NOTICE OF CONTINUED PUBLIC HEARING

Alpine County Board of Supervisors

Tuesday July 1, 2014 10:00 a.m.
Board Chambers 99 Water Street Markleeville, California

The Alpine County Board of Supervisors will conduct a continued public hearing on July 1, 2014 at 10:00 AM or as soon after as the matter can be heard in the Board Room, Administration Building, 99 Water Street, Markleeville, CA to discuss the proposed Board of Supervisors Governance Manual and Operating Rules and Procedures.

As a result of the Strategic Workshop held on November 7, 2013 an ad hoc committee was created by the Board of Supervisors on November 26, 2013 to draft a Governance Manual and Board of Supervisors Operating Rules and Procedures. Public hearings have been held on May 6 and June 17, 2014; the committee met after each hearing to consider written and verbal recommendations. The purpose of the public hearing is to give citizens the opportunity to comment on the revised draft.

Members of the public are invited to attend the public hearing. If you are unable to attend the public hearing, you may direct e-mail comments to County Clerk Barbara Howard bhoward@alpinecountyca.gov , drop off comments at the County Clerk's Office, Administration Building, 50 Diamond Valley Road, Woodfords CA or request further information at 530-694-2281.

The complete document is available on the County website homepage www.alpinecountyca.gov

Written comments to be included in the administrative record of the proceedings may be mailed to:

ALPINE COUNTY CLERK
P.O. BOX 158
MARKLEEVILLE, CA 96120

Public input is encouraged.

DATED: June 18, 2014

BARBARA HOWARD, County Clerk and
Ex officio Clerk of the Board of Supervisors,
County of Alpine, State of California
By: Teola Tremayne, Assistant County Clerk

COUNTY OF ALPINE

BOARD OF SUPERVISORS

[Proposed]

Governance Manual
and
Board of Supervisors
Operating Rules and Procedures

(Containing ethics standards, references to policies and procedures for Board operation and serving the function of Bylaws for the Board of Supervisors)

Adopted by Resolution No. R2014-XX of the County of Alpine at the regular meeting of July 15, 2014.

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RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS,
COUNTY OF ALPINE, STATE OF CALIFORNIA
ADOPTING A GOVERNANCE MANUAL AND BOARD OF SUPERVISORS OPERATING RULES AND PROCEDURES AND REPEALING RESOLUTION R2010-44**

WHEREAS, the Board of Supervisors, County of Alpine, State of California, sees the need to incorporate ethics standards and update the rules and procedures for conduct of their business meetings by amending and incorporating existing resolutions into one document.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Alpine, State of California, do hereby adopt

Resolution R2010-44 is repealed in its entirety.

SECTION I – PREFACE
This Governance Manual is not intended to serve as an all-inclusive or comprehensive collection of every past or present policy, procedure and practice utilized in the operation of the County of Alpine ("County"). The development of such a document would be well beyond the scope of any single, brief manual. Rather, the objective of this Governance Manual is to provide members of the County's Board of Supervisors with a handy summary of and reference to the general manner in which the County and its Board of Supervisors does now and should continue to operate. In addition, this manual sets forth a code of conduct and ethical standards applicable to members of the County's Board of Supervisors.

SECTION II – ETHICAL REQUIREMENTS
This section is provided as a summary only and not meant to be a full dissertation of the Brown Act or laws governing ethical requirements; Board members should consult County Counsel or their comprehensive training documents if they have questions.

PERSONAL FINANCIAL GAIN

A. Laws Prohibiting Bribery (Pen. Code § 68). Any employee, elected official or appointee is prohibited from accepting a bribe. Doing so may constitute a felony and is punishable by prison time and fines.
B. Conflicts of Interest under the Political Reform Act (Gov. Code §§ 87100, 87103)
   GC 87100: No government employee, official or appointee shall make, or in any way attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has any financial interest.
   GC 87103: No employee, official or appointee shall make a decision with a financial interest if it is reasonable foreseeable that the decision will have a material financial effect on the official, a member of his/her immediate family.
C. Contractual Conflicts of Interest (Gov. Code § 1090)
   No government employee, official or appointee may be financially interested in any contract created by them in their official capacity. Neither will they be purchasers or vendors at any sale made in their official capacity.
D. Conflicts of Interest and Campaign Contributions (Gov. Code § 84308)
   Employees of a government agency shall not receive contributions in excess of $250 during the time that any permit or license is pending approval by said agency.
E. Conflicts of Interest When Leaving Office (Gov. Code §§ 87406.3, 87407)

GC87406.3: For a period of one year after leaving office or employment, no elected official who formerly worked for a government agency shall make an appearance for another person in front of that agency

GC 87407: No public official shall make, participate in making or use their official position to influence any governmental decision directly relating to any person with whom he/she is negotiating, or has any arrangements concerning prospective employment.

LIMITATIONS ON ACCEPTING CONTRIBUTIONS

A. Gov. Code § 86203: Lobbyists are prohibited from making any gift worth upward of $10 in any given month.
B. Gov. Code § 89503: No elected official shall accept gifts totaling over $250 from a single source in one calendar year.
C. Gov. Code § 89506: Payment from agencies for travel and lodging and food expenses are not considered a gift under Gov. Code §§ 86203, 89503.
D. Honoraria Ban (Gov. Code § 89502): No government official shall accept any honorarium.
E. Misuse of Public Funds (Pen. Code § 424; Gov. Code § 8314; *Fair Political Practices Commission v. Suite* (1979) 90 Cal.App.3d 125; *Stanson v. Mott* (1976) 17 Cal.3d 206: Use of public funds for personal benefit or for the benefit of friends or families is punishable by imprisonment. The official will be disqualified from holding public office in the state.
F. Prohibitions Against Gives of Public Funds (Cal. Const., art XVI, § 6): The legislative body will not have the authority or power to give or lend public funds to any person except for a public purpose.
G. Mass Mailing Restrictions (Gov. Code § 89001): No newsletter or mass mailing shall be sent at public expense.
H. Prohibition against acceptance of free transportation by transportation companies (Cal. Const., art. XII, § 7): A transportation company may not offer free transportation to any person holding office in California. The acceptance of free transportation will be deemed a forfeiture of office.

GOVERNMENT TRANSPARENCY LAWS

A. Economic interest disclosure under the Political Reform Act (Gov. Code § 87200): Candidates for government office must file a statement disclosing financial and real property interests. Also a statement of income for the prior 12 months is required.
B. Brown Act (Gov. Code § 54950 et seq.): Public agencies exist to serve the people and should conduct their meetings openly.
C. Public Records Act (Gov. Code § 6250): Information relating to the conduct of people's business as produced by any government agency is the people's right to know.

FAIR PROCESS LAWS

A. Common Law bias provisions: A decision maker who stands to gain or lose from a decision is disqualified from acting as a decision maker. *Breakzone Billirds v. City of Torrance,* 81 Cal.App.4th 1205 (2000).
B. Due Process Requirement: A hearing officer whose potential future income derives from work that an agency might give based on his or her performance in a hearing at hand is not giving due process. *Haas v. County of San Bernardino* 27 Cal.4th 1017 (2002).
C. Doctrine of Incompatible Offices (Gov. Code § 1099): A government officer may not hold two offices in government that are incompatible.

D. Competitive Bidding Requirements for Public Contracts: The County shall comply with competitive bidding requirements for all public contracts in accordance with State law or County ordinance.
E. AB1234 required that a Supervisor receive ethics training every two years.

SECTION III – ADOPTION OF RULES
The Board of Supervisors hereby adopts these rules and procedures for the conduct of its business and shall be governed thereby.

SECTION IV – MEETINGS

A. Regular Meetings
The regular meetings of the Board of Supervisors of the County of Alpine, State of California, shall be held on the first and third Tuesday of every month, commencing at the hour of 9:00 a.m., in the Board of Supervisors chambers at the Alpine County Administrative Office Building, Markleeville, California, pursuant to Alpine County Code 2.04.010. The Board may change the place for holding one or more regular meetings of the Board to a location within Alpine County other than the Alpine County Administrative Office Building provided notice of the location change is posted in a location that is freely accessible to the public no later than the prior regular meeting of the Board. A special or emergency meeting may be held at a location other than the Alpine County Administration Office Building provided such location is designated in the special or emergency meeting notice.

Regular meetings may be adjourned from time to time to specific locations and to alternative times other than provided herein, as long as such meetings are held within the boundaries of Alpine County and are so noticed on the agenda. Any meetings outside the boundaries of Alpine County must comply with the provisions of California Government Code.

In the event the date so set for any regular meeting shall fall upon an approved County Holiday then such regular meeting shall be held on the next business day commencing at the hour set for that meeting.

The Board shall not conduct any meeting or hearing in any facility that prohibits the admittance of any person(s) on the basis of race, religion, creed, color, national origin, ancestry, sex, or physical or mental disability.

B. Special Meetings
A special meeting is a meeting to consider any matter considered to be of immediate importance to the welfare of the County. A special meeting may be called, pursuant to the provisions of Government Code §54956, at any time by the Chair of the Board, or by a majority of the members of the Board, by delivering written notice personally or by any other means to each member of the Board and the Clerk of the Board.

The notice of the special meeting shall be given by the Clerk of the Board. Such notice shall be completed at least twenty-four (24) hours before the time of the meeting specified in the notice, and the notice shall specify the time and place of the meeting and the business to be transacted. No other business shall be considered at this meeting. The written notice may be dispensed with as to any member who at,

or prior to the time the meeting convenes, files with the Clerk of the Board written waiver of the notice and as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

A special meeting notice will be prepared by the Clerk of the Board of any gathering at which County business may be discussed if a quorum of the Board may wish to attend. Notice is not required for the Board's attendance at purely social events or at conferences open to the general public concerning issues of general interest, or at open and publicized meetings organized by someone not employed by the County to discuss a topic of local concern.

Notice to the public shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to members of the public. Public input is allowed at special meetings, but is limited to the topic to be discussed at the special meeting.

C. Meetings Held Outside the Boundaries of the County Board of Supervisors Jurisdiction

Pursuant to Government Code §54954, regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the lead agency exercises jurisdiction, except to do any of the following:

1. Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.
2. Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory provided that the topic of the meeting is limited to items directly related to the real or personal property.
3. Participate in meetings or discussions of multi-agency significance that are outside the boundaries of the local agency's jurisdiction. Any multi-agency meeting or discussion held shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies.
4. In case of disaster or emergency, the meetings shall be held for the duration of the emergency at the place designated by the Chair.

D. Emergency Meetings

An emergency meeting may be called to meet an emergency situation involving matters upon which quick action is necessary due to the disruption or threatened disruption of public facilities. An emergency situation means any of the following:

1. Work stoppage or any other activity which severely impairs public health, safety, or both, as determined by the majority of the members of the Board; or
2. Crippling disaster which severely impairs public health, safety, or both, as determined by the majority of the members of the Board.

Media which has requested notice of meetings shall be notified one (1) hour prior to the emergency meeting and all special meeting requirements, except the notice requirement, shall apply.

E. Study Sessions/Workshops

From time to time the Board may meet in study sessions or workshops at a time and place designated by the Chair of the Board. Such study session or workshop shall be noticed to the public as regular or special board meeting and will be open to the public. Study or workshop sessions shall be devoted to matters regarding which the interchange of information preliminary to a regular meeting is deemed to be essential. No official action or formal vote may be taken at such sessions or workshops. Board members, however, may express their opinions on any matter under discussion.

F. Cancellation of Meetings

The Chair, the Vice Chair, or any attending member of the Board of Supervisors may cancel a meeting due to a lack of a quorum. Upon cancellation, the Clerk of the Board will provide notice and posting of such cancellation in as timely a manner as is reasonable under the circumstances.

SECTION V – AGENDAS

A. Preparation

The agenda for each Board meeting shall be prepared by the Clerk of the Board and shall include all matters that come before the Board in the ordinary course of business or which are placed upon the agenda by direction of the Board, the Chair, department heads, county counsel or the Board's administrative staff. A department head may with the written approval of the County Administrative Officer delegate the responsibility to submit agenda items to a deputy department head/director or undersheriff. In the absence of a County Administrative Officer the Chair of the Board may provide the written approval. Whenever the department head receives such approval to delegate submission of an agenda item, the department head will be presumed to have approved and have knowledge of the agenda transmittal and will be held responsible for any recommendation to the Board. Requests for action by the Board from outside agencies or members of the public shall be submitted in writing and may be referred by the Clerk of the Board to that entity or person's supervisor, the Chair of the Board, or the appropriate department director, elected official or the Board's administrative staff for placement and preparation of an agenda transmittal before being placed on the agenda for discussion. Any citizen may contact any supervisor, preferably their district supervisor, to request or suggest that a matter be placed on an agenda and such requests shall be responded to at the supervisor's discretion. Items initiated by members of the Board of Supervisors may be submitted by the County Administrative Officer.

Backup documentation and/or sufficient supporting material or summary of the matter, including proposed ordinances, resolutions, proclamations, petitions and other documents or copies thereof, to be considered or adopted by the Board shall be furnished to the Clerk of the Board at the time the matter is placed on the agenda. Each item must be accompanied by a separate, completed agenda transmittal (request) form and any supporting material. The agenda request shall include a description of the proposed action to be considered, background, procedural history, options or alternatives for the Board, and recommendations. The agenda transmittal shall be drafted objectively and avoid personal information. Backup documents shall be available for examination by members of the Board and public at the time the

agenda is published. Requests for purchase shall be supported by background budget information, as necessary.

Board agenda packets shall be provided to each Board member, the Board's administrative staff, county counsel, and a complete Board agenda packet shall be available for the public (placed on the Clerk's counter). Other interested parties may view the agenda packet on the County website or may obtain an agenda packet through the Clerk's office for a subscription fee as determined by the County Clerk's Fee Schedule.

Items submitted without sufficient supporting material may be withdrawn from the agenda; however, such items may be continued by the Board at the time of the hearing if sufficient material has not been submitted or if further documentation or staff development is requested. Supporting documents must be submitted at least 72 hours prior to the meeting to be considered by the Board or the item will be continued to the next meeting.

Citizens and interested parties are encouraged to write to the Board of Supervisors concerning County issues and items listed on a meeting agenda. When written communications addressed to the Board of Supervisors are received, the Clerk shall copy the document for each supervisor and, if appropriate, for specific department staff. Written communications received for a specific item will be marked with the appropriate agenda item number, and be copied to each supervisor, the county administrative officer, county counsel, the public packet and appropriate department staff. When the agenda item is discussed, the Chair of the Board shall note the communication was received after the agenda packet was published and it will be made part of the agenda packet.

B. Submission of Agenda Items

The deadline to place an item on the agenda for the Regular Board Meeting is Thursday at 3:00 p.m., which shall be the Thursday at least twelve (12) days before the Regular Meeting. In the event that the Thursday falls on a designated County holiday, the deadline shall be the Wednesday before the regular Thursday deadline at 3:00 p.m. Any request that a specific item be assigned a time certain for hearing must be requested by the submitting party at the time that the agenda item is submitted.

An agenda of any special meeting must be posted at least twenty-four (24) hours prior to the special meeting and must specify the time and location of the meeting. Action may be taken only on posted items.

Elected Officials and Department Heads may place items on the agendas. A member of the public wishing to place an item on the agenda may address the Board during Public Comment Period and ask that they agendize the topic; work with the department responsible for the subject matter of the item and get them to sponsor the item; work with a member of the Board and get them to sponsor the item.

C. Publication and Posting

A printed agenda of the regular meeting shall be posted at least seventy-two (72) hours before the regular meeting, and shall contain a brief general description of the subject matter of each item of business. The agenda shall specify the time and

location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

D. Agenda Review Process

The proper preparation and submittal of agenda items assists the Board in its ability to fully review items prior to the meetings, makes certain that items before the Board have been reviewed by the involved departments, and ensures that the Board's conduct of business is in compliance with all applicable laws and regulations.

On the Tuesday prior to the next Board of Supervisors' meeting, at 11:00 a.m., or at such time as is reasonably practical, the Clerk of the Board shall prepare the draft agenda for review by the Board's *Agenda Review Committee.* Said committee will consist of the Chair of the Board, Clerk of the Board, the County Administrative Officer, County Counsel and the Auditor. The proposed agenda items will be reviewed for compliance with local administrative rules, form, legal effect, and financial impact. In the event that the Tuesday falls on a designated County holiday, the agenda review deadline shall be continued to Wednesday at 11:00 a.m.

Absent an emergency, items for which the requisite information or supporting documentation is not timely submitted may be removed from the draft agenda by consensus of the *Agenda Review Committee.* In such case, the respective department head will be notified either by telephone or in written communication and provided an opportunity to remedy the situation and allowing the item to be replaced by producing the materials or information lacking, or an explanation acceptable to the designee of the Agenda Review Committee.

E. Addendum to the Agenda

Items that have been submitted to the *Agenda Review Committee,* are urgent and cannot be placed on a subsequent Board agenda or have been pulled from the draft agenda during Agenda Review may be placed on an Addendum to the Agenda for the same meeting, provided the department is able to provide the missing or required information or documentation by the Thursday preceding the next regular meeting at 2:00 p.m. and the Clerk is able to post the agenda 72 hours prior to the meeting.

F. Specific Timeframes for Review of Agenda Items by Outside Departments Prior to Being Placed on the Agenda

Certain items require special review and processing before being placed on the agenda. Refer to Exhibit "A", Specific Timeframes for Review of Agenda Items by Outside Departments Prior to Being Placed on the Agenda.

G. Department Head Meetings

Department heads shall attend department head meetings as required by the CAO to discuss county business and prospective or follow up on agenda issues. If a department head is unavailable a deputy department head/director or undersheriff may attend the department head meeting in lieu of the department head. If a department head is absent, he or she is responsible for reviewing the minutes and obtaining the documents or the information provided at the meeting. An agenda item that requires the review or coordination with another department or the recommendation or approval from another department, will not be placed on the agenda unless all affected departments have confirmed their review of the item. To the greatest degree possible, department heads are encouraged to use the

Department Director meetings as a forum for discussing and resolving matters with multi-agency impact or effect, and preparation of joint agenda items.

H. Consent Agenda

Items may be placed on the consent agenda upon the recommendation of the submitting party or direction of the Chair of the Board, consistent with the requirements provided above. Items placed on the consent agenda should be matters of a routine, non-controversial nature, which are not likely to require further discussion and are likely to be acted upon by a single, unanimous vote of the Board. Prior to the approval of the consent agenda, in open meeting and at the request of any Board member, appropriate staff or the initiating party, any item may be removed from the consent agenda to be considered separately by the Board as provided by these rules and procedures.

Prior to approval of the consent agenda, the Chair of the Board will announce that comments or questions will be taken on consent items from members of the public, staff or the Board, when the comment does not necessitate the removal of the item for separate action. Following consent agenda comments, the Chair of the Board will ask if there are items to be pulled from the consent agenda to be discussed and considered under separate motion. Members of the public may request Board members, county counsel or the county administrative officer to pull an item prior to consideration of the consent agenda, which request shall not be unreasonably denied.

I. Matters Not Posted on the Agenda

No action may be taken on any item not appearing on the posted agenda except as follows:

1. Upon determination by a majority vote of the Board that an emergency situation exists, as defined by Government Code 54956.5;
2. Upon determination by a four-fifths (4/5) vote of the Board, or, if less than the full Board is present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted; or
3. The item had been previously posted as required for a meeting occurring not more than five (5) calendar days prior to the meeting and the item had been continued to this meeting.

SECTION VI – ORDER OF BUSINESS

A. General

All meetings of the Board shall be conducted in accordance and in compliance with the Ralph M Brown Act.

At the time set for the commencement of each regular meeting, the Board members, Clerk of the Board, County Counsel and such officers and employees as have been requested to be present at such time, shall be present in the Board chambers. Upon notification by the Clerk, any officer or employee other than members of the Board, the Clerk and County Counsel, may be directed to appear in Board chambers at a time other than the time set for commencement of the meeting.

So far as is practical, unless otherwise altered by the Chair of the Board, the order of business for regular meetings of the Board shall be transacted in the following order:

1. Call to Order Regular meeting. (9:00 a.m.)
2. Open Session – Pledge of Allegiance
3. Oral Communications – General Public Comment
4. Department Announcements
5. Board Members Announcements or Reports
6. Consent Agenda
7. Public Hearings (10:00 a.m.)
8. Regular Agenda - Unfinished Business
9. Regular Agenda – New Business
10. Administrative Announcements
11. Adjourn to any of the following agencies for which the Board of Supervisors sits as officers: Board of Equalization; Local Transportation Commission; or Water Agency as necessary
12. Closed Session as necessary
13. Adjournment

Items on the agenda shall be considered in order, except that the Chair may take items out of order when necessary to accommodate persons appearing before the County. Items scheduled for a particular time shall be taken up as close to the designated time as is possible. In no case shall a timed item be taken up before the designated time.

B. Public Comment

The agenda shall provide an opportunity for members of the public to directly address the Board on items of interest under *Oral Communications – General Public Comment*. Each member of the public who wishes to address the Board shall be allotted three (3) minutes and no more than three individuals shall address the same subject. Time permitting, at the discretion of the Chair, time allotted may be increased or decreased depending on the number of speakers and available time. Persons making comments at meetings of the Board of Supervisors shall first be recognized by the Chair and requested to identify themselves before speaking. Such persons should stand at a microphone during the comment period, unless invited to do otherwise by the Chair.

Board members may briefly respond to matters raised by the public and may take action to direct an item be placed on a future agenda. **During *Public Comment,* remarks shall be directed to the Board as a whole, not to individual Board members and not to the audience.** Although the Board welcomes public testimony, persons in the audience shall not vocally express support or opposition to statements by supervisors or by persons testifying.

The public is also allowed the opportunity for input on specific items that are being considered by the Board on the regular agenda. The same time allotment under public comment applies.

C. Public Hearings

Public hearings will be set at 10:00 a.m., unless otherwise scheduled by the Board of Supervisors.

Public hearings shall be declared open by the presiding officer at the time fixed therefore in the published notice. They shall be closed by the presiding officer after he or she has determined that the positions of all interested parties have been heard.

D. Public Hearing Procedure:

The matter set for public hearing shall be announced by the Chair at the time set for commencement of the hearing; the staff report, if any, is given including recommended environmental action and, if appropriate, recommended conditions for approval. The Chair will acknowledge receipt of any documents offered as evidence and filed with the Clerk prior to the hearing. Proponents shall be given a reasonable opportunity to present evidence, both oral and documentary; opponents shall be given a reasonable opportunity to present evidence, both oral and documentary. The Chair may allow any rebuttal and surrebuttal evidence as is reasonable, and may preclude repetitious evidence. After all individuals have had a reasonable opportunity to present such evidence, the Chair shall close the public testimony phase of the hearing. The Board shall then consider the matter and render its decision or the Board may take the item under consideration for a decision at a later date. If a motion for disposition is made, there may be discussion by the Board on the motion, and the Board shall take action, including findings, if necessary. The Chair shall announce the final action of the Board. Please refer to Exhibit "B" Public Hearing Rules and Procedures.

A "Notice of Public Hearing" shall be posted at the County Administrative Office and in at least three (3) prominent public posting places prior to the public hearing, as provided by law.

Emergency public hearings or public hearings called for a special meeting of the Board of Supervisors shall be noticed at least twenty-four (24) hours prior to the meeting by posting at the County Administrative Offices and in at least three (3) prominent public posting places within the County.

Whenever the Board sets a matter for public hearing and it is anticipated that attendance will be substantially greater than the capacity of the Board chamber, or the issue is of specific interest to a particular geographical area within the County, then the Board may direct that arrangements be made for the use of a suitable alternate facility for such hearing. If a suitable alternate facility is not available, the public hearing may be continued to a date when a suitable alternate facility will be available.

Any matter set for public hearing may be continued from time to time either before or after the public hearing has been closed.

E. Closed Session

Closed sessions may be scheduled in accordance with the provisions of the Government Code prior to commencement of the regular public meeting, as needed. Closed sessions shall be restricted to discussion as provided in Government Code Section 54956.8 – 54969. Those activities currently permissible include:

- License/Permit Determination
- Conference with Real Property Negotiators
- Conference with Legal Counsel – Existing Litigation

- Conference with Legal Counsel – Anticipated Litigation
- Conference with Legal Counsel – Initiation of Litigation
- Liability Claims
- Threat to Public Services or Facilities
- Public Employee Appointment
- Public Employment
- Public Employee Performance Evaluation
- Public Employee Discipline/Dismissal/Release
- Conference with Labor Negotiators
- Case Review Planning
- Report Involving Trade Secret
- Hearings
- Charge or Complaint Involving Information Protected by Federal Law
- Conference Involving Joint Powers Authority
- Audit by California State Auditor's Office

Following a closed session, the Board shall publicly report at the same meeting or after agendizing the matter at a subsequent public meeting, any action taken in closed session and the vote or abstention of every member present to the extent required by law. The report of the vote on an issued decided in closed session shall be made publicly at a regular session.

F. Minutes

The minutes of the meeting shall be kept by the Clerk of the Board. The minutes shall contain a record of each item of business transacted, set off in paragraphs with proper subheadings, and such written minutes shall be the official minutes of this Board. The Clerk of the Board shall be required to record those matters which were voted upon by the Board.

The proceedings of all board meetings shall be electronically recorded. Such recordings shall be in the nature of a stenographic aid to the Clerk of the Board. Any recording of an open and public meeting made at the direction of the Board of Supervisors shall be subject to inspection pursuant to the California Public Records Act. Retention of minutes and recordings shall be determined per the General Records Retention and Disposition Schedule for Alpine County, California as adopted by ordinance or resolution from time to time.

As soon as possible after each Board meeting, the Clerk of the Board shall cause a copy of the minutes to be forwarded to each Board member, department head upon request, and any other person designated by the Board.

Unless the reading of the minutes is requested by a Board member, the minutes may be approved without reading, provided the Clerk of the Board has previously provided each Board member with a copy.

Minutes of any emergency meeting, a list of persons notified or attempted notification, and any action taken at the meeting including roll call vote, shall be posted for a minimum of ten (10) days in a public place as soon after the meeting as possible.

G. Ordinances, Resolutions, Contracts and County Policies

1. Preparation
Proposed ordinances, resolutions, contracts, agreements, County policies and like documents shall be prepared by the concerned department head, a designated representative, or by any initiator of said document.

Proposed ordinances, resolutions, contracts, agreements, County policies and like documents initiated by the Board of Supervisors shall be prepared by County Counsel, unless otherwise specified by the Board of Supervisors in its discretion upon recommendation of the County Counsel.

All proposed ordinances, resolutions, contracts, agreements, County policies and like documents shall be copied by the initiator to County Counsel for review as to legality and form when it is presented to the Clerk of the Board Thursday at 3:00 p.m., which shall be the Thursday at least twelve (12) days before the Regular Meeting. In the event that the Thursday falls on a designated County holiday, the deadline shall be the Wednesday before the regular Thursday deadline at 3:00 p.m., unless such time requirement is waived on specific instances by a majority vote of the Board. No such document shall be voted upon unless it has first been reviewed as to legality and form by County Counsel.

2. Approval by Department Heads

All documents described above shall, before presentation to the Board, be referred to the head or heads of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, contract or agreement would devolve for his or her approval. Once such document has been cleared by the affected department head or heads, it shall be submitted to County Counsel for approval as to form, prior to the Board agenda deadline. Unless it is an urgency item, in which case County Counsel will review after the meeting.

3. Requirements for Passage of Ordinances
Ordinances shall not be passed within five (5) days of their introduction or at other than a regular or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction, and either at a regular or special meeting, except when, after reading the title, further reading is waived by a regular motion adopted by majority vote. When ordinances, other than urgency ordinances, are altered after time of introduction, they shall be passed only at a regular or adjourned meeting held at least five (5) days after alteration. Corrections or typographical errors are not alterations within the meaning of this section. This section shall not apply to ordinances which by statute can be passed only after a notice and public hearing (GC §25131).

4. Action by the Board of Supervisors
Ordinances, resolutions and other matters requiring action of the Board of Supervisors must be introduced and sponsored by a member of the Board by motion, and be seconded by another Board member. The Chair of the Board is specifically empowered to make and second motions. Once a motion has been made, no discussion thereof shall be permitted unless and until it has been

seconded and restated by the presiding officer, or at his or her discretion, the Clerk of the Board.

A voice vote shall be held on all issues, including ordinances and resolutions, unless a polled vote is requested by any member. After the motion has been voted upon, there shall be no further discussion on the question except that the Board members may, with permission of the presiding officer, explain their reasons for voting as they did. A Board member may abstain on any matter. Such abstention shall be considered as a non-vote and shall not be counted as either a negative or affirmative vote.

H. Rosenberg's Rules of Order

Except as otherwise provided in these Rules, the most current edition of Rosenberg's Rules of Order (Exhibit "C" incorporated by reference) shall constitute the rules of order of the Board. The following rules apply to the special actions described and take precedence over Rosenberg's Rules of Order to the extent they differ in text or application.

1. Motion to Reconsider
   A motion to reconsider an item upon which the Board has acted may only be made at the meeting in which the action was taken. Such motion may only be made by a Supervisor who voted on the prevailing side on the question. Adjournment of the meeting effectively extinguishes a Supervisor's opportunity to move for reconsideration of any item on that specific agenda

2. Motion to Rescind
   A motion to rescind any action of the Board may be made by any supervisor at any time. The grounds for such motion are limited to an error in the adoption of the item either through rule violation or procedural mistakes. The motion may be made to rescind an item on further grounds that the facts underlying the Supervisor's decision were misrepresented or determined later to be incorrect.

I. Voting

The Board shall take no action except upon the affirmative vote of at least three (3) Supervisors unless otherwise provided by law, ordinance or these rules. Unless disqualified or absent, all Supervisors shall vote on all questions coming before the Board. Whenever a roll call vote is requested, the Board Clerk shall call the name of a Supervisor and record the vote of that Supervisor. Consensus/direction does not require a roll call vote.

J. Rights and Duties of Supervisors

1. When a Supervisor desires to speak, he or she shall address the Chair and be acknowledged. When two (2) or more Supervisors address the Chair at the same time, the Chair shall designate the Supervisor who will speak first. All Supervisors shall confine their remarks to the question then under consideration.
2. Every motion shall require a second. Discussion on a motion shall not be permitted until the motion receives a second. Motions and seconds may be made by any member of the Board, including the Chair.
3. If any Supervisor is unable to attend a meeting, he or she shall notify the Board clerk as soon as possible and advise the Board Clerk of the reasons therefore.

4. If in a Supervisor's absence, the Board would lack a quorum, no Supervisor shall leave his or her seat on the dais without first obtaining permission from the Chair.
5. No Board member shall attend a committee/commission or other meeting where they have not been appointed through the committee assignments process that happens the first meeting in January. The exception is when a Board member has been appointed as the alternate and they are requested to attend by the appointed member due to the member's inability to attend the meeting.

SECTION VII – ORGANIZATION OF THE BOARD

A. Selection of Presiding Officer

At the first regular meeting of each calendar year, the Supervisor who served as Vice-Chair during the preceding calendar year shall be seated as Chair. The Chair shall hold office for one (1) year and until the qualification of his or her successor. No member shall serve two (2) consecutive terms as Chair unless the other Board members decline the position. If for any reason the Vice-Chair is unable to be Chair, the Supervisor who was next in order to be Vice-Chair during the preceding year shall be Chair, provided that no Supervisor shall be Chair who has not completed one (1) year of service on the Board. The Chair shall be the presiding officer of the Board and shall have all lawful authority to preserve order at all meetings.

B. Selection of Vice-Chair

The Vice-Chair shall be selected by rotation. If for any reason a Supervisor is unable to serve when it is his or her turn, the Supervisor shall be skipped and the office shall fall on the Supervisor next in order. The Vice-Chair shall be seated at the first regular meeting of each calendar year and shall hold office for one (1) year and until qualification of his or her successor, provided that no Supervisor shall serve as Vice-Chair who has not completed one (1) year of service on the Board. The Vice-Chair shall, in the absence of the Chair, have and perform all powers and duties of the Chair. Initially, the rotation of the Vice-Chair shall be determined by lottery.

C. Committee Appointments

Appointment of the Board members to standing committees will be made at the first meeting of the calendar year. In addition to standing committee appointment, the Chair of the Board may appoint official representatives of the County for various purposes, such as meetings and official functions, on an as-needed basis.

SECTION VIII - CONDUCT OF BUSINESS

At the time fixed for public hearings or when any subject or question is presented to the Board and before any motion is made with respect there to, the presiding officer shall inquire whether there are any persons present who desire to speak upon the subject. Any such person shall then be permitted to speak, upon stating his or her name and place of residence or agency to the Clerk of the Board. **All remarks shall be addressed to the Board as a body and not to any member thereof in particular, except with the permission of the presiding officer.**

Members of the Board desiring to address another member of the Board, or a member of the public, shall only do so upon recognition by the presiding officer.

The period of time during which a member of the public may be allowed to speak shall be reasonable and shall be determined by the presiding officer. A majority vote of the Board may override such determination of the presiding officer.

It is the policy of the Alpine County Board of Supervisors to encourage and permit public testimony before every ordinance, resolution or matter before the Board is acted on by the Board.

SECTION IX - DECORUM

While the Board is in session, all persons shall preserve order and decorum.

SECTION X - DUTIES OF PRESIDING OFFICER

The presiding officer shall preserve strict order and decorum at all meetings of the Board. He or she shall state every question coming before the Board, announce the decision of the Board on each subject and decide all questions of order; subject, however, to an appeal to the Board, in which event a majority vote of the Board shall govern and conclusively determine such question of order or procedure. In making determinations of order and procedure the presiding officer may refer to Rosenberg's Rules of Order and/or may consult with County Counsel. His or her name shall be called last on any question being voted upon. The presiding officer shall also serve as the chair of the Local transportation Commission, the County Board of Equalization and the County Water Agency, when such bodies are called into session.

SECTION X1 - ADJOURNMENT

It is the policy of the Board that all regular and adjourned meetings commence at 9:00 a.m., as provided above, and be adjourned upon completion of all business. Study sessions shall be held according to the same schedule unless otherwise provided in the notice of such meeting. These times shall be the normal times for commencing and adjourning Board meetings. In the event it appears that the entire agenda cannot be completed by a reasonable time, the Board may take up the more pressing items on the agenda. All agenda items not considered at the meeting shall be placed upon the agenda of the next regular meeting unless the Board shall direct otherwise by adjourning the meeting to a later date.

PASSED and **ADOPTED** this 15th day of July, 2014, by the following vote:

AYES:

NOES:

ABSENT:

_____

Donald M. Jardine, Chair,
Board of Supervisors, County of
Alpine, State of California

ATTEST:

_____

Barbara Howard, County Clerk
& Ex Officio Clerk to the
Board of Supervisors,
By: Teola Tremayne, Assistant County Clerk

APPROVED AS TO FORM:

_____

David A. Prentice, County Counsel

EXHIBIT A

SPECIFIC TIMEFRAMES FOR REVIEW OF AGENDA ITEMS BY OUTSIDE DEPARTMENTS PRIOR TO BEING PLACED ON THE AGENDA

A. Human Resources: For normal, non-controversial personnel actions please provide **one week** for the department to review the item prior to its placement on the agenda. If the item involves more complex issues, such as departmental reorganization, additional time will be needed. When presenting the proposed agenda item to HR, please present the specific item that will be presented to the Board of Supervisors and any additional information which may be necessary to evaluate the agenda request. The fiscal impact of any proposed personnel action must be included in the agenda report and reviewed by the Auditor as well.

B. Auditor and Treasurer: All matters of fiscal or budgetary nature must be submitted to the Auditor and Treasurer at least **one week** prior to the agenda deadline to review the item.

   1. Grants: Provide copy of the grant application, grant guidelines, and supplemental budget adjustments for any departments affected by the grant. This information should be presented to the Auditor's office at least the **Wednesday** prior to the agenda deadline.
   2. Other agenda items: Other agenda items, such as supplemental budget requests, appropriation or contingency transfers, must be presented to the Auditor's office by the **Wednesday** prior to the Thursday agenda deadline.

C. County Counsel: Any contracts, agreements, MOUs, intergovernmental agreements, leases, ordinances, resolutions or other such items requiring County Counsel's review must be presented at least **two weeks** prior to the agenda deadline. Please indicate if the agenda item is time sensitive or needed for a specific Board date. Also, please indicate any specific legal questions or issues that you wish addressed in the review. Once approved by County Counsel, draft agenda items should not be further modified prior to placement on the agenda.

D. Purchasing Agent: Any RFP, RFQ, bid document or proposed purchase should be reviewed with the County purchasing agent at least **one week** prior to placement on the Board's agenda. Coordination with the purchasing agent will assist in writing, advertising, mailing and receiving formal bids; expediting procurement of goods and services in compliance with local and state purchasing requirements; analyzing bid results; and drafting/reviewing contracts or the Board report. (See Alpine County Code Chapter 2.32 Purchasing Agent and Purchasing)

EXHIBIT B

PUBLIC HEARING RULES AND PROCEDURES

The purpose of a public hearing is to give everyone the opportunity to express their views and to provide evidence in support of those views. Those opinions and evidence create part of the record, which the Board relies on for its findings, conclusions and decisions.

An Agenda may be established for each hearing. The Board will follow the Order of Business on the Agenda unless the Chair, Subject to the Board's concurrence changes the Agenda.

TYPES OF PUBLIC HEARINGS

Public hearings can generally be classified as either Quasi-Judicial or Legislative.

QUASI-JUDICIAL matters usually involve the property rights of a limited number of individuals and involve distinct proponents or opponents. These types of hearings are subject to stricter procedural standards than legislative matters. Examples are subdivisions and changes of zoning.

LEGISLATIVE matters usually involve issues of Community-wide scope. Examples are changes to ordinances. Legislative decisions are not subject to findings and order.

HEARING PROCEDURES

These procedures apply to public hearings:

The Chair of the Board presides over the hearing and will call the meeting to order and introduce each new item of business. This Chair of the Board has the authority to take any necessary measures to control the hearing, to include closing the meeting, clearing the hearing room and calling the public in one at a time to testify.

County Staff will introduce the parties. Members of the Board may ask questions of the Staff.

TESTIMONY

Anyone wishing to testify must sign in on a comment sheet and turn it in to the Chair or his/her designee.

All testimony before the Board must be given from the podium so that a record may be made. Spontaneous comments from the floor are not permitted.

Persons testifying are required to state their name and address for the record and be recognized by the Chair before speaking.

Persons testifying will be asked by the Chair to affirm that their testimony is complete and truthful.

The hearing is recorded and the Chair will allow only one person at a time to speak. Discussion debate and argument among the speaker and the audience is not permitted. A member of the public is not permitted to speak unless recognized by the Chair and testifying at the podium.

Persons testifying must speak clearly into the microphone and direct comments to the Board and not the public.

Board members may ask questions of the person testifying during the public hearing only when recognized by the Chair. Members are not to argue or debate the merits of the item and should avoid expressing personal opinions or positions until after the hearing is closed.

Any exhibits which are presented to the Board will be marked by the Chair or his/her designee and retained for the record.

BACKGROUND INFORMATION: County staff will provide to the Board the procedural and factual background relevant to the hearing and the issues to be determined.

APPLICANT: The party filing the application will be given a suitable time period to present their view, generally 10 to 15 minutes.

IN SUPPORT/NEUTRAL/OPPOSED: Persons in support/neutral/opposed to the application will be given a suitable time period to present testimony, generally 3 minutes.

The Board may hear all of the testimony in support, in neutral then all in opposition or may alternate. Time limits for individual public testimony is generally 3 minutes but may be adjusted by the Board depending upon the number of persons testifying and the available time.

REBUTTAL: The Applicant will be given a suitable time period to rebut testimony presented, generally 5 to 10 minutes.

STAFF REPORT: County staff may make recommendations for findings in a staff report. The Board may adopt, amend or modify these findings. The staff report should contain appropriate information, policies and regulations governing the decision.

The Board may ask questions during the presentation. Questions to the Applicant from the public must be addressed to the Board. The Board will determine whether to ask the question of the Applicant.

BOARD DECISIONS AND DELIBERATIONS

After closing public testimony, the Board will discuss the issue and may question the Staff or the Applicant. Further public testimony will not be received unless the Board votes to re open the public testimony. If the decision is adjudicatory then the Board shall make findings with each finding supported by a description of the evidence. Findings must contain facts and not simply conclusions. Evidence and findings may be taken from sources including information presented to the Board, facts elicited during deliberation, documents in the record, staff reports and presentations by staff and others.

<u>Guidelines for Considering Evidence and Making Findings of Fact</u>

- A finding of fact is a determination by the Board supported by evidence in the record

- Evidence in the record means that a reasonable inference can be drawn by the Board based on facts presented *at the hearing* in the form of testimony documents, records or exhibits.
- Factual Findings are based on relevant facts which means that the fact tends to prove or disprove an issue connected to the application
- Factual Findings are based on facts which are significant to the application
- Factual Findings are not based on assumptions or conclusions or information received from a source other than at the hearing.

The Board's action must state whether the application is denied, granted or whether any conditions are attached to the decision or recommendation.

The Board may continue the hearing to allow for additional testimony or evidence, or tentatively approve or deny the appeal and continue the hearing to a specific date. The Board may also postpone a final decision for a period of time to prepare accurate findings consistent with the Board's tentative decision.

THE MOTION: The recommendation, findings and/or decision is adopted by way of a motion which may be issued immediately following the discussion or it may be issued at a later date.

THE VOTE: The Board votes on the motion. The vote may be by roll call or, at the discretion of the Chair, by voice vote.

RULES FOR SUBMITTING EXHIBITS

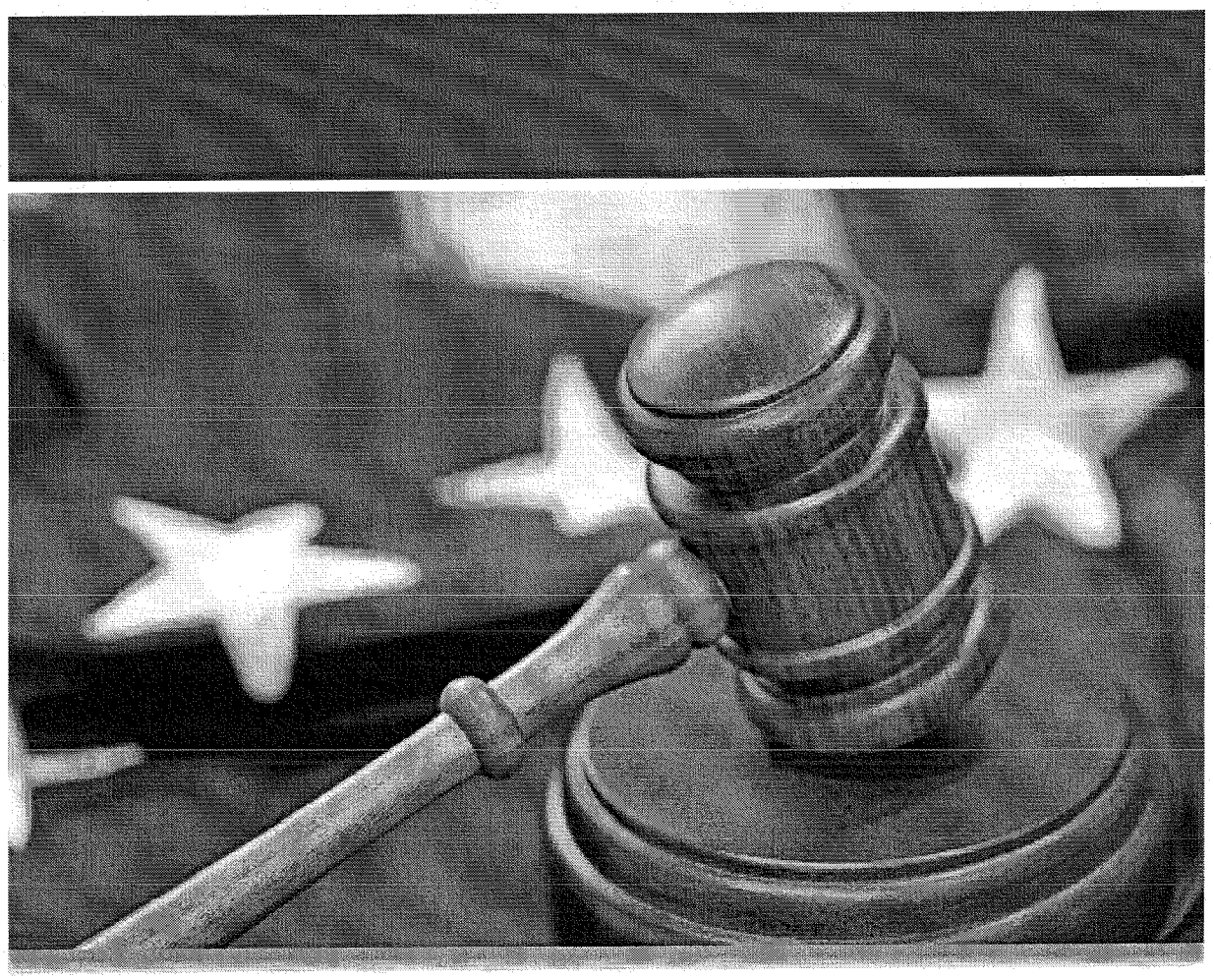
All exhibits, such as photographs, maps, videos, slides, drawings or charts, which are presented to the Board, will be identified and marked by the Chair or his/her designee and retained for the record.

ALL EXHIBITS SHALL INCLUDE THE FOLLOWING:

- The name of the person submitting the exhibit.
- The name of the person who took the pictures, slides, etc. or who created the chart or drawing.
- If the exhibit consists of pictures, slides or videos, the date they were taken.
- A key mapping the location or meaning of each picture, slice, etc.

These rules are designed to ensure a fair and orderly decision-making process and to promote public participation in the land use and other decisions rendered by the County of Alpine.

EXHIBIT C



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg

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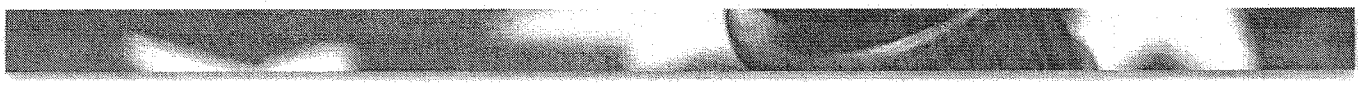

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MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and automony of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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About the Author

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ... "

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body**, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion.** As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item.* This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

How does this work in practice?
Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote? Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention not to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.