orally at a Board meeting, prior to any decision by a lower level decision maker approving or denying the subject application. A request to exercise original jurisdiction need not state the reasons for the request but shall be brought as a noticed agenda item to the full Board for majority approval.

## **DUTIES OF COUNTY STAFF DURING BOARD MEETINGS**

### Rule 36. County Administrator

The County Administrator shall be present during Board meetings and shall provide such information as necessary to assist the Board members in their deliberation and decision making. The County Administrator may delegate this responsibility to the Assistant County Administrator or to a Deputy County Administrator.

### Rule 37. County Counsel

County Counsel shall be present during Board meetings, and shall serve as advisor to the Board on appropriate rules to comply with legal requirements. All questions of law shall be referred to County Counsel for his or her opinion. County Counsel may delegate this responsibility to the Assistant County Counsel or a Deputy County

Counsel.

### **Rule 38. Clerk of the Board**

The Clerk or Deputy Clerk shall be present during all meetings for the purpose of taking and maintaining the minutes of the meeting; presenting and receiving correspondence, records, documents, claims, 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.

The Clerk shall record all regular meetings of the Board by audio or visual means or both. Regular meetings may also be broadcast or webcast.

### **Rule 39. Sheriff**

The Sheriff, or a representative of the Sheriff's Office, shall at the discretion of the Chair or a majority of Board members, be in attendance at meetings of the Board, for the purpose of maintaining order and upholding the law.

### **Rule 40. Department and Agency Directors**

Department and Agency Directors, or a designee, 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 also attend any Board meeting when requested to do so by a Board member or the County Administrator.

## **COMMITTEES**

### **Rule 41. Board Committees/Assignments and Reporting Requirements**

The Clerk shall maintain a list of Board Committees and Assignments. Annually, the incoming Chair shall review the list of Committees and Assignments and shall determine which members to appoint for the upcoming year. The list of appointments shall be adopted by the Board at their first meeting in January.

All members who are assigned to special projects, committees, and separate boards or commissions shall provide regular reports to the full Board regarding their activity in connection with the special projects, committees, and separate boards or commissions. (Government Code §53234, et. seq.).

Committee members shall call board committee meetings as needed provided they are held in conformance with the law. The County Administrator's Office and County Counsel shall serve as support staff to all Board committees. Other department heads and/or staff may also support as requested by the committee.

### **Rule 42. Standing Committees**

Standing committees are those which have continuing jurisdiction over a particular subject matter or whose meeting schedule is fixed by resolution or action of the Board. Even if comprised of less than a quorum of the Board, a standing committee is subject to the Brown Act.

The Chair shall appoint members to each standing committee. Generally, appointments shall occur at the Board's first regular meeting in January. All standing committees shall be appointed for the calendar year, and the members shall continue as committee members until their successors have been appointed.

### **Rule 43. Ad-Hoc Committees**

Ad-Hoc committees are not subject to the Brown Act. They may be formed by the Chair or Board action, shall be solely composed of members of the board, consist of less than a quorum of the board, address a limited or single issue, for a limited time, and be dissolved once the specific task assigned is completed.

Ad-Hoc Committees are encouraged to conclude their business at the end of each calendar year. The Clerk will maintain a current index of Ad-Hoc Committees and their purpose.

## Rule 44. Board Assignments to Functional Groups of County Departments

The Chair shall designate a functional grouping of County Departments and related Agencies to each member of the Board for the calendar year.

The purpose of establishing functional group assignments emphasizes a structure that meets the following goals:

- To develop and maintain communications with County departments and related agencies;
- To encourage the discussion of goals and objectives and common problems between departments performing related functions and activities;
- To permit members of the Board to develop knowledge and understanding of the activities of County departments and related agencies; and
- To establish a relationship between members of the Board, the County Administrator's Office, and County departments and related agencies which will result in members of the Board concentrating on policy matters not administrative and management matters which are the responsibility of the County Administrator and Department Heads.

The method of assignment of members of the Board is not intended to delegate any Board authority to a Committee or Board member. Departmental liaisons will not request or direct work of their assigned departments/agencies outside of the Board Referral process (Rule 45). One member of the Board of Supervisors shall be assigned to each group of functionally related County departments and agencies. The County Administrator shall assign a staff member to each functional group who shall serve as the County Administrator's representative of said departments.

The Board designates the following functional grouping of County departments and related agencies for the purpose of establishing assignments of members of the Board of Supervisors.

### GENERAL ADMINISTRATIVE SERVICES

Board of Supervisors  
Clerk/Recorder/Assessor  
County Counsel  
County Administrator  
Fairgrounds  
General Services  
Human Resources  
Information Systems

### FISCAL SERVICES/CONSUMER PROTECTION SERVICES

Department of Agriculture  
UC Cooperative Extension  
Auditor-Controller-Treasurer-Tax Collector

### DEVELOPMENT SERVICES

Ag Preservation and Open Space District  
Community Development Commission  
Fire and Emergency Services  
Economic Development Board  
Permit & Resource Management  
Water Agency/Sanitation  
Regional Parks  
Transportation and Public Works

## CRIMINAL JUSTICE SYSTEM SERVICES

Public Defender

District Attorney

Probation & Juvenile Halls

Sheriff's Office

## HEALTH AND HUMAN SERVICES

Child Support Services

Health Services

Human Services

Home Supportive Services

## OTHER

### Rule 45. Board Member Referrals to Staff

Board member referrals that are anticipated to involve significant staff time (generally 8 hours or more) or other resource commitment and/or are a departure from established county or departmental policy require Board approval prior to starting work. Board approval shall be obtained through any action of the Board that reflects the majority support of the Board, including ordinance, resolution, or minute order. Minute Orders should be used for less important actions, reflecting direction discussed during a meeting of the Board, which is then summarized and adopted within the minutes of the meeting prepared by the Clerk of the Board.

The County Administrator will place an informational item on the agenda for the referral, to include what existing projects and resources will be impacted by the new referral, and what resources are needed to carry out the new referral. Based on this information, the Board may adjust the scope of the referral, adjust relative time priority of existing efforts, or discontinue work on an existing referral or other project to create available resources for the new referral. An Ad Hoc Committee can also make a referral for staff work, in consultation with the CAO but without requiring a majority Board vote.

This policy shall not prevent an individual Board member from requesting verbal or written information that may require minor staff time, or pulling information that is contained in existing Departmental reports. The staff time threshold is not intended to preclude a group meeting or discussion where a cumulative time from all attendees surpasses the 8 hour threshold. A request for information to support Board members in responding to constituent questions is not considered a referral for staff work. These requests should be directed to the CAO or to relevant Department/Agency Heads with a copy to the CAO.

### Rule 46. Action Summaries and Recordings of Meetings

The Clerk shall prepare and distribute Action Summaries ("minutes") of Board meetings. The minutes shall consist of the brief statement of each item posted on the agenda and supplemental agenda plus all motions, resolutions and ordinance numbers related thereto, all votes recorded thereon, and the final action taken by the Board. The minutes shall be made available internally and to the public and shall be placed on the Internet.

The Clerk shall maintain the official audio record of each Board meeting for a period of 3 years and will make these tapes available for listening by the public at no charge. The Clerk shall also maintain the official audio/video record of any meeting broadcasted. These audio/video records will also be made available to the public for viewing at no cost and will be maintained for a period of 3 years.

## PARTICIPATION OF THE PUBLIC

### Rule 47. Public Comment / Time Limits

Members of the public have the right to address the Board on any item within the subject matter jurisdiction of the Board (Government Code §54954.3). Members of the public shall direct their comments to the Chair who may, at

his or her discretion, request a response from staff. Time limitations are at the discretion of the Chair, and may be reduced or extended.

Public comments on items on the agenda will be called prior to the Board taking action on the item. Under the Public Comments portion of the meeting, members of the public will be allowed to address the Board regarding any item not on the agenda. Under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen. No action may be taken on items not on the agenda unless authorized by law.

#### **Rule 48. Orderly Conduct**

The Chair may determine when orderly conduct of a meeting is not feasible owing to disruptive behavior by persons in attendance. The Chair may request that person(s) disrupting the meeting leave the chambers/meeting room. If order cannot be restored, the Chair may order the chambers/meeting room cleared and continue in session. Members of the news media, except those participating in the disturbance, shall be allowed to remain. The Chair may re-admit any person(s) provided their re-admission will not disrupt the continued orderly conduct of business. The Chair may also call a recess and reconvene when order has been restored.

#### **Rule 49. Security and Prohibition of Banners/Signs or other Hazardous Objects**

The Board has the power to implement security measures in the chambers/meeting room. Signs, posters, banners or other hazardous objects which could impair the safety of individuals in the event of an emergency are prohibited in the chambers/meeting room. Any large object/container that may be deemed a hazardous object which could impair the safety of individuals in the event of an emergency may be prohibited in the chambers/meeting room.

#### Appendix A. Order of Agenda

Generally, business at Regular meetings shall be transacted in the following order. As determined necessary by the Chair, business on a particular day may be reordered. The Board may permanently modify or amend the Agenda Order by majority vote.

- I. 8:30 A.M. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF THE AGENDA**  
*(Items may be added or withdrawn from the agenda consistent with State law)*
- IV. CONSENT CALENDAR**
- V. REGULAR CALENDAR**
- VI. 11:30 A.M. - PUBLIC COMMENT ON CLOSED SESSION ITEMS**
- VII. CLOSED SESSION CALENDAR**
- VIII. RECONVENE FROM CLOSED SESSION**
- IX. REPORT ON CLOSED SESSION**
- X. 1:30 P.M - BOARD MEMBER REPORTS ON ASSIGNED BOARDS, COUNCILS, COMMISSIONS OR OTHER ATTENDED MEETINGS**
- XI. GOLD PRESENTATIONS** *(All other Gold Resolutions presented at other locations will be approved as part of the Consent Calendar)*
- XII. 2:00 P.M. - PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA, BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD**
- XIII. 2:30 P.M. - REGULAR AFTERNOON CALENDAR**
- XIV. ADJOURNMENTS – Meeting Adjourned in the Memory of (Moment of Silence and Reading of Names, City)**

**Quarterly: Special Board Meeting – Closed Session on Personnel Matters**

**NOTE: The next regular meeting will be held on March 8, 2016.**

**Upcoming Hearings (All dates are tentative until each agenda is finalized.)**

### XIII. APPENDIX B. 4/5ths and Unanimous Vote Requirements

Subject	Vote	Code	Description
Off Agenda Action	Unanimous	Gov Code §54954.2(b)(2)	To consider an item not on the Agenda, the Board must make findings that the need to take action arose after the Agenda was posted. The vote requires at least four votes of the Board if two-thirds of the members are present. If less than two-thirds are present, it requires a unanimous vote.
Airport	4/5	Gov Code §26021	Property acquisition for airport purchases by purchase, condemnation or lease; resolution for County aid.
Airport	4/5	Gov Code §26026	Contribute money to the United States for the acquisition or improvement by the United States or any of its authorized agencies of airports in the county.
Bonds		Gov. Code §§26880, 26885, 26946, 29917, 53595.20, 53345.8; Sts. & Hwys Code §§9132, 5227, 10355, 9534.5; Ed. Code §15145; Pub. Util. Code §§99100, 99102, 99118, 99119	There are many special voting requirements and other processes required for bonds. Please check with counsel.
Bridges	4/5	Pub. Contract §20405(c)	Modify the plans, specifications and working details of bridge construction contracts.
Budget	4/5	Gov Code §29088	Changes to proposed budget after budget hearing but prior to final budget
Budget	4/5	Gov Code §29125	The following transfers and revisions to the adopted appropriations require a 4/5 vote: (1) between funds; or (2) transfers from appropriation for contingencies.
Budget	4/5	Gov Code §29127	Adopt resolution necessary to appropriate and expend funds necessary to meet specific emergencies.

Budget	4/5	Gov Code §29130	Make available for appropriation any of the following fund balances: a) Restricted, committed, assigned, and unassigned fund balances, excluding the general reserves and nonspendable fund balance; b) Amounts that are either in excess of anticipated amounts or not specifically set forth in the budget derived from any actual or anticipated increases in financing sources.
Collections	4/5	Gov Code §26220(a) and (b)	a) Assign for the purpose of collection any or all delinquent bills, claims and accounts, and any or all money judgments taken in the name of the County. b) Assign for the purpose of collection any or all delinquent or unsecured taxes.
Condemnation/Eminent Domain	4/5	Code of Civ. Pro §1245.240	Adopt a resolution of necessity prior to commencing an eminent domain proceeding.
Contracts	4/5	Pub. Contract Code §20128	Modify terms of a construction contract.
Contracts	4/5	Pub. Contract Code § 20135	Alter or change in any manner the plans and specifications previously adopted by the Board for the erection, alteration, construction, or repair of any public building or structure, where such alteration or change increases cost.
Contracts	4/5	Pub. Contract Code §20136	Adopt an order to alter or change a contract that is for the erection, construction, alteration or repair of any public building or other structure.
Contracts	4/5	Pub. Contract Code § 20137	Contracts for the erection, construction, alteration, or repair of any public building or other structure: the Board may authorize a change if it does not exceed 10% of the original contract price
Contracts	4/5	Pub. Contract Code § 20150.10	Adopt a resolution declaring that a project can be performed more economically by county personnel, or that in the Board's opinion a contract to perform the project can be negotiated with the original bidders at a lower price than that in any of the bids, or the materials or supplies furnished at a lower price in the open market.
Contracts	4/5	Pub. Contract Code § 22038(a)(2)	After rejection of bids, adopt a resolution that declares that a project can be performed more economically by the employees of the agency.
Contracts	4/5	Pub. Contract Code §22050(a)(1)	In the case of an emergency, repair or replace a public facility, take any directly related and immediate action

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			required by that emergency, and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts. (See also Pub. Contract Code §22035.)
Contracts	4/5	Pub. Contract Code §22050(b)(1)	Adopt a resolution or ordinance that delegates to the appropriate county administrative officer, chief engineer or other nonelected agency officer, the authority to order any action pursuant to the emergency powers described in (a)(1) above.
Contracts	4/5	Pub. Contract Code §3400(c)(4)	Use of specific brand/trade name (without “or equal”) in the invitation of bids or requests for proposals in order to respond to an emergency declared by a local agency by a four-fifths vote.
Counsel	4/5	Gov. Code § 25203	Employ counsel to assist the district attorney, county counsel or other counsel for the county or public entity for which the Board is the governing body.
Flood Control, Maintenance and Sanitation District	4/5	Gov. Code § 23014	Adopt a resolution appropriating any of its available moneys to a revolving fund (not to exceed \$500,000) to be used by any county sanitation district, county flood control district, or county district maintenance district located wholly within the county for certain purposes.
Legislation	4/5	Gov. Code §25123(d); Elec. Code §9141(a)(4)	Adopt ordinances that are for the immediate preservation of the public peace, health or safety, which contain a declaration of the facts constituting the urgency, in which case the ordinance shall take effect immediately.
Parks	Unanimous	Gov. Code §25583	Adopt a resolution of intention to abandon a park or a portion of a park and fix a time when it will meet to take final action.
Parks	4/5	Gov. Code §25553	Find that the enlargement or improvement of the public park, beach, golf course or recreation ground is of general county interest or that the cost of maintenance is increased by reason of use by residents of the county outside of the city, such that the Board may determine to extend aid to city parks.
Planning	4/5	Gov. Code §65858	Adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal. Any extension of time on the interim ordinance also requires a 4/5 vote.

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Planning	4/5	Pub. Util. Code §§ 21676, 21676.5	Overrule an airport land use commission's determination.
Property	Unanimous	Gov. Code §25363	Cash sale or lease of any property not required for public use at a noticed public auction (4/5ths vote); sale or lease at an unadvertised, private sale can be authorized by simple majority, but only after the Board unanimously finds that the value of the property does not exceed \$500, monthly rental value is less than \$75 or it is a product of a County farm.
Property	Unanimous	Gov. Code §25550 & §25550.5	Conveyance of county property to city for public park purposes
Property	4/5	Gov. Code §25365(a)	Convey to another governmental agency within the county any real or personal property
Property	4/5	Gov. Code §25365(b)	Exchange real property with any person, firm or corporation for the purpose of removing defects in the title or where the real property is not required for county use and the county to be acquired is required for county use.
Property	4/5	Gov. Code §25515.2(c)	Action to approve any sale, lease, lease with option to purchase, development or contract agreement for public property after a request for proposals.
Property	4/5	Gov. Code §25536(a)	Enter leases, concession or managerial contracts involving leasing or subleasing county-owned, leased or managed property devoted to or held for certain purposes
Property	4/5	Gov. Code §25536(c)	Sell or lease county-owned property without complying with Article 8 "Sale or Lease of Real Property" if the county repurchase or leases back the property as part of the same transaction. Pledge specific revenues as security for the payment of obligations incurred in the repurchase or leaseback of the property.
Property	4/5	Gov. Code §25536.5	Approve an agreement to amend a lease, sublease, concession or managerial contract entered to permit a permanent improvement or alteration of property at the expense of the lessee or concessionaire and to permit a credit on rentals or other reimbursement.
Property	4/5	Gov. Code §25526	Adopt a resolution declaring intent to sell or lease property.
Property	4/5	Gov. Code §53867	Determines that property cannot be sold for a sum at

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			least equal to the total of the amount paid, all accrued penalties and delinquencies, and necessary expenses incurred, the local agency may sell the property or lien for less than such total but not less than the fair market value of the property or lien.
Roads	Unanimous	Sts. & Hwy Code §1026(c)	County aid to road districts: order the expense of material for highway construction to be paid out of the county general fund.
Special Assessment Districts	4/5	Sts. & Hy. Code §§ 2808.5, 2808.6, 2808.7	There are several statutory special vote requirements related to special assessment districts. Please consult with County Counsel.
Special Purpose District	Unanimous	Gov. Code § 26909, subd. (b)	Approve a unanimous request made by the governing board of a special district to replace an annual audit with another specified audit.
Streets and Highway	4/5	Sts. & Hwy. Code §942	Let county equipment used in the maintenance and construction of county roads, when such equipment is not in use upon the roads under the jurisdiction of the board, and may charge for the use thereof a rental, and arrange the basis of compensation, in keeping with the general conditions prevailing in the county in which the transaction is made.
Streets and Highway	4/5	Sts. & Hwy. Code § 969.5	Adopt a resolution that determines that the general county interest demands the improvement or repair of a privately owned road.
Streets and Highway	4/5	Sts. & Hwy. Code § 1070	Determine that the public convenience and necessity demand the acquisition or construction of a new county highway or improvement, repair or maintenance of any existing county highway, and the expense of such new highway or the expense of improving, repairing, or maintaining such existing highway is too great to pay out of the road fund of the district (such that the Board may adopt a resolution to make such acquisition or do such work and charge the expense to the county general fund, the road fund of the county, or the district fund of any district benefited).
Streets and Highway	4/5	Sts. & Hwy. Code § 1627	Adopt a resolution that establishes a “county highway right of way acquisition revolving fund” for acquiring rights of way for county highway purposes through purchase or condemnation.



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Streets and Highway	4/5	Sts. & Hwy. Code §§ 1680, 1686	Adopt a resolution that determines that certain activities are of general county interest and that county aid may be extended to cities for city streets.
Streets and Highway	4/5	Sts. & Hwy. Code § 1700	Adopt a resolution that declares any highway lying in whole or in part within a city to be a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair.
Tax	4/5	Gov. Code § 53724	Approve an ordinance or resolution that proposes a tax that is subject to approval by the voters pursuant to Government Code section 53722
Tax	4/5	Rev. & Tax. Code § 7285	Approve ordinance proposing a transactions and use tax for general purposes.
Tax	4/5	Rev. & Tax. Code § 7285.5	Adopt ordinance regarding a transactions and use tax for specific purposes.

# Appendix – Governance Standards

Governance is the act of transforming the needs and desires of the community into policies that direct the organization. The way in which those responsible for governance set direction related to policy, budget and finance, human resources, collective bargaining, facilities and advocacy is critical to the success and health of the County. The integrity of the County is dependent upon the responsible and professional manner in which each Board member, the Board collectively, the County Administrator, and the County executive team fulfill their governance obligations.

The community elects Board members to set and monitor the direction of the County. High performing Boards have four essential characteristics that are the building blocks of effective governance:

1. **Maintaining a Unity of Purpose:** Represents a common focus, goals, and values about the organization and the community that transcends individual differences and political purpose.
2. **Governing within the role as a Board:** Represents a respect for the essential and distinct roles, of the Board, the County Administrator, County Counsel, and the County's executive team.
3. **Creating a positive governance culture:** Represents the norm and expectations of tone and of the way people in an organization treat each other.
4. **Structuring work for effective governance:** Represents the formal structure and processes used by the Board and the County Administrator in their functioning as a team; how they operate and do business.

One of the most important governance relationships that exist is that between the Board of Supervisors and the County Administrator. It is essential that this relationship be clearly defined, collaborative and based upon mutual trust and respect. Such a relationship ensures the best governance results. It is especially important for the Board to establish and maintain a strong communication relationship with the County Administrator. In particular, it is important for the Board to honor, affirm and celebrate the value of those who work for the County; provide direction through the County Administrator and County Counsel; and seek significant staff resources through discussion with the County Administrator and full Board for consideration.

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

Accordingly, the primary role of the County Board of Supervisors is to collectively set the strategic direction and policies for the organization, which ensures fiscal sustainability, sets forth strategies for addressing the community's pressing issues, supports harmony and success within the organization, and defines the objectives of the Strategic Plan. The primary role of the County Administrator is to implement the direction and policy set by the Board, advise the Board's strategy deliberations, implement the County's strategic plan, and safeguard the public's resources.

More specifically, the primary responsibilities of the Board of Supervisors are to:

**Set the strategic direction for the County.** Ensure a long term vision is established for the County; Identify strategic priorities; Staff is charged with tactical decisions to support the strategic direction.

**Establish the governance structure for the County.** Appoint the County Administrator, County Counsel, and some Department/Agency Heads; Adopt the County Budget; Adopt ordinances and policies; Attend and advise numerous boards, commissions and committees; Work with affiliated elected officials.

**Provide support to the County.** Provide clear and consistent direction; Support/advocate for programs and policies adopted by the Board; Provide policy direction that supports programs and aligns resources; Support staff carrying out the Board's direction; Hold itself accountable for high quality governance and adherence to protocols and policies.

**Ensure accountability.** Hold the County Administrator accountable for achieving the goals set by the Board; Monitor and assess the effectiveness of policies and programs approved by the Board; Monitor the fiscal health of the County.

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

## **SPECIFIC NORMS AND EXPECTATIONS**

### **Behavioral Norms for all County leaders (examples)**

1. Treat everyone with dignity and respect.
2. Attend Board meetings, fully prepared, on time, and focused.
3. Strive to build trust in every interaction by demonstrating empathy, speaking personally, and giving the benefit of the doubt.
4. Use "I statements" – provide feedback in the spirit of sharing information; take ownership for your feelings.
5. Refrain from being judgmental; stay curious, inquire, and assume that everyone is operating with the best intentions.
6. Refrain from publically criticizing any County employee's performance.
7. Reflect positive cultural norms and values in public forums.
8. Ultimately, we rise and fall as one. Take mutual credit for successes and losses.

### **Supervisor's Mutual Expectations (examples)**

1. Refrain from exercising the "Power of 1".
2. Represent the needs of our County as well as the needs of our Districts.
3. Operate from a list of shared priorities, goals, and strategic priorities.

4. Speak up and be clear about perspectives; do not acquiesce by remaining silent when you disagree.
5. Show respect for issues in each other's Districts and policy positions.
6. Consult with another Supervisor to gain perspective on unique issues and needs in all Districts.
7. Demonstrate sensitivity of each other's needs.
8. While respecting transparency and legal requirements, always aim to work out differences directly with peers versus involving CAO or others.
9. When the needs of other Districts inhibit consensus, strive for compromise.
10. Depending on the circumstances, understand that being in the minority may be appropriate politics.
11. After a difficult vote, be prepared to respect the majority point of view. Comment on own thought process and intention.

### **Supervisor relationship with CAO**

1. Engage CAO's office whenever significant staff resources are required.
2. Engage CAO's office whenever more than a nominal amount of financial resources are required.
3. Include the CAO's office when making requests of Department Heads.
4. Strive to be clear about your District's needs.
5. Support the County Administrator by providing direct, specific, timely non-punishing feedback - positive and corrective.
6. Be clear with CAO about intentions and goals for policy and projects.
7. Respect CAO's role in having to make decisions, influence, and/or control department resources.
8. Understand and accept that some of the CAO's input and information may be unwelcome at times.

### **CAO relationship with Supervisors**

1. Facilitate the Supervisor's success and the Board's Success.
2. Calendar and conduct a timely, annual strategic planning process with clear deliverables and quarterly updates.
3. Support Department Heads in delivering work product to meet the Board's needs. Usher work through; be the gatekeeper, when necessary.
4. Strive for positive working relationships with all members of the body equally regardless of personality, philosophy, positions on issues, etc.
5. Work for "evenhandedness" recognizing that communication preferences may require spending more time with certain Supervisors.
6. Strive to understand the intentions of Supervisor's goals.
7. Provide information equally to all members of the body.
8. Minimize surprises for the Board.
9. Be engaged with community leaders and organizations to inform and improve services to best meet the needs of the community.
10. Help hold Supervisors accountable for their commitments and actions.

### **Supervisor relationship with Department Heads**

1. Understand the level of effort before chartering or requesting work and refrain from the Power of 1.
2. Strive to be clear about scope, urgency, expectations of the assignment and include CAO (cc) when its not a constituent issue.
3. Stay open to further clarifying details, providing specifics, and revising assignment.

4. Leave project management and implementation to Departments and analysts.
5. Bring Department Head performance issues and performance feedback to the CAO's office first.
6. Respect Department Head professional judgment even if the perspective is unwelcome (e.g. refrain from Power of 1).

**Supervisor relationship with Other Staff**

1. Individual Supervisor work requests to staff should be in the form of gathering information (as opposed to directing work).
2. Include the Department Head when requesting work from department staff.
3. If Supervisors have concerns and/or specific information needs, provide staff a 'heads-up' in advance of Board meetings so staff can be prepared to address them.
4. Manage questions or issues about staff competence *privately* with appropriate Department Head.