

CHAPTER 10

BOARD OF SUPERVISORS' AGENDA PROCEDURES

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## CHAPTER 10

## BOARD OF SUPERVISORS' AGENDA PROCEDURES

1001. General Statement. This Chapter specifies the procedures to be followed when requesting or recommending formal action by the Board of Supervisors.

1002. Weekly Meeting. The regular weekly meeting of the Board of Supervisors is convened every Tuesday at 9:00 A.M. in the County Administrative Center and the second Monday of the month at 2:00 P.M. at Kern Medical Center. The Board of Supervisors will cancel or reschedule the Board session if it falls on a holiday. (Rev. 02/13)

1003. Weekly Agenda. The Clerk of the Board lists the public and departmental requests submitted for consideration by the Board of Supervisors on a weekly agenda. The agenda is posted each Thursday at 2:00 P.M.

.1 *Draft Agenda.* A copy of the draft agenda will be released to all members of the Board of Supervisors upon the request of any such member, once it has been reviewed and approved at the relevant weekly agenda review meeting. (Rev. 02/13)

1004. Submission of Agenda Items. The following are required to place an item on an agenda for Board of Supervisors' action.

.1 *Form.* Department requests, reports and recommendations must be transmitted on department letterhead and addressed to the Board of Supervisors. The transmittal letter shall contain a concise summary of the subject matter and contents of the document and a statement of the recommended action. All typewritten material, including resolutions, ordinances, and agreements, should be single-spaced on 8½" x 11" paper. (Rev. 07/15)

.2 *Response to Referrals.* When an agenda item is responding to a referral from the Board of Supervisors, the subject line of the subagenda materials must state:

Response to referral on (date referral was made) to....(Rev. 01/08)

.3 *Deadline.* The departmental subagenda and the supporting documents must be filed with the Clerk of the Board and the County Administrative Officer before 5:00 P.M. on the Friday that is 11 days prior to the Board meeting at which the item will be considered. If the filing deadline is changed due to a holiday, departments will be notified via memo from the Clerk of the Board. (Rev. 11/04)

.4 *Departmental Subagenda.* List each item, recommended action, and the fiscal impact statement on the departmental subagenda. If there is more than one recommended action for an agenda item, each recommendation is to be stated on the subagenda. A statement of "Approve Recommendation" or "Approve Recommendation as Stated in Letter" is not sufficient. Only those items listed on the departmental subagenda will be included on the Board of Supervisors' weekly agenda.

.5 *Copies and Distribution.* Submit the original of the transmittal letter and supporting documents to the Clerk of the Board along with one departmental sub agenda. The Clerk of the Board will file the original and make it available electronically to the Grand Jury, County Counsel, each member of the Board of Supervisors, and to the Beale Library for public review. A computer terminal will be made available at the Clerk of the Board's Office for the news media and public review of the agenda. (Rev. 07/15)

Submit one separate copy of the transmittal letters and the department subagenda to the County Administrative Office. The distribution of this copy is to be typed on the transmittal letter as follows: cc: County Administrative Officer.

Departments are also responsible for providing agenda item copies to other affected departments or other interested parties. The distribution of these additional copies is to be typed on the transmittal letter, including the address of non-county departments.

Generally, copies of large maps and charts, voluminous reports or simple contract renewals are not required for each Supervisor and the County Administrative Officer. However, such items must be made available upon request. (Rev. 02/13)

*.6 Emergency Items.* If it is necessary that the Board take action and it is known that the supporting documents cannot be finalized until as late as the day of the weekly meeting, submit the departmental subagenda with a memo to the Clerk of the Board and the County Administrative Officer advising when the documents will be available. The supporting papers and documents should be forwarded to the Clerk of the Board and the County Administrative Officer not later than 8:00 A.M. on the day the matter is to be acted on by the Board of Supervisors. If notification is not made as specified above, the item may be rejected and not listed on the agenda.

*.7 Consent Agenda.* A consent agenda will be included at each weekly meeting of the Board of Supervisors. Items considered by departments to be routine and non-controversial may be placed on the consent agenda by placing "CA" next to the item number on the subagenda. No item would be identified as a consent item if an explanation is planned or if the department is aware of potential questions or comment from the public.

Consent items will be considered first by the Board upon convening or reconvening and may be approved by one motion. If a member of the audience wishes to comment or ask questions regarding an item or items on the consent agenda, they may do so prior to a vote being taken on the consent agenda. A member of the Board may remove any item from the consent agenda and it will be considered in listed sequence with an opportunity for any member of the public to address the Board concerning the item before action is taken.

*.8 Closed Session Items.* With few exceptions, the Ralph M. Brown Act requires that all County decisions and policies be discussed and voted upon in public session. Exceptions include existing, threatened, or potential litigation; personnel matters; real estate negotiations; labor relations issues; and public security threats. To ensure compliance with the Ralph M. Brown Act, only County Counsel may place items on the closed session agenda regarding litigation and all other items must be approved by the County Administrative Officer and County Counsel. (Rev. 09/05)

*.9 Release of Agenda Item Documents.* Documents related to agenda items become public records when the agenda is posted at 2 p.m. the Thursday before the Monday and/or Tuesday Board meeting and the documents have been distributed to all Board members. These public records must be made available upon request to the general public, as per State statute. If one Board member requests a copy of a final agenda item prior to the posting of the agenda, it must be distributed to all Board members. Upon distribution to all Board members, the document is a public record and must be made available upon request to the general public. Requests for copies of these documents are to be handled by the issuing department. (Rev. 02/06)

*.10 Addendum Documents.* Pursuant to Government Code section 5457.7, agenda materials that are distributed after the agenda is made public must be made available for public inspection at the time the writing is distributed to members of the Board of Supervisors. Forward the addendum documents to the Clerk of the Board who will make these documents available to the public. (Rev. 07/15)

*.11 Other Documents—Distribution to Board Members.* Departmental documents requested by, or provided to, a Board member must be provided to all Board members if the subject matter is within the

jurisdiction of the full Board. Draft documents, which are not a public record, must be marked “working draft” to distinguish them from documents that are final. Inquiries or requests for copies of documents distributed to Board members are to be handled by the issuing department. (Rev. 02/06)

1005. Agenda Item Format. The following is a guideline for the format of reports and letters to assure that the Board has all essential information related to the recommendation contained in the report in a clear and concise manner.

.1 *Date.* The date on which the item will be presented to the Board.

.2 *Title and Fiscal Impact Statement.* The title should accurately and distinctly indicate the subject matter, purpose, and action being requested of the Board. The fiscal impact statement must be directly beneath the title. The statement is to include the fiscal impact of the proposal/request, the source of funding, whether the request is included in the department’s budget, and whether the request is associated with a mandated program. (Rev. 10/04)

Example: PROPOSED AGREEMENT WITH XYZ FOR WELL MONITORING SERVICES  
Fiscal Impact: \$10,000; State Grant; Budgeted; Mandated

If the request is being funded out of the department’s current appropriations, the request is “Budgeted”. If additional appropriations are being requested or if the request is to appropriate unanticipated revenue, the request is “Not Budgeted.” Any request for position additions is “Not Budgeted”. (Rev. 11/09)

.3 *Narrative Description of the Problem or Activity Involved.* Each transmittal letter/report is to include a summary of the problem or activity description, an explanation/justification for actions recommended to be taken by the Board, and a discussion of the fiscal impact of the recommended action. The description of the consequences if the recommended action is not approved by the Board should also be provided, as should a summary of any alternatives. If positions are requested to be added or deleted, the cost or savings for each position is to be clearly stated within the text of the Board letter. If overmatch funds are requested, a justification and proposed source of funding discussion is also to be provided within the Board letter. If documents associated with the Board letter/report are voluminous or available on a website, the location of the documents should be indicated via the web URL or on file with the Clerk of the Board. (Rev 07/15 )

.4 *Mandatory or Discretionary Service.* State whether the matter under consideration is related to a mandatory or discretionary service. Statutes, court decisions, or administrative regulations should be cited as appropriate.

.5 *Identification of Source of Funding.* Describe the fiscal impact of the recommendation, or if no expenditures are related to the recommended action, indicate accordingly. Indicate whether or not funding relative to the requested Board action is included in the department’s current operating budget and include a citation of the budget unit and pertinent expenditure accounts including funding source (i.e., Fire Fund, State or federal funds). (Rev. 02/13)

When recommending Board action relative to a grant application or subvention, include information as to the duration of grant funding, local share of expenditure (hard and soft match) and whether future expenditure commitments will be required.

.6 *Legal Review and Clearance.* If a department is requesting Board approval of a legal document, such as a grant application or acceptance, contract or agreement, or ordinance, the transmittal letter must indicate that the document has been reviewed and approved by County Counsel.

.7 *Concluding Analysis and Recommendation.* The report should conclude with a summary statement of the issues involved and a concise statement relative to the recommendation of the department.

The specific action recommended to the Board will be preceded by the term “Therefore, IT IS RECOMMENDED,” in the upper and lower case form shown here.

1006. Submission of Non-agenda Items. The County Administrative Officer must approve all non-agenda items. Non-agenda items are permitted only under two circumstances: (1) emergency situations, i.e., work stoppage, crippling disaster, or other activity which severely impairs public health and/or safety; or (2) when the need to take action on a matter occurred after the agenda was posted. The Board of Supervisors must make findings regarding the special circumstances and vote to consider the item. These items require the completion of a non-agenda justification form and that the materials be submitted in accordance with Section 1004 and 1005. The department head should contact the Clerk of the Board to obtain a non-agenda justification form and to coordinate placement of the non-agenda item on the Board’s agenda. Non-agenda justification forms are to be submitted on yellow paper. Non-agenda items will not be provided electronically; therefore an original and ten copies are required. (Rev. 07/15)

1007. Departmental Representation at Board Meetings. All departments submitting agenda or non-agenda items must have a representative at the Board’s meeting that is fully qualified to respond to questions related to the item. Department representatives providing a presentation to the Board of Supervisors on any agenda item should be well prepared and concise. Department presentations should not exceed five minutes.

1008. Formal Action Taken. The Clerk of the Board will record all formal actions taken by the Board of Supervisors. The Clerk will prepare and forward copies of all summaries of proceedings, ordinances, resolutions, and other relevant documents to those departments with an interest in a particular agenda item.

.1 *Department Head Responsibility.* Department heads are responsible for insuring that each item referred to their department receives an appropriate, timely response and that the department complies with the provisions of any ordinance, resolution, or order pertaining to their department. Any questions regarding items involving more than one department should be directed to the County Administrative Office.

.2 *Clerk of the Board Referrals.* Correspondence and other items addressed to the Board of Supervisors may be referred at the time of receipt by the Clerk of the Board to a department for appropriate response. Items so referred are listed on the agenda under the heading “Items Received and Referred by Clerk of the Board.” Each week, the Board of Supervisors ratifies the action of the Clerk of the Board in referring items for department response. On items referred to more than one department, the Clerk of the Board will specify the department which is responsible for the coordination of the appropriate response.

1009. Public Requests to Address the Board. Time is set aside during each regularly scheduled meeting of the Board of Supervisors to provide an opportunity for any member of the public to address the Board on items of interest to the public which are not on the posted agenda and over which the Board has jurisdiction. No action shall be taken by the Board on “Public Presentations” unless the Board determines necessity by the required majority vote. Each speaker will be limited to such reasonable time as the Chairperson determines. (Rev. 07/18)

Valid non-profit organizations or other governmental entities desiring to make educational presentations before the Board of Supervisors should contact the Clerk of the Board of Supervisors with a request for placement on the “Public Requests” section of the Board agenda. The Clerk of the Board will inform interested organizations of these procedures.

a. Request to the Clerk of the Board for agenda time must be in writing and in sufficient detail to clearly identify the type and nature of the presentation and the name of the individual who will appear before the Board.

b. Organizations desiring to make presentations are urged to develop and include with the request the text of the proposed presentation so that copies may be made available to Board members prior to the presentation.

c. The Clerk of the Board will review all public requests for conformity with basic requirements for placement on the agenda. Matters deemed appropriate will be scheduled by the Clerk of the Board under the "Public Requests" segment of the agenda.

d. The Clerk will notify the organization of the date and time scheduled for the presentation.

The Clerk of the Board will refer matters to the appropriate department for resolution if it is anticipated that the request to make a presentation to the Board is to air a personal grievance or will place the Board in a position of being party to damaging people. The Clerk of the Board will refer matters relating to employees or legal issues to the County Administrative Officer or County Counsel.

It is the responsibility of the department head to whom the referral is made to advise the requesting party of the referral, action to be taken, if any, and proposed disposition of the request.

1010. Procedures for Nominating Committee Members. Nominations to boards, committees, and commissions are submitted to the Clerk of the Board and, other than those for district-specific positions submitted by the Supervisors, will be held for two weeks prior to placement on the agenda.

The Clerk of the Board will distribute copies of the nomination forms to the Board members at the beginning of this two-week review period to assure that the Board members have adequate time to review the nomination forms.

If there is a special circumstance requiring an exception to the two-week review period, the requesting department should submit the nomination to the Clerk of the Board with justifying information. The Clerk of the Board will then seek prior approval from the Chairman of the Board of Supervisors before the particular nomination involving a special circumstance is placed on the Board's agenda. (Rev. 02/13)