

**BOARD OF SUPERVISORS
COUNTY OF SIERRA
STATE OF CALIFORNIA**

**RESOLUTION APPROVING AMENDED AND RESTATED
BOARD OF SUPERVISORS' RULES OF PROCEDURE**

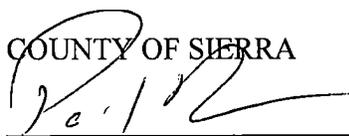
RESOLUTION 2019-016

BE IT RESOLVED that the amended and restated Board of Supervisors' Rules of Procedure, attached hereto as Exhibit A and incorporated herein by this reference, are hereby approved.

ADOPTED by the Board of Supervisors of the County of Sierra on the 22nd day of January, 2019, by the following vote:

AYES: Supervisors Adams, Huebner, Beard, Dryden, Roen
NOES: None
ABSENT: None
ABSTAIN: None

COUNTY OF SIERRA



PAUL ROEN
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:



HEATHER FOSTER
CLERK OF THE BOARD

APPROVED AS TO FORM:



DAVID PRENTICE
COUNTY COUNSEL

EXHIBIT A
BOARD OF SUPERVISORS RULES OF PROCEEDURE
AND
BOARD MEMBER OPERATION POLICY

COUNTY OF SIERRA

In order to provide for more expeditious handling of growing public business, and to provide a Board Member Operation Policy governing the conduct of each Board Member with respect to such members' actions in their official capacity as Board Members, these rules of procedure are adopted by the County of Sierra Board of Supervisors. Whenever possible, these rules are to be construed generally. Article I (Board Proceedings) provides rules of procedures for conducting meetings of the Board of Supervisors, supplementing those otherwise provided by law, including, but not limited to the Ralph M. Brown Act. Article II (Board Member Operation Policy) provides rules of conduct for individual Board members acting in their official capacities as Public Officials, supplementing those otherwise provided by law, including, but not limited to the Fair Political Practices Act.

ARTICLE I
BOARD PROCEEDINGS

1. MEETINGS

1.1 Regular Meetings

The Board of Supervisors shall meet on the first and third Tuesdays of each month, provided that if a meeting falls on a legal holiday, the meeting shall be held on the next business day. The meeting on the first Tuesday shall be in the Courthouse located in Downieville and the meeting on the third Tuesday shall be in the Loyalton Social Hall, Loyalton, California.

1.2 Special Meetings

Special meetings of the Board may be held at any time or place, provided that such meeting is proceeded by a minimum 24 hour prior notice. No action shall be taken on any item not posted on the Special Meeting Agenda. Special meetings may be called by the Chairman of the Board or, in the Chairman's absence from the County, the Vice Chairman may call a special meeting. In the absence from the County of both the Chairman and the Vice Chairman, a special meeting may be called by the Clerk of the Board or the latter's designee. Three members of the Board may call a special meeting by personally or in writing advising the Chairman, or Vice-

Chairman in the Chairman's absence. In the event that the Chairman (or Vice-Chairman) declines to call the special meeting, three members of the Board may call a special meeting by advising the Clerk of the Board personally or in writing (including facsimile transmittal) of the request to set a meeting, which request shall include the date and time of the meeting and the agenda items to be covered. The Clerk shall thereupon prepare and post the notice and agenda of the special meeting consistent with the Ralph M. Brown Act.

1.3 Time Business Conducted

Business shall be conducted from 9:00 a.m. to 6:00 p.m. only, unless extended by unanimous consent of the Supervisors present. Otherwise, business shall be adjourned to 9:00 a.m. of the following day, or on a day as designated by the Board.

1.4 Order of Business

The order of business for the Board shall be as arranged by the Board Chairman, except for matters set for a specific time by the Agenda or action of the Board. Unless otherwise altered by the Chairman, the order of meetings shall generally be as follows, provided however that other than for timed items the Board may take matters out of sequence for the convenience of the Board, staff and/or members of the public:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Consent Agenda
- Approval of Regular Agenda & Correspondence
- Committee Reports & Announcements
- Department Managers' Reports & Announcements
- Public Comment Time
- Regular Agenda Items
- Closed Sessions
- Adjournment

1.5 Matters Not on the Agenda

A matter not on the agenda will not be considered except upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention

of the local agency subsequent to the agenda being posted. It is the policy of the Board to discourage adding items not listed on the posted agenda unless there is a substantial urgency to add such item, or unless the item is a *bona fide* emergency as defined in Government Code Section 54956.5.

2. OFFICERS

2.1 Offices

The Board offices shall consist of a Chairman and a Vice Chairman.

2.2 Chairman

The duties of the Chairman include:

2.1.1 Presiding at all meetings of the Board

2.1.2 Ruling on points of procedure

2.1.3 Setting the order of business on the Agenda

2.1.4 Establishing *ad hoc* committees

2.1.5 Appointing members to standing and *ad hoc* committees

2.1.6 Executing documents on behalf of the Board of Supervisors where the underlying action has been approved by the Board.

2.1.7 Calling special meetings of the Board of Supervisors

2.3 Vice Chairman

The duties of the Vice Chairman are to fulfil the duties of the Chairman in the latter's absence from the County.

2.4 Election of Officers

At the first regular meeting of the calendar year, the Board shall elect the Chairman. It shall be the policy of the Board that the previous year's Vice Chairman shall become Chairman, and a Vice Chairman shall be elected by majority vote of the Supervisors present. Such Chairman and Vice Chairman shall preside for one year, or until their successors are installed, respectively, whichever last occurs. In the absence or inability of the Chairman and the Vice Chairman to attend any meeting, a Chairman *pro*

tem shall be selected by the members present to serve in such capacity at that meeting. In the event that in any given year, the first regular meeting of the year shall occur before any newly elected Board member (or members) is seated, the election of the Vice Chairman shall be postponed until all new Board members are seated or until the second regular meeting of the year, whichever first occurs.

2.5 Rotation of Offices

The Chairmanship and Vice Chairmanship of the Board shall rotate on the following basis and according to the following rules.

2.5.1 Term

Any one supervisor may hold a specific office only once every four (4) years. The term for such office shall be limited to one (1) year. This rule shall be waived if no other supervisor is eligible to hold a particular office in question based on 2.5.4 below.

2.5.2 Ineligibility or Declining of Office

No Supervisor may hold the office of Chairman until such Supervisor has held the office of Vice Chairman or Chairman for a minimum of six (6) months the preceding election to the office of Chairman. There shall be no time limitation prerequisite to holding the office of Vice Chairman. Any Supervisor may decline or resign either the office of Vice Chairman or Chairman for any reason. In the event of resignation of the Chairman, the office shall pass to the Vice Chairman pursuant to provision 2.5.6.

2.5.3 Removal From Office

Any officer may be removed from office by a majority vote of the Board.

2.5.4. Filling Vacancies

If the Chairmanship becomes vacant for any reason, the office is to be filled by the Vice Chairman, irrespective of the length of time the Vice Chairman has held such office. This succession of office is the only exception to provision 2.5.1 allowed. If the Vice Chairman succeeds to the office of Chairman, the Board shall elect a new Vice Chairman at the earliest opportunity.

3. ATTENDANCE

3.1 Board Members

All Board Members are expected to attend all meetings of the Board, unless such member is ill, subjected to a business or family emergency, or official County business.

3.2 Clerk

The Clerk of the Board or a Deputy shall be present at all meetings of the Board of Supervisors.

3.3 County Counsel

The County Counsel or a Deputy shall be present at all meetings of the Board of Supervisors (or available to the Board by telephone), unless prior arrangements are made with the Chairman to proceed with Agenda matters for which County Counsel's presence is unlikely to be required.

4. AGENDAS

4.1 Preparation

Agendas for Board Meetings will be prepared by the Clerk based on items submitted by Board Members and Department Managers. Agenda items will not be accepted directly from the public. Requests for agenda items from the public should be referred by the Clerk to that person's or entity's Supervisor or the Chairman of the Board. Issues pertaining to Agenda items shall be submitted to and resolved by the Chairman of the Board.

4.2 Timing

Items for a Tuesday agenda shall be submitted to the Clerk by 12 P.M. of the preceding Tuesday by the person requesting the item, unless a legal holiday necessitates the moving of the agenda deadline. Such submission shall include all agenda "backup" documentation, including resolutions, contracts, purchase orders, and/or informational material. The purpose of this provision is to allow sufficient opportunity for adequate prior review of all items upon which the Board may take action by Board members, County Counsel and, where appropriate, the Auditor or other affected Department Managers.

4.3 Backup Material

Each Agenda item, whether submitted by Board Members or Department Managers, must be accompanied by a completed Agenda Transmittal and Record of Proceedings Form ("ROP") in the form provided by the Clerk. All requests for approval of purchases shall be supported by completed purchase orders, together with supporting information, if necessary.

4.4 Prior Approval of County Counsel and/or Auditor (Agenda Review)

The proposed Agenda and supporting documents shall be reviewed by the Clerk, the Chairperson, the Auditor, and the County Counsel (the Agenda Review Committee). All Resolutions, Agreements, Contracts and documents to which the County is a party shall be reviewed by the County Counsel and the Auditor. If approved as to form, the County Counsel shall approve in the Agenda Center. If approved as to financial effect and risk management considerations, the Auditor shall approve in the Agenda Center.

4.5 Use of Agenda Transmittal and Record of Proceedings

When the Board has taken action on the item and that action recorded on the ROP and signed off by the Clerk, the completed ROP shall constitute an official record of Board proceedings and may be considered sufficient by the Auditor for the Auditor's use as a condition precedent (but not as absolute assurance that the Auditor shall pay) to payment on County contracts and other obligations.

4.6 Off Agenda Items

See Provision 1.5 above.

4.7 Consent Agenda

Items may be placed on the "Consent Agenda" consistent with the requirements of provision 4.1 above. Items placed on the Consent Agenda should be of a routine and non-controversial nature. At the time the Consent Agenda is considered, items may be deleted from the Consent Agenda by any Board member or Department Manager and added to the regular Agenda. The Consent Agenda as finally constituted shall be passed by roll call vote. Individual Board members (less than a quorum) are encouraged to contact the Department Manager arranging a Consent Agenda item to resolve technical questions.

4.8 Correspondence Agenda

Any item appearing on the Correspondence Agenda may be acted upon by the Board.

5. PROCEDURE

- 5.1 When motions are made by Supervisors, the motion shall be stated to the Clerk by the moving Supervisor.
- 5.2 No question on a motion shall be debated or put unless the motion has been seconded. When a motion is seconded, it shall be stated by the Chairman before debate.
- 5.3 A motion having been duly made and seconded may be withdrawn at any time before decision or amendment with the assent of the second.
- 5.4 When a question is under debate, no motion shall be received unless:
 - 5.4.1 To adjourn.
 - 5.4.2 To lay on the table.
 - 5.4.3 To consider the previous question.
 - 5.4.4 To postpone to a certain date.
 - 5.4.5 To commit to committee.
 - 5.4.6 To amend.
 - 5.4.7 To postpone indefinitely.
- 5.5 A motion to adjourn or a motion to fix time of adjournment shall be decided with debate.
- 5.6 A motion to refer or lay on the table until it is decided shall include all amendments to the main question.
- 5.7 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."
- 5.8 Upon demand of any Board member, or at the discretion of the Chair, the

vote shall be by roll call, except that the vote on all ordinances or resolutions shall be by roll call.

5.10 Quorum

The business of the Board may only be conducted when a quorum of the Board is present. If less than a quorum is present, the meeting may be adjourned to a time and place to be stated. If all members are absent from any regular or adjourned regular meeting the County Clerk as the clerk of the board of supervisors may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule. (reference - Gov Code §54955.)

5.11 Voting Requirements

The minimum vote required to pass an item shall be three (3) affirmative votes unless a greater number is otherwise required by law. If only three (3) members of the Board are present, any action shall require a unanimous vote of such three (3) members. No action may be taken by a Board with only three (3) members present if such action requires a minimum four-fifths (4/5) vote to pass unless expressly allowed by statute.

5.12 Abstentions

Any Board member may abstain from voting. An abstention shall not be counted as a vote for or against an item.

6. BOARD COMMITTEES

6.1 Standing Committees

Standing Committees shall be appointed consistent with the most current resolution adopting the Board of Supervisors Standing Committee Policies

and Procedural Rules. Meetings of Standing Committees shall comply with the provisions of the Brown Act. (reference - Gov Code §54952.)

6.2 Ad Hoc Advisory Committees

The Chair, unless the chair's action is overruled by a majority of the Board, shall appoint two board members as ad-hoc advisory committees at such times as deemed necessary for the proper conduct of the business of the Board of Supervisors, subject to the provisions of Government Code §§ 54970-54975. Only board members shall be appointed to ad hoc committees, provided however that staff and other designated individuals may be requested to attend to assist the board members. Ad hoc committees shall not be required to comply with the Brown Act. (reference - Gov Code §54952.)

6.3 Committee Structure

Standing committees shall meet at the time, place and frequency selected by the committee. The committee shall ensure that committee meetings are conducted in such a manner as to be conducive to public participation. Once established, standing committees will adhere to the initiating orders of the Board of Supervisors and report to the Board at regular intervals regarding the business of the committee.

Ad Hoc committees shall meet as needed to resolve, plan and provide the Board of Supervisors with the information or advice requested by the Board and shall dissolve upon the completion of the Board assignment.

6.4 Committee Action Guidelines

Committees exist at the direction of the Board of Supervisors and shall conduct committee meetings within the mission designation as provided by the Board. Board members assigned to a standing committee shall report to the Board regarding committee activities on a regular basis. Committee activities conducted pursuant to initiating orders of the Board shall be at the discretion of the committee.

6.5 Less than a Quorum Requirement

No committee appointed by the Chairman of the Board of Supervisors shall include in their membership more than two Supervisors.

7. PUBLIC COMMENT

7.1 Public Comment Opportunity Time

Each regular and each special meeting Agenda shall provide a time for public comment opportunity.

7.1.1 Time on Agenda

A minimum of fifteen (15) minutes shall be allotted for all such public comment.

7.1.2 Subject of Discussion

Any topic which is under the jurisdiction of the Board of Supervisors and not otherwise on the agenda may be addressed by the public during the public period shown on the agenda and the board may briefly respond, including directing that the matter be brought back on the agenda at a later date, provided however that no action may be taken on any item not otherwise on the agenda.

Members of the public shall be allowed to address items on the agenda when the matter is called for Board discussion

7.1.3 Time for Comment

Each member of the public who wishes to address the Board shall be allotted three (3) minutes. Provided however that the Board may in the interest of time, limit the total public discussion on any item appearing on the agenda to no more than 15 minutes. Time permitting, at the discretion of the Chairman, additional time may be allotted. The Clerk of the Board shall, when appropriate, operate a timing device which indicates when each allotted time period ends.

7.1.4 Public Hearing Items

Public comment on items set on the agenda for public hearing shall only be made during the public hearing time.

7.1.5 Public Comment by Board Members

Any member of the Board may step down from the Board and may make a comment as a "member of the public". The foregoing shall not circumvent any potential "conflict of interest" issue cognizable under Government Code ' 1090, et seq., ' 87100 et seq. or in

common law.

7.2 Public Comment on Agenda Items

7.2.1 Public Comment

The public shall have the right to address each item on the agenda subject to the rules set forth herein. No public comment shall be permitted on appeal hearings other than as specifically provided in the Sierra County Uniform Appeals Procedure.

7.2.2 Recognition by Chair

Persons making presentations at meetings of the Board of Supervisors shall first be recognized by the Chair. Such persons should stand during their presentation, unless invited to do otherwise by the Chair.

7.2.3 Time Limitation

Unless a longer time is specified by the Chair, all public comments shall be limited to three (3) minutes as to each person addressing the Board. The Clerk of the Board shall, when appropriate, operate a timing device which indicates when each allotted time period ends.

7.3 "Public" Defined

The term "Public" includes everyone except members of the Board of Supervisors, County Department Managers, or their designees (collectively referred to as "staff"), and any authorized signatory party to a contract agendized and pending before the Board. Staff may address any item on the Agenda if recognized by the Chair. Contracting parties may address concerns to which they are parties if recognized by the Chair.

7.4 Disruptions

Disruptive behavior during any public comment or any other time during a Board meeting shall not be permitted.

7.4.1 "Disruption" Defined

Disruptions shall include:

7.4.1.1 Speaking when not recognized by the Chair.

- 7.4.1.2 Abusive comments and/or "personal attacks" directed to or relating to the Board, any Supervisor, any County staff or County employee; provide however, that the Board shall not prohibit criticism of board members or staff.
- 7.4.1.3 Profanity, threats, or displays, including unauthorized "show of hands", placards, use of noise makers, applauding, jeers, "cat-calls" and similar demonstrative conduct.
- 7.4.1.4 Off topic discussions. Disruption includes public comment on a topic other than that under the jurisdiction of the Board, discussion on items other than that under the Agenda item under consideration by the Board.

7.5 Handling Disruptions

When a disruption occurs, the Chairman shall first warn the party making the disruption of (1) the nature of the disruption, (2) that the disruption is not permitted, and, when appropriate, (3) if the disruption continues that such party may be ejected from the meeting. Repeated disruptions shall not be tolerated and any party or group which continues disruptive behavior after admonition shall be ejected by the Sheriff or the latter's designee, or the meeting adjourned to a future date and time.

8. AMENDMENTS

Amendments to these rules of procedure shall be by majority vote of the Board.

ARTICLE II
BOARD MEMBER CONDUCT

1. ADMINISTRATION OF CONTRACTS

1.1 ADOPTION AND ADMINISTRATION

All contracts, agreements, permits, indemnity agreements, and instruments binding on the County of Sierra ("contracts") shall be adopted by the Board of Supervisors and signed by the Chairman or authorized Contract Administrator. All contracts shall be administered by a designated Department Manager, or the latter's designee, and not by an individual member of the Board of Supervisors.

1.2 PROHIBITION

No individual Board member shall direct the work of any party or entity performing work or services or providing equipment or supplies to the County. Individual Board members who have concerns about the foregoing shall direct those concerns through the appropriate Department Manager. If the Board member is not satisfied with the results of such Department Manager's performance and response on such matter, he or she may bring the concern before the Board of Supervisors.

2. DIRECTION OF COUNTY PERSONNEL

All direction to County employees shall be given by such employee's Department Manager, or as otherwise provided by law. Individual Board Members shall not give directions to County employees. Individual Board members who have concerns about the foregoing shall direct those concerns through the appropriate Department Manager. If the Board member is not satisfied with the results of such Department Manager's performance and response on such matter, he or she may bring the concern before the Board of Supervisors.

3. COUNTY EQUIPMENT AND SUPPLIES

Unless specifically allocated to the use of the Board of Supervisors, individual Board members shall not utilize County equipment, vehicles, offices or supplies. The use of equipment, vehicles, offices or supplies allocated to the Board of Supervisors may be utilized by individual Board members as allocated by the Chairman of the Board or by a majority of the Board should the Chairman decline or neglect to take such action, or should a majority of the Board disagree with allocations directed by the Chairman.

4. TRAVEL POLICY

The Board members shall be entitled to reimbursement for travel expenses in accordance with the existing Board of Supervisors' Travel Policy.

5. REPRESENTATION OF THE BOARD OR COUNTY

No member of the Board of Supervisors shall undertake any representation of the County or the Board of Supervisors in connection with any matter without the approval, in advance, of any such representation by the Board of Supervisors. No Board member shall enter into any negotiations or make any representation on behalf of the Board or the County without approval, in advance, of the Board of Supervisors. Any communication to third parties involving matters under the jurisdiction of the Board of Supervisors by an individual Board member, whether or not on Board stationery, shall either be made with approval of the Board of Supervisors, or shall clearly state (or be stated) that the content is that solely of the Board member in his or her individual capacity, and not that of the Board of Supervisors or the County of Sierra. Such statement shall be substantially as follows:

"The contents of this letter express the view of the undersigned in [my] individual capacity, and for which I am solely responsible, and not necessarily that of the County of Sierra or the Sierra County Board of Supervisors."