

## SOLANO COUNTY BOARD OF SUPERVISORS

### RULES OF PROCEDURE

#### **Rule 1. Time and Place of Meetings**

(a) The Board of Supervisors shall meet on the first, second and fourth Tuesdays of each month, unless changed by motion of the Board. All meetings shall be open sessions in the Board's Chambers, except such closed sessions that the law permits.

(b) All meetings shall begin at 9:00 a.m., unless otherwise noticed, and shall generally include the following schedule of business:

- (1) Call to Order/Roll Call
- (2) Salute to the Flag and a Moment of Silence
- (3) Presentations
- (4) Public Comment for up to 15 minutes
- (5) Consent Calendar
- (6) Regular Calendar
- (7) Continuation of public comment, if needed
- (8) Recess or adjourn to Closed Session, if applicable
- (9) Report out of Closed Session, if applicable
- (10) Scheduled time certain matters (e.g., land use)
- (11) Recess or adjourn to Closed Session, if needed
- (12) Report out of Closed Session, if needed
- (13) Board member comments and reports on meeting

(c) Any meeting of the Board may be adjourned to any date and time when necessary for the transaction of business. Any adjourned meeting of the Board is part of a regular meeting.

(d) Special meetings of the Board may be called pursuant to and in accordance with Section 54956 of the Government Code. The Clerk shall prepare the notice and call of any special meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting.

#### **Rule 2. Attendance**

(a) The County Administrator or an authorized representative shall attend all meetings of the Board.

(b) The Clerk of the Board or an authorized representative shall attend all meetings of the Board.

(c) The County Counsel or an authorized representative shall attend all meetings of the Board.

**Rule 3. Agenda**

- (a) The County Administrator shall prepare the agendas for the Board in consultation with the Chair, Vice Chair, and County Counsel.
- (b) The County Administrator shall establish an agenda deadline for items on the Tuesday agenda.
- (c) The County Administrator shall prescribe the form and content of all agenda requests.
- (d) The following persons are authorized to place matters on the regular and closed session agendas of meetings of the Board:
  - (1) Members of the Board of Supervisors (“Members”);
  - (2) The County Administrator and designees.
  - (3) The County Counsel for closed sessions only; the County Administrator shall coordinate scheduling and notification of Closed Session meetings with all Members and appropriate County staff.
  - (4) All other County officials and department heads shall file items for the agenda with the County Administrator.
- (e) All proposed Board resolutions and ordinances shall be attached to each agenda submittal.
- (f) The County Administrator may place items with a recommended course of action for each on a consent calendar for action by the Board. The consent calendar shall consist of those matters appearing to the County Administrator or the Chair/Vice Chair to be of a routine nature. The Board shall consider the consent calendar as follows:
  - (1) Any Member may question a staff member or remove any item from the consent calendar and the Board shall then approve the remainder of the consent calendar, or may approve the consent calendar as submitted. A Member excused from voting on a consent item may vote on the consent calendar, except that the vote shall not apply to the item to which the announced excuse applies.
  - (2) Any member of the public may comment on one or more consent items. Each speaker shall be allowed up to three (3) minutes to comment on the entire consent calendar. Any Member, through the Chair, may then briefly respond to the speaker, or request a response from a staff member, or request removal of an item or items from the consent calendar.
- (g) No action shall be taken on any item not appearing on the posted agenda except:
  - (1) Upon majority vote of the Board that an emergency exists as defined in Government Code §54956.5.

- (2) Upon a determination by at least four votes if five Members are present, three votes if four Members are present, that there is a need to take immediate action and the issue arose after the 72-hour agenda posting requirement.
- (h) A quorum of three (3) Members must be present in order for the Board to conduct business. Three (3) votes are required for the adoption of any motion that is in order, except where the law requires or permits otherwise.
- (i) The Clerk shall read the agenda title of each item before discussion, following which the Chair may request a report from the County Administrator or other designated staff member.
- (j) The Board shall discuss items in sequential order; provided, however, the Chair may take items out of sequential order for the purpose of accommodating the public or expediting the conduct of the meeting.
- (k) In the event a motion fails because of a tie vote, the Board will continue the item for consideration to the next regular meeting. In the event of a second tie vote, the motion fails.
- (l) Whenever the Board directs that any item on the agenda be continued to a future date, the Clerk shall list such item on the regular agenda of such future date.

**Rule 4. Public Participation**

- (a) The Chair may expand or limit the time for addressing any agenda item, including comments during the Items from the Public portion of the agenda. To facilitate an orderly meeting and ensure a fair and proper order of public speakers, all persons who wish to speak on any agenda item should fill out a Speaker Card and deliver it to the Clerk before the Board considers the particular item unless invited to speak by the Chair or a Member. Persons making comments shall first be recognized by the Chair and be asked to give their names for the record.
- (b) As a general policy, each speaker shall be limited to a three (3) minute comment, unless the Chair notes a different time limit for an item. The speaker's comments should be directed to the Chair and the Board as a whole and not to any particular Member or staff member.
- (c) At the beginning of each regular meeting, the Board will hear public comments, designated as "Items from the Public," for up to fifteen (15) minutes. As a general policy, each speaker shall be allowed three (3) minutes to comment on any subject matter within the jurisdiction of the Board and which is neither an item on the agenda for that meeting nor litigation pending against the County of Solano or its officers or employees. Any additional speakers will be heard at the conclusion of the meeting and granted three (3) minutes each. A majority of the Board may refer any issues raised to staff for appropriate action and any Member may briefly comment on any issue brought up during this period. No other action may be taken by the Board at this time.
- (d) Each speaker shall refrain from making defamatory, profane or personal remarks, using abusive or threatening language or engaging in any other disorderly conduct that willfully disrupts, disturbs or otherwise impedes the orderly conduct of any meeting.

(e) Each speaker shall refrain from unnecessary repetition of issues and points already raised by previous speakers.

(f) Placards, banners, signs, flags, or other large objects designed to interrupt or disrupt the orderly conduct of the meeting are not permitted in the Chambers.

(g) In the event that any meeting of the Board is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible, the Chair may recess the meeting or order the person, group or groups of persons willfully interrupting the meeting to leave the meeting or be removed from the meeting.

(h) In the event that any meeting is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the person or persons willfully interrupting or disrupting the meeting, the Chair may recess the meeting or order the meeting room cleared and continue in session. Only matters appearing on the posted agenda may be considered in such a session. Duly accredited representatives of the press or other news media and any member of the public, except those participating in the disturbance, shall be allowed to attend or remain in the meeting

**Rule 5. Public Hearings**

(a) At the commencement of a public hearing, the Chair may establish the order of receiving testimony and reasonable limits on the time allotted to each speaker.

(b) Members may direct questions to the speakers in order to bring out relevant facts, circumstances or conditions affecting the case and may call for questions from the staff.

**Rule 6. Quasi-Judicial Hearing**

(a) In addition to the procedures in Rule 5, the following requirements apply to quasi-judicial hearings. Board members are required to act in a fair and impartial manner. Board members shall base their decisions solely on the public record and the information received at the public hearing. Board members may meet with interested parties and go on site visits prior to the public hearing; however, where such contacts or site visits occur, each Board members shall disclose these contacts or site visits, and any material facts learned from the contacts or site visits that are not in the staff report or public record, prior to the opening of the public hearing. Such contact, commonly referred to as “*ex parte*” contact (i.e., “without all present”), is permissible so long as disclosed and members of the public are able to respond to that information during the hearing.

(b) Board members shall maintain their impartiality and avoid reaching a final decision in quasi-judicial matters prior to the close of the public hearing. Board members may express tentative opinions and concerns prior to their final decision, as this facilitates robust exploration and discussion of issues with which the Board is concerned. Consistent with the Board’s duty of impartiality and the conduct of a fair hearing, Board members are encouraged to explain to those seeking commitment on a vote or project that Members cannot make a decision until they have considered all the information presented at the hearing.

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

(d) All written communications from interested parties with Members of the Board regarding quasi-judicial matters shall be submitted to the Clerk for public review.

**Rule 7.           *Nomination and Selection of Board Officers***

(a) The officers of the Board are the Chair, the Vice Chair and the Chair Pro Tem.

(b) At the first regular meeting of the calendar year, the Chair, the Vice Chair and the Chair Pro Tem shall be elected by majority vote of the Supervisors present. No nominations or selections shall be accomplished until after any newly elected Supervisors have taken office.

(c) The Chair, Vice Chair and Chair Pro Tem shall be selected for a period of one year or until such time as a successor has been selected by the Board pursuant to these Rules. In the event of a vacancy, the Board shall fill the vacancy within 30 days from the date of such vacancy.

(d) During the absence of the Chair, the Vice Chair shall preside. In the event that both the Chair and Vice Chair are absent, the Chair Pro Tem will preside.

(e) After the Chair and Vice Chair have been seated, the remaining Members shall select their respective seats in the order of their relative seniorities in office and occupy them until the next regular reorganization of the Board; provided, however, that any two Members may change seats anytime by mutual consent.

**Rule 8.           *Motions during Meetings***

(a) Action of the Board shall be taken by motion. No motion shall be made until every Board member shall have initially an opportunity to speak. Any action of the Board may be proposed by the motion of any Member. Such a motion, if seconded by any Member, shall be on the floor and must be considered. If a motion is not seconded, the motion fails for lack of a second, and the Chair shall so declare.

(b) A motion may be withdrawn by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the motion shall remain on the floor. The second to a motion may be withdrawn by the second at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the Chair unless seconded by another Member.

(c) After a motion has been seconded, any Member may discuss the subject of the motion. When no Member wishes to discuss the motion further, the Chair shall call for a vote on the motion. At any time after a motion has been seconded, any Member who has the floor may call for the question. The Chair may call for the vote if it appears that further discussion will be repetitious or that a majority of the Members present concur in the call.

- (d) If a motion with a second contains two or more separable propositions, the Chair may, and on request of a Member shall, divide the motion.
- (e) When an "original motion" or question is under debate, no 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 refer 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) At any time after a motion has been seconded, any Member may move to table the motion. If the motion to table is seconded, the Chair shall forthwith call for a vote on such motion. A motion to table shall include all amendments to the original motion. A motion to table an item is not debatable and no further discussion or debate shall be permitted on either the original motion or the motion to table. If the motion to table does not pass, consideration of the original motion will continue. If the motion to table does pass, the original motion will remain on the floor but may not again be considered at that meeting unless a motion to remove the original motion from the table is passed. The original motion may then be considered and voted upon at the next regular meeting of the Board unless again tabled. If not considered at such meeting, it will be deemed lost. For the purposes of this subsection, an adjourned meeting shall be considered a separate meeting.

(h) A motion to consider the previous question shall preclude all amendment from debate to the main question and shall be put in the form "shall the main question be put to a vote."

(i) A motion on the floor may be amended by motion at any time before adoption or rejection. If the motion to amend fails, the original motion will be voted upon. If the motion to amend passes, the amendment is adopted and, thereafter, the original motion, as amended, will be voted upon.

(j) A motion to reconsider any action taken by the Board, whether acting in a legislative or quasi-judicial capacity, may be made at the same meeting, at a recessed or adjourned session of that meeting, or at the next subsequent meeting; provided, however, that the Board may only reconsider a resolution or motion authorizing or relating to the approval of a contract before the actual execution of the contract. Only a Member who voted with the prevailing side may make the motion. After a vote on the motion, there shall be no other motion to reconsider the same question

without the unanimous consent of the Board within that calendar year.

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

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

**Rule 9. Member Appointments to Boards, Commissions and Committees**

(a) The Board may establish standing and ad hoc committees.

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

(c) The Chair may appoint members to an ad hoc committee, which may be formed to address a limited or single issue, for a limited time, and be dissolved once the specific task assigned is completed. Ad hoc committees are encouraged to conclude their business at the end of each calendar year and provide the rest of the Board a report on the work performed by the committee at the conclusion of the ad hoc committee's purpose.

(d) The Board may appoint any Member to other boards or commissions, unless otherwise provided by statute, ordinance, resolution, or the provisions of a joint powers agreement.

(e) When an appointment relates to a board, whose jurisdiction is not countywide, the Members who represent that jurisdictional area may recommend an appointment to the remainder of the Board.

**Rule 10. Board Advisory Committees or Commissions**

(a) The Board shall create and appoint only advisory boards when deemed necessary for the proper conduct of the Board's business. The Board shall direct the boards, commissions, and Board created committees to perform acts or study matters that are within the Board's authority to perform or resolve and that are legally delegated. The Board shall not assign nor delegate to the committees to any action or undertaking which state law or county ordinance identifies as a duty or function of a county administrative or executive officer.

(b) Persons appointed on the respective boards may at the discretion of the Board remain in office until the Board appoints their successors in the manner provided by law.

- (c) The Board shall approve the bylaws of the boards and any amendments to them.

**Rule 11. Decorum and Debate**

- (a) When a Member desires to speak or to make a motion, the Member shall address the Chair. Upon being recognized, the Member may address the Board.
- (b) When more than one Member addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair.
- (c) No Member shall interrupt another Member except to call to order.
- (d) The Chair shall determine all points of order. A Member called to order shall relinquish the floor unless permitted to explain or appeal to the Board. If an appeal, the Board shall decide the issue without debate. If there is no appeal, the decision of the Chair shall be final.
- (e) When the Board is in session, the Members shall observe and preserve civility and order. A Member shall neither intentionally delay nor disrupt the orderly conduct of the proceedings, nor refuse to obey the orders of the Chair.
- (f) Members shall address the merits of the motion and not to the motives, personalities or principles of the Members.

**Rule 12. Legislative Matters**

- (a) The Board will develop an annual legislative platform reflecting the Board's priorities with input from department subject matter experts and will receive frequent updates as to status of federal and state legislation affecting the County, as needed.
- (b) Any request for earmarks shall be first presented and discussed by the full Board prior to submission in order to ensure alignment with Board approved priorities.
- (c) Board members, Department heads, and County Boards and Commissions may submit an issue or piece of legislation for consideration by the Board.
- (d) A support, oppose, or other position by the Board on individual pieces of legislation requires a majority vote of the Board.
- (e) Absent a majority vote of the Board, individual supervisors may, at his or her discretion and from the position as a district supervisor, express/or advocate support or opposition to legislative issues. In such instances, the supervisor shall ensure that the supervisorial district stationery is used in the communication of such support or opposition, shall use his or her appointed staff to prepare correspondence, testimony or other communication, and shall in no way infer that the Board supports or opposes the matter.



**Rule 13. Board Member Request of Staff**

(a) Except for purposes of inquiry, any Board member requests of staff that are anticipated to involve significant staff time (generally 8+ hours or more) or other resource commitment and/or a departure from the Board-approved priorities require Board approval prior to starting work. Board approval shall be obtained through any action of the Board that reflects the majority support of the Board.

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

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

**Rule 14. Overruling the Chair**

A decision of the Chair with respect to the interpretation, applicability or enforcement of these Rules may be overruled by a majority vote of the Members present.

**Rule 15 Ceremonial Functions and Proclamations**

The Chair is authorized to represent the County at ceremonial functions, proclamation ceremonies, and other similar countywide events when the Board has not otherwise designated one of its Members to represent the County. The Chair shall coordinate the representation of the County by other Members at such events.

**Rule 16. Suspension of Rules of Procedure**

Any rule of the Board may be suspended temporarily, upon approval of the majority of the Board. The temporary suspension shall apply only to the matter under immediate consideration and, in no case, shall it extend beyond an adjournment.

**Rule 17. Amendment of Rules of Procedure**

(a) It is recommended that these Rules be reviewed on an occasional basis.

(b) No rule of the Board shall be adopted or amended except by resolution adopted by a

majority vote of the Board.

**Rule 18.      *Policies to Implement Rules of Procedure***

The Board may adopt policies to implement provisions of these Rules.

**Rule 19.      *Parliamentary Procedure***

These Rules shall govern the proceedings of the Board. In all situations not covered by these Rules or any provision of law, the authority shall be Robert's Rules of Order, Newly Revised.

**Adopted:       December 12, 2023  
                  Resolution No. 2023-279**