

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

R E S O L U T I O N

R-19-170

RESOLUTION ESTABLISHING RULES OF PROCEDURE BEFORE THE
BOARD OF SUPERVISORS

IT IS HEREBY RESOLVED AND ORDERED that the Rules of Procedure previously adopted by the Board of Supervisors are hereby amended to read as follows:

RULES OF PROCEDURE BEFORE THE BOARD OF SUPERVISORS

ARTICLE I

GENERAL PROVISIONS

Rule 1. Purpose. These rules are adopted for the purpose of providing for the conduct of meetings before the Board of Supervisors of the County of San Joaquin at regular, special or quasi-judicial meetings.

ARTICLE II

MEETINGS

Rule 2. Regular. Sessions of the Board of Supervisors shall be held on Tuesday, provided that, if the regular meeting date shall fall upon a legal holiday, that meeting shall be held on the next business day. The meeting shall begin at 9:00 o'clock a.m., or at such other time as the Board may designate.

Rule 3. Adjourned meetings. Any regular, adjourned regular, special or adjourned special meeting may be adjourned to meet at a specific date and time. Less than a quorum of members present may adjourn to a specific date and time. If all members are absent, the Clerk of the Board of Supervisors may adjourn any meeting to a specific date and time. If no time is specified in the order of adjournment, the meeting shall be commenced at 9:00 o'clock a.m.

Rule 4. Other Board Meetings. The Board may meet on any other day of the week pursuant to required notice and agenda.

Rule 5. Special Meetings. Special meetings of the Board may be called at any time by the Chair pursuant to Government Code Section 25022 or by majority of the members of the Board pursuant to Government Code Section 54956. The notice of the meeting shall specify the business to be transacted. No other business shall be transacted. If the time of the meeting is not stated, it shall be commenced at 9:00 o'clock a.m.

Rule 6. Place of Meetings. Unless otherwise directed by the Board, all meetings shall be held in the chambers of the Board of Supervisors in the County Administration Building, Stockton, County of San Joaquin, California.

ARTICLE III

ELECTION OF CHAIR AND VICE CHAIR

Rule 7. Election. The Chair and Vice Chair shall be elected every year at the first Board meeting in January.

Rule 8. Rotation of Election to Board Offices. Beginning with the election of the Chair and Vice Chair in 2020, the offices of Chair and Vice Chair shall be rotated sequentially through the enumerated Supervisorial Districts beginning with District 2 as Chair and District 3 as Vice Chair. In the event that any Supervisor of the District eligible for election as Chair or Vice Chair declines such office, eligibility shall pass to the next District in numerical sequence and such declining Supervisor shall not be eligible for office until such Supervisor's District again becomes eligible for election because of the prescribed sequential rotation.

Rule 9. Terms of Office. No member shall hold the office of Chair or Vice Chair for more than two consecutive terms.

ARTICLE IV

DUTIES OF CHAIR AND VICE CHAIR

Rule 10. Chair. The Chair shall preside at all meetings of the Board and perform such duties as ordered by the Board or prescribed by law.

Rule 11. Vice Chair. In the Chair's absence or in case of the Chair's inability to act, the Vice Chair shall preside at all sessions of the Board.

Rule 12. Temporary Chair. In the absence or inability to act of both the Chair and the Vice Chair, the members, by order duly entered in their records, shall elect one of their number to act temporarily as Chair.

Rule 13. Presiding Officer. The presiding officer shall maintain order and decorum and decide questions of procedure, subject to Rule 23, and subject to the right of the Board to override such decision by majority vote. The presiding officer shall call the meeting to order at the appointed hour and conduct the meeting as prescribed by these rules and the laws of the State of California.

Rule 14. Board Agenda. Any member of the Board may direct that a specific item be placed on the Board's agenda by submitting a written request to the County Administrator. The sponsoring member will prepare and make the initial presentation to the Board. The County Administrator will direct the Clerk to take appropriate action. Members of the Board may also place items on a future Board agenda by motion passed by the Board during a public Board meeting.

Rule 15. Appointments to Boards and Commissions. The Chair shall designate one Board member other than the Chair himself/herself to make all motions for appointments to public boards and commissions. The Board member so designated may consult with one other Board member where needed in order to make appointments which are designated as district specific or where otherwise deemed appropriate by the designated Board member. Public interviews will be held for appointments to at-large positions for the Housing Authority of the County of San Joaquin, the Stockton Port District and San Joaquin Regional Transit District. Public interviews will not be held for the tenant member positions for the Housing Authority of the County of San Joaquin.

ARTICLE V

DUTIES OF THE CLERK

Rule 16. Meetings. The Clerk of the Board shall attend all meetings of the Board, and all committee meetings of the Board whenever requested to do so by the Chair of the Board.

Rule 17. Records. The Clerk shall maintain a full and complete record of all sessions and the vote of each member on each question as provided for in Government Code Section 25101.

Rule 18. Agenda. The Agenda for Board meetings shall be prepared and distributed by the Clerk no later than 12:00 noon of the Wednesday immediately preceding the next regular Board meeting. The distribution shall be to each Board member's office and to department heads and shall be made available to the public at the Clerk's office. The Clerk shall post the Agenda at least 72 hours prior to the regular meeting in a location freely accessible to the public and shall keep on file a declaration stating the time and place of posting the Agenda.

Rule 19. Agenda Deadline. All matters to be included on the Agenda for any regular meeting shall be submitted to the Clerk's office by 9:00 o'clock a.m. on the Tuesday which falls two weeks prior to that regular Board meeting.

Rule 20. Oaths. All oaths as required shall be administered by the Clerk, or by persons specifically deputized by the Clerk for that purpose.

Rule 21. Changes to Boards and Commissions. All revisions to or changes in the appointments to public boards and commissions shall be referred to the Clerk for processing to the Board for appropriate action.

Rule 22. Board Conference Room. The purpose and primary use of the Board of Supervisors Conference Room 687, otherwise known as the Closed Session Room, shall be for the convening and holding of Board of Supervisor Closed Session meetings. The Closed Session

Room shall be locked when not in use and access to the Closed Session Room shall be controlled by the Clerk of the Board.

Rule 23. Board of Supervisors Chambers. The purpose and primary use of the Board of Supervisors Chambers shall be Board of Supervisors meetings and meetings of County Boards and Commissions, as appropriate. These uses shall take priority over all other requests. Any request to use the Chambers shall be referred to the Clerk of the Board for consideration.

ARTICLE VI

DUTIES OF THE COUNTY COUNSEL

Rule 24. Meetings. The County Counsel shall be present at all meetings of the Board except when budget matters only are to be considered.

Rule 25. Parliamentarian. The County Counsel shall act as parliamentarian.

Rule 26. Approval of Legal Matters. All contracts shall be approved as to form by the County Counsel's office before enactment by the Board, and all ordinances and resolutions shall be submitted to the County Counsel for review before adoption by the Board.

ARTICLE VII

DUTIES OF THE ADMINISTRATOR

Rule 27. Meetings. It shall be the duty of the County Administrator to be present at all meetings of the Board, with the exception of those days devoted to planning matters unless requested by the Board, and to be prepared to advise the Board on matters concerning the operation of County government.

Rule 28. Agenda Items. When an item is on the Board's agenda, the County Administrator shall provide recommendations to the Board as requested.

Rule 29. Board Action. Unless otherwise directed by the Board, the County Administrator shall have the responsibility of implementing Board actions and reporting to the Board as required on such actions.

ARTICLE VIII

ORDER OF BUSINESS

Rule 30. Regular Meetings. So far as practical, the business of regular meetings of the Board shall be transacted in the following order:

- a. Commencement of Meeting
- b. Moment of Silence
- c. Pledge of Allegiance

- d. Announce Date of the Meeting for the Record
- e. Roll Call
- f. Approval of Minutes
- g. Recognitions
- h. Appointments to Boards and Commissions
- i. Public Comment/Comment on Consent Items
- j. Consent Items
- k. Scheduled Morning Items and Public Hearings
- l. Presentations
- m. Discussion Items
- n. Communications
- o. Board Questions and Comments
- p. Closed Session
- q. Scheduled Afternoon Items
- r. Adjournment

Rule 31. Adjourned, Special or Other Board Meetings. So far as practical, the business of other meetings of the Board shall be transacted in the following order:

- a. Roll call
- b. Agenda items in the order listed
- c. Agenda items continued from regular meeting
- d. Special items not on the Agenda which the Board determines to fall within the categories listed in Government Code Section 54954.2(b)
- e. Adjournment

Rule 32. Suspension of Order of Business. The regular order of business may be suspended at any time with the consent of a majority of the members of the Board to consider any matter presented to the Board.

Rule 33. Public Hearings. All matters set for public hearing shall be heard at the date and time set or continued by motion to another date. The hearing shall normally proceed at the

time set on the agenda; however, if other Board business so dictates, it may be heard at a later time during the meeting.

Rule 34. Referral to Staff. An individual Board member may refer an issue or question to staff for purposes of providing information to that Board member, and the Chair may refer an issue or question to staff for purposes of providing information to the entire Board; however, no individual Board member may direct staff to initiate any study or analysis which will entail significant expenditure of staff time or County resources without the matter being properly placed on the agenda, and through a motion passed by the Board which gives specific and adequate direction to staff regarding how the Board wishes staff to proceed.

Article IX

CLOSED SESSIONS

Rule 35. Closed Sessions. The Board may conduct closed sessions during any meeting to consider those matters allowed by law to be heard in this manner.

Article X

COMMITTEES

Rule 36. Committees. The Board may create standing and special committees consisting of at least one member of the Board of Supervisors to advise the Board on matters assigned to the committees. County officers and employees shall advise any committee as requested.

Rule 37. Committee Appointments and Chair. The Chair shall appoint committee members with the concurrence of the Board. The Board member first appointed to each committee shall act as its chair.

Article XI

QUASI-JUDICIAL PUBLIC HEARINGS

Rule 38. Procedure. All matters set for quasi-judicial public hearing before the Board of Supervisors, such as planning appeals, shall proceed substantially as follows:

- a. The matter set for hearing shall be announced by the Chair at the time set for commencement of the hearing.
- b. County staff reports on the matter shall be received by the Board.
- c. Appellants shall be given a reasonable opportunity to present evidence, both oral and documentary.
- d. Respondents shall be given a reasonable opportunity to present evidence both oral and documentary.
- e. The Chair may allow any rebuttal evidence as is reasonable, may preclude repetitious evidence and may require a representative of large numbers of proponents or opponents

to present evidence on behalf of the proponents or opponents.

- f. After all individuals have had reasonable opportunity to present such evidence, the Chair shall close the public hearing.
- g. The Board shall then consider the matter and render its decision or the Board may take the matter under consideration for a decision at a later date.

Rule 39. Testimony. Witnesses shall address their remarks to the Board and speak into the microphone. Only one person shall speak at a time and a courteous and orderly hearing shall prevail.

Rule 40. Hearsay. It shall be proper to admit hearsay evidence, but hearsay alone without other evidence shall not be sufficient to sustain a finding of fact.

Rule 41. Continued Hearings. Any matter set for hearing may be continued from time to time either before or after the public hearing has been closed.

Rule 42. Improper Testimony. Counsel for the Board shall advise the Chair when testimony becomes improper and the Chair may preclude such testimony.

Rule 43. Findings of Fact. The Board may adopt findings of fact prepared by staff or Counsel as appropriate.

Article XII

MISCELLANEOUS PROVISIONS

Rule 44. Reconsideration. Whenever action has been taken on any matter by the unanimous vote of the members of the Board, the matter shall not again be considered nor placed upon the Agenda without the concurrence of 3 members of the Board.

Rule 45. Addressing the Board. Any person wishing to address the Board when recognized by the Chair shall step to the rostrum and give that person's name and address for the record. The Chair may limit the amount of time a person may use in addressing the Board.

Rule 46. Alteration, Amendment, Suspension or Repeal of Rules. These rules may be altered, amended, suspended or repealed by the majority of the members of the Board if the rule is not required by law, but such alteration, amendment, suspension or repeal shall not affect any matter then pending before the Board.

Rule 47. Open Meetings. All meetings of the Board and all meetings of the committees appointed by the Board shall be open to the public except as otherwise provided for or allowed by law.

Rule 48. Voting. All actions and decisions shall be by a majority vote of the members of the Board except as otherwise required by law.

Rule 49. Robert's Rules. Robert's Rules of Order Revised are adopted for all proceedings of the Board in cases not otherwise provided for in these Rules or by law; however, Robert's

Rules are to be considered directory, not mandatory, and failure to comply with Robert's Rules shall not affect the validity of any action taken by the Board which is otherwise in compliance with applicable law.

PASSED AND ADOPTED December 17, 2019, by the following vote of the Board of Supervisors, to wit:

AYES: **Miller, Patti, Winn, Elliott, Villapudua**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California

Rachél DeBord



Miguel A. Villapudua

MIGUEL A. VILLAPUDUA
Chair, Board of Supervisors
County of San Joaquin
State of California