

# **RULES OF PROCEDURE OF THE BOARD OF SUPERVISORS OF COUNTY OF SAN BENITO**

In order to provide more expeditious handling of growing public business, these amended Rules of Procedure are adopted by the County of San Benito Board of Supervisors as of March 2005 and updated December 15, 2020, September 14, 2021, and March 22, 2022. Whenever possible, these rules are to be construed generally.

## **I. MEETINGS**

- A. Except as otherwise provided in this rule, the Board of Supervisors shall meet in regular session as may be established by Resolution by the Board of Supervisors. All meetings will be in open session in the Board Chambers, 481 Fourth Street, 1<sup>st</sup> Floor Hollister CA, except for those closed sessions as authorized by law, or except if another location is set forth in the public agenda.
- B. Business shall be conducted commencing at 9:00 A.M.
- C. The order of business for the Board of Supervisors shall be as arranged by the County Administrator and Board Chair, except for matters set for a specific time by the Board.
- D. A matter not on the posted agenda will not be considered, except as otherwise provided by law.
- E. Continuation of meetings will take place the following Tuesday after the Board meeting at 9 a.m., unless the Chair adjourns the meeting to a different day and time at the time of adjournment.

## **II. ATTENDANCE**

- A. Unless excused by the Chair, the County Counsel or a Deputy shall be present at all meetings of the Board of Supervisors.
- B. Unless excused by the Chair, the Clerk of the Board or a Deputy shall be present at all meetings of the Board of Supervisors.
- C. Unless excused by the Chair, the County Administrative Officer or a Deputy shall be present at all meetings of the Board of Supervisors.

## **III. PUBLIC COMMENT**

- A. **Speaker Cards:** Prior to the meeting, or during the meeting prior to the time the agenda item is to be addressed begins, a person wishing to address the Board will need to fill out a speaker card and be submitted to the Clerk of the Board prior the item. Speaker Cards are requested to be turned in prior to the item being called. (Speakers wishing to remain anonymous should fill out a card, but are not required to provide any personal information, such as name or address. The card would indicate the agenda item the anonymous speaker wishes to comment on.)
- B. **General Public Comment (Items not ON the Agenda):** There will be a portion of the agenda set aside for members of the public to directly address the Board on items of interest within the subject matter jurisdiction of the Board and not appearing on the agenda. Public comments for items not on the agenda. The Chair may refer any issues that arise during this period to staff for appropriate action. Time limitations for speakers who wish to speak under the Public Comment period shall be three (3) minutes (or as allowed pursuant to Govt. Code 54954.3) or determined by the Chair. General public comment will be heard for no more than thirty minutes. If the event that more than 10 speakers wish to speak during public comment, the time for each speaker shall be reduced by the Chair. The thirty-minute time limit shall be extended if there are more then 30 speakers waiting to speak on public comment to allow each speaker at least one minute for each speaker to speak. All speakers shall first be recognized by the Chair. Speakers will be requested to give their name for the record (noting that providing name and

address is voluntary and not required). Public members making a public comment shall make a public comment in person or via email to the Clerk of the Board prior to the Board meeting. No other forms of public comment will be accepted.

- C. **Public Comment on Consent Items:** To address matters on consent agenda, if speaking on one item the speaker shall have three (3) minutes, if speaking on more than one item, speakers may have up to five (5) minutes, or as determined by the Chair. Only Board members may pull agenda items for further discussion, after the public has already commented on all Consent Items during the Public Comment period. All items listed on the Consent calendar will be acted upon by a motion of the Board. There will be no separate Board discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.
- D. **Regular Agenda Items/Public Hearings:** Unless otherwise required by the law, the Chair shall determine and specify rules regulating public comment for all agenda items. Each item will be heard for no more than thirty minutes, with each speaker having three (3) minutes to address the item. Persons wishing to address the Board of Supervisors shall first be recognized by the Chair and give their name for the record. Time limitations for speakers who wish to address Consent Agenda items, Regular Agenda items, or Public Hearings shall be determined by the Chair. The 30-minute time limit shall not apply to quasi-judicial matters. In the event that more than 10 speakers wish to speak regarding an agenda item, the time for each speaker shall be reduced by the Chair. The 30-minute time limit shall be extended if there are more than 30 speakers waiting to speak on an agenda item to allow at least one minute for each speaker to speak. Public comments will be heard prior to the Board members comments.
- E. **Limitation on Time:** In the interest of timely facilitating the business of the Board, the Board Chair, in the exercise of reasonable discretion, may: (1) limit the time that each person may use when addressing the Board. (2) Limit the total time in which to receive testimony from Board members or members of the public on an individual matter, item, or subject before the Board. (3) The Board Chair shall have the authority to ask a Board member to finish up their comment after five minutes of speaking.

#### IV. RESERVED

#### V. PROCEDURE

- A. A Board order applies mainly as a directive to County Officers or employees. It need not be reviewed in writing, as it generally applies to one specific act only. Board Resolutions and Ordinances must be reviewed in written form as to legal form by the County Counsel before the matters are placed on the agenda. Also, contracts must be approved as to legal form by the County Counsel before the contract is placed on the board agenda.
- B. At the first regular meeting of the calendar year, a Chair and Vice-Chair shall be elected by majority vote of the Supervisors present and such Chair shall preside for one year. In their absence or inability to attend, a Chair Pro Term shall be selected by the members present.
- C. When motions are made by supervisors, the motion shall be stated to the Clerk by the moving supervisor.
- D. No question on a motion shall be debated or put to a vote unless the motion has been seconded. When a motion is seconded, it shall be stated by the Chair before debate.
- E. When a question is under debate, no other motion shall be received unless:
  - 1. To adjourn.
  - 2. To lay on the table.
  - 3. To consider the previous question.
  - 4. To postpone to a certain date.
  - 5. To commit to committee.
  - 6. To amend.
  - 7. To postpone indefinitely.

These motions shall have preference in the above order.

- F. A motion to adjourn or a motion to fix time of adjournment shall be decided with debate.
- G. A motion to refer or lay on the table until it is decided shall include all amendments to the main question.
- H. A motion to consider the previous question shall preclude all amendments from debate to the main question and shall be put in the form “shall the main question be put to a vote.”
- I. Raising a point of order is exclusively a board member prerogative. The raised point of order must be resolved immediately by the Chair before other business continues. The Chair’s decision prevails unless a board member objects. In this case, a majority vote shall decide the point of order.
- J. A member called to order shall relinquish the floor unless permitted to explain, and the Board, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Chair shall be final.
- K. Upon demand of any board member, or at the discretion of the Chair, the vote shall be by roll call.
- L. Conduct governed by RULES OF PROCEDURE
  - 1. These Rules do not provide that in absence of a rule a matter is governed by Roberts Rules of Order. Consequently, Roberts Rules do not apply to Board proceedings.
  - 2. If a procedural issue is not resolved by reference to the Board Rules, the Chair may state the procedure to be followed. However, upon objection by any member, the procedure to be followed will be determined by majority vote of the Board.
- M. Abstentions noted on the record are neutral and do not count as affirmative or negative votes. Silence, without abstention or disqualification, is deemed an affirmative vote.
- N. When a member of the Board is speaking, they are not to be interrupted by another Board member while they have the floor.
- O. Board members shall not use electronic communications during a public meeting of the Board at which he or she is in attendance with anyone in the public, or between themselves, while at the dais and/or participating in a public meeting. Electronic communication is defined as electronic text or visual communication and attachments distributed via email, websites, instant messaging, text messaging, twitter, or comparable services. In the event of an urgent family matter, a Board member wishing to respond to a telephone call or text message during the meeting shall do so during a recess or shall excuse him or herself from the meeting to place the return call or text in a manner that does not disrupt the meeting.

## VI. COMMITTEES

- A. The Chair, with majority consent of the Board, shall appoint a committee at such times as deemed necessary for the proper conduct of the business of the Board of Supervisors. The Chair shall attempt to distribute an equal number of Committees to each Board member.
- B. All orders of the Board relative to committees shall specify the purpose of the committee, the length of time the committee shall serve, and the times and methods by which the committee shall report to the Board.
- C. No committees appointed by the Chair of the Board of Supervisors shall include in their membership more than two Supervisors. Committees may include within their membership any number of other County officials or public members who are not members of the Boards and Commissions subject to the provisions of Government Code Sections 54950-54960.
- D. The County Administrator shall be ex-officio member of all committees appointed by the Chair of the Board of Supervisors pursuant to the foregoing rules and is hereby empowered to call meetings of such committees at such times as may be mutually agreed upon by a majority of the members of any such committee.

## VII. AGENDAS

- A. Agendas for the Board will be prepared by the County Administrator, and the Administrator shall have discretion as to when and what items shall be included while working closely with the Chair of the Board.

- B. Items for Tuesday agenda shall be submitted to County Counsel by 5:00 p.m. on Friday's twenty-five (25) days prior to the date of the meeting, and thirteen (13) days prior to deadline of the Clerk of the Board. Items shall be submitted to the Clerk of the Board by 12:00 p.m. on Thursday, twelve (12) days prior to the date of the meeting, by the person requesting the item, unless a legal holiday necessitates the moving of the agenda deadline.
- C. Agenda requests referred to in B above shall be submitted in such form and contain such information as the County Administrator shall prescribe.
- D. Any item not on the agenda may be heard at any time by the Board based on exceptions provided by the California State Government Code. Whenever deemed advisable, in order to provide a guide for Board action, the County Administrator shall recommend a course of action for items other than the Consent Agenda. (See F hereafter.)
- E. The County Administrator may list such items as deemed advisable together with a recommended course of action for each under a Consent Agenda category. The Board may delete such items from the Consent Agenda in order to change the recommended course of action and then approve the remainder of the Consent Agenda, or the Board may approve the Consent Agenda as submitted.
- F. The Board shall have a consensus of at least two Board members for an item to be placed on the agenda for discussion.

- VIII. Public Hearings: Public hearing items are scheduled in advance by the sponsoring agency or department or board member through the Clerk of the Board to be heard at a time designated, (9:30 a.m. or thereafter/1:30 p.m. or thereafter), by the Board Chair or soon thereafter, for an estimated duration. These items are generally scheduled for: Board of Supervisors items, Public Hearing, Controversial issues/community involvement and Coordination of non-County and/or other County entities.
- IX. Items referred to individual departments for action and/or study by the Board of Supervisors shall be routed through the Clerk of the Board. The Clerk of the Board shall track the status of such communications, and as to which departments' final reports are still outstanding and provide the Board of Supervisors and the County Administrator with a quarterly update.
- X. The County Administrator shall occasionally review these rules of procedure and make recommendations for change to the Board for revision
- XI. Amendments to these rules of procedure shall be three-fifths votes of the Board.