

# **RULES OF PROCEDURE**

**BOARD OF SUPERVISORS  
COUNTY OF MENDOCINO  
STATE OF CALIFORNIA**

**ADOPTED: July 12, 2022  
(Resolution No. 22-057)**

## **FORWARD**

### **TO THE CITIZENS OF MENDOCINO COUNTY:**

This booklet containing the Rules of Procedure of the Board of Supervisors of the County of Mendocino has been prepared upon direction of the Board of Supervisors. It attempts to outline the working procedures of the Board meetings and legislative activities.

We hope that it will be of value to all citizens to better participate in the important work of local government and assist citizens in better understanding the procedural aspects of County legislative enactments.

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### **BOARD OF SUPERVISORS**

Glenn McGourty  
1<sup>st</sup> District

Maureen Mulheren  
2<sup>nd</sup> District

John Haschak  
3<sup>rd</sup> District

Dan Gjerde  
4<sup>th</sup> District

Ted Williams  
5<sup>th</sup> District

Darcie Antle  
Chief Executive Officer  
Clerk of the Board

Christian M. Curtis  
County Counsel

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**REVISED RULES OF ORDER AND PROCEDURE  
OF THE BOARD OF SUPERVISORS  
MENDOCINO COUNTY, CALIFORNIA**

**I. ORGANIZATION AND MEETINGS**

**Rule 1. Applicability of Rules**

These rules shall apply to the Board of Supervisors of the County of Mendocino, whether sitting as the Board of Supervisors of the County or as the governing board of any other governmental agency.

**Rule 2. Organizational Meeting**

The organizational meeting of the Board of Supervisors shall be held on the first Tuesday succeeding the first Monday after the first day of January of each year, at which time there shall be an election of officers of the Board. No meeting shall be held the day of, or the day after, a state holiday.

**Rule 3. Election of Officers**

The Clerk of the Board shall call the meeting to order and the first order of business shall be the election of a Chair and Vice-Chair for the ensuing calendar year. The Board observes a tradition of numerical rotation by District for the election of Chair and Vice-Chair, but a member shall not be elected to serve as Chair unless he or she has been a member of the Board for the preceding calendar year. The Chair may be referred to as Chair. The Vice-Chair may be referred to as Vice-Chair

**Rule 4. Chair and Vice-Chair**

The Chair shall serve as presiding officer of the Board, rule on questions of procedure, appoint annual standing committees and all special assignments, attend agenda review meetings, execute official Board records and documents presented by the Clerk of the Board, and shall also represent the Board at ceremonial and official functions. The Chair may be considered first among equals, but has no power to set policy or direct staff except as may be approved by the Board. Rulings on questions of procedure and appointments by the Chair shall be subject to appeal to the Board.

The Vice-Chair shall have and exercise all powers and duties of the Chair at the meetings over which they are called to preside and at ceremonial and official functions, which the Chair cannot attend. In the absence of the Chair, the Vice-Chair shall call the meeting to order and serve as presiding officer. In the absence of the Chair and Vice-Chair, the senior member present shall preside until either the Chair or Vice-Chair appears.

**Rule 5. Regular Meetings**

Regular monthly meetings will be conducted pursuant to the master calendar adopted at the beginning of each calendar year, with the exception that a scheduled meeting may be canceled if deemed appropriate by a majority vote the Board.

Regular meetings and continuances thereof shall commence at 9:00 a.m. and shall be held at the Supervisors Chambers at 501 Low Gap Road, Ukiah, California, unless the time, date and location is changed by a majority vote of the Board. For both Regular and Special Meetings, notice of any continuance must be posted within 24 hours of adjournment, at or near the place where the meeting was held. At each regular meeting, or any continuance thereof, the Board may transact any and all business which it is authorized or permitted by law to transact.

Business shall normally be conducted between 9:00 a.m. and 5:30 p.m. but may continue past that time without objection from the members present. At any time from 5:30 p.m. onward, the "5:30 rule" may be invoked, at which time all business shall be adjourned except: (1) motions on the floor shall be voted upon; (2) closed session items may be considered by consent of a majority of the Board; (3) time sensitive items may be considered by unanimous consent of the members present. All items agendaized for that meeting and not concluded shall be continued to the next regular meeting of the Board.

All open sessions of the Board shall be recorded by audio or visual means or both and may also be recorded and broadcast by any member of the public or media so long as it does not disrupt the proceedings.

#### **Rule 6. Special Meetings, Final Budget Hearings, Workshops, and Planning Meetings**

Special Meetings, Final Budget Hearings, Workshops, and Planning Meetings may be called by the Chair or by a majority of the Board at times and locations other than the above in accordance with the law and specified notice provisions set forth in Government Code §54956. In all cases the Board may transact any and all business which it is authorized or permitted by law to transact.

#### **Rule 7. Clerk of the Board**

The Clerk of the Board or Deputy Clerk of the Board shall be present during all meetings for the purpose of taking and maintaining the minutes of the meeting; presenting and receiving correspondence, records, documents, claims, reports, or petitions; preserving all records; marking or attesting all resolutions and ordinances; imparting information on Board documents of public record; and otherwise fulfilling all duties imposed by law or required by the Board or by the presiding officer.

#### **Rule 8. County Counsel**

County Counsel or Deputy County Counsel shall be present during all meetings for the purpose of advising the Board on legal questions unless excused by the presiding officer.

#### **Rule 9. Chief Executive Officer**

The Chief Executive Officer, Assistant Chief Executive Officer, or a Deputy Chief Executive Officer shall be present during all meetings for the purpose of advising the Board unless excused by the presiding officer.

#### **Rule 10. Quorum and Action**

A majority of the members of the Board shall constitute a quorum for the transaction of business and no act of the Board shall be valid or binding unless a majority of all members are present and concur therein (unless a 4/5<sup>ths</sup> vote is required). (*See Appendix B for 4/5<sup>ths</sup> vote requirements*)

A Board directive may be given by informal action of a majority of the Board and shall be recorded in the minutes, including the names of any Board members who state their opposition to the action.

#### **Rule 11. Order of Business**

The Board shall conduct business in the order specified in the posted agenda or as modified at the discretion of the Chair. Without amending these rules, the Board may modify or amend the Order of Business, which shall be attached to these rules as Appendix A.

**Rule 12. Roll Call**

The Clerk shall call the roll at the commencement of each meeting and shall record each member as being present or absent. The Clerk shall further record, during the course of each meeting, the arrival of any member listed as absent and the departure of any member listed as present.

Planned absences shall be communicated to the Clerk of the Board at least one week in advance. Unanticipated absences shall be reported as soon as possible. If a member is absent, he or she may have entered into the record the reason why.

**Rule 13. Minutes of Previous Meetings**

The minutes of previous meetings shall be submitted to the Board for additions, corrections, and approval by majority vote of the Board.

**Rule 14. Agenda Procedure**

All items to be placed on the agenda shall be presented to the Executive Office not later than 12:00 noon on the Monday two weeks preceding the regular meeting for which the agenda is prepared and shall include a complete agenda summary, all supporting documentation, and a fiscal analysis if necessary. The Chief Executive Officer/Clerk of the Board may authorize limited exceptions to the above procedure on a case by case basis to accommodate time sensitive items.

All Closed Session agenda items shall be submitted to County Counsel either prior to or simultaneously with submission to the Clerk of the Board. County Counsel shall submit to the Clerk of the Board summary language for all Closed Session matters no later than seven days prior to the intended meeting date.

Late agenda items may be included as "Modifications to Agenda" provided Brown Act noticing requirements are met.

Prior to agenda publication the Chair and Clerk of the Board (or their designees) shall hold an agenda summary meeting to review the order and timing of agenda items.

The Chair, in collaboration with the Clerk of the Board, shall determine the appropriate scheduling of agenda items. Any Supervisor may seek to change a scheduling decision by appealing to the full Board of Supervisors.

**Rule 15. Matters Not on the Agenda**

No action shall be taken on any item not appearing on the posted agenda except: (1) upon a majority vote of the Board that an emergency situation exists as defined in Government Code §54956.5; (2) upon a determination by a 4/5<sup>ths</sup> vote of the Board, or if less than 4/5<sup>ths</sup> of the members are present, a unanimous vote of those members present, that the need to take immediate action arose subsequent to the agenda being posted; (3) when the item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken. *(Also see Appendix B)*

Requests for Off-Agenda items shall be communicated to the Executive Office/Clerk of the Board and County Counsel.

**Rule 16. Public Expression**

Public expression on any item not appearing on the Board of Supervisors agenda, but which is within, or reasonably related to, the subject matter jurisdiction of the Board is permitted. The Board limits testimony on matters not on the agenda to 2-3 minutes per person and not more than 10 minutes for a particular subject at the discretion of the Chair. The Chair may also direct that comments left via voicemail be forwarded to the full Board in lieu of being played back

during the meeting.

## **II. PROCEDURE AND VOTING**

### **Rule 17. Order and Decorum**

The Chair shall preserve order and decorum and shall decide all questions of order and procedure subject to an appeal to the Board.

The nature of any appeal shall be briefly stated and the Chair shall have the right to state the reason for his or her decision. The Board shall decide the case without debate, and the question shall be stated as follows: "Shall the ruling of the Chair be sustained?"

A point of order may only be raised by a member of the Board.

No member wishing to speak or debate shall proceed until he or she shall have addressed the Chair and been recognized thereby. When two or more members speak at the same time, the Chair shall determine who is entitled to the floor.

While a member is speaking, no member shall engage in or entertain a private discussion. Members shall refrain from using cellular phones or email while the Board of Supervisors are in Open Session.

All members shall use a formal style, including appropriate titles, in addressing the public, staff and each other. All members shall refrain from the use of profanity, emotional outbursts, personal attacks or any speech or conduct which tends to bring the organization into disrepute.

Any member desiring to leave the meeting room shall first obtain permission from the Chair. When a motion to adjourn is carried, the members shall remain seated until the Chair declares the meeting adjourned.

The Chair may determine when orderly conduct of a meeting is not feasible owing to disruptive behavior by persons in attendance. The Chair may order the removal of the person(s) disrupting the meeting. If order cannot be restored by removal of such person(s), the Chair may order the meeting room cleared and continue in session. Members of the news media, except those participating in the disturbance, shall be allowed to remain. The Chair may re-admit any person(s) provided their re-admission will not disrupt the continued orderly conduct of business.

### **Rule 18. Privilege of the Floor**

Members of the public have the right to address the Board on any item within the subject matter jurisdiction of the Board pursuant to Government Code Section 54954.3.

At the invitation of the Chair, members of the public who wish to speak shall come to the podium and identify themselves by name. The Clerk shall enter into the minutes the names of all members of the public to whom the privilege of the floor has been granted.

Members of the public shall direct their comments and questions to the Chair who may, at his or her discretion, request a response from staff. The Chair may, in the interest of facilitating the business of the Board, limit the amount of time a citizen may use in addressing the Board.

**Rule 19. Rules of Debate**

When any member is about to speak in debate, they shall respectfully address themselves to the Chair directly.

The member upon whose motion a subject is brought before the Board, or who reports a measure from Committee, is first entitled to the floor, even though another member has first addressed the Chair; and they are also entitled to close the debate but not until every member choosing to speak has spoken. No member shall speak more than twice to the same question (unless entitled to close the debate) nor longer than five (5) minutes at one time, without leave of the Board, and the question upon granting the leave shall be decided by a majority vote of all the members of the Board without debate.

**Rule 20. Motions – General**

Any motion for action shall require a second before being acknowledged by the Chair. The Clerk shall enter into the minutes the motion and the names of the moving and seconding members. The Chair shall invite public comment for agenda items prior to a motion being presented, except as otherwise required by law. After a motion is stated by the Chair or read by the Clerk, it shall be open for debate, but may be withdrawn by the maker at any time before a decision is made or an amendment adopted. A motion may be amended with the consent of the moving and seconding members at any time before a decision is made or an amendment adopted unless another motion is pending. The Clerk shall enter into the minutes the vote of each member on each motion.

When a question is under debate, no motion shall be received except as stated with preference in the following order:

1. Adjournment of the Board
2. To lay on the table
3. The previous question
4. To postpone to a certain date
5. To refer to committee
6. To amend
7. To postpone indefinitely

The following motions are not amendable or debatable:

- To adjourn for the day
- To call the question (call the roll)
- The previous question
- To lay on the table

The motion to postpone indefinitely cannot be amended.

An amendment to an amendment cannot be amended.

Motions to adjourn or to take a recess shall always be in order, but may not be made while the Chair is acknowledging the question, or while a member has the floor

The Board observes a custom of granting the district supervisor the privilege of making the initial motion on planning applications and appeals that originate in his or her district. Should the initial motion fail, the floor is open for alternate motions.

**Rule 21. Ordinances**

Ordinances (other than zoning ordinances) are introduced at one meeting (first reading), then placed on the agenda for adoption at a subsequent meeting.

- The first reading will become the primary hearing at which: (1) the title of the ordinance will be read; (2) the Board will typically consider a motion to waive the reading of the text of the ordinance and to introduce the ordinance by title only; (3) members of the public shall have an opportunity to address the ordinance; (4) the ordinance shall be introduced by a motion and majority vote of the Board.
- At the second reading: (1) the ordinance may be placed on the Consent Calendar for adoption; (2) if pulled from the Consent Calendar for separate action, the title of the ordinance may be read; (3) a motion to adopt the ordinance may be made; (4) a majority vote by roll call or electronic voting will adopt the ordinance.
- Pursuant to Government Code §25123, ordinances shall generally become effective 30 days from the date of final passage.
- Zoning ordinances are publicly noticed and may be adopted by majority roll call or electronic vote at one hearing.

Urgency ordinances will take effect immediately upon adoption pursuant to Government Code §25123 and Elec. Code §9235. *(Must be supported by findings)*

**Rule 22. Questions Continued by Rule**

Any motion which by its terms calls for an appropriation or expenditure of money shall, upon request and without further action, be continued to the next regularly scheduled Board meeting.

**Rule 23. Planning Matters – Request for Continuance**

Any Board member may, at his or her sole discretion, continue a planning matter within his or her District from one agenda to the next regular meeting of the Board. More than one such continuance for a particular item shall require approval by a majority vote of the Board.

**Rule 24. Rules of Voting**

No act of the Board shall be valid or binding unless a majority of all the members concur therein, unless a 4/5<sup>ths</sup> vote is required. *(See Appendix B for 4/5<sup>ths</sup> vote requirements)*

The Chair shall use his or her discretion in deciding whether to call for an electronic or voice vote. When utilizing the electronic voting system all members shall cast their votes simultaneously.

As a matter of public policy, all members of the Board shall take a position and a vote on all issues brought before them. Any member who abstains shall state the reason why, either before or immediately following any abstention.

A member who has a disqualifying financial conflict of interest or is disqualified from voting for another legally compelling reason shall:

- Publicly identify the financial interest or other reason for being legally unable to vote in a manner sufficient to be understood by the public;
- Recuse him/herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar. However, the member, prior to leaving the room, may address the matter during the time that the general public is allowed to address the matter.

A supervisor who is absent from all or a part of: (1) a public hearing; (2) an item that requires findings; or (3) an item that is quasi judicial in nature, may subsequently vote on the matter heard if the supervisor states that he or she has reviewed all evidence received during his or her absence, and has also listened to the Clerk’s recording or read a true and complete transcript of the proceedings.



**Rule 25. 4/5<sup>th</sup> Vote**

Particular items which may come before the Board and which require a 4/5<sup>th</sup> vote are listed in Appendix B, which may be updated without amending these rules. *(Also see: Rule 10 – Quorum and Action; Rule 27 – Motion to Reconsider (only in certain circumstances); and Rule 33 – Suspension or Amendment of Rules)*

**Rule 26. Motion to Rescind**

A motion to rescind any action or motion shall require four-fifths vote unless notice has been given at the previous meeting, either verbally or in writing. 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 already been taken which cannot be undone.

**Rule 27. Motion to Reconsider**

Any member of the Board who votes in the majority on a question, as well as any member who was absent, is eligible to make a motion to reconsider. A motion to reconsider shall be in order during the meeting at which the action to be reconsidered took place, provided members of the public in attendance during the original action are still present in the Board chamber. In all other cases, motions for reconsideration must be placed on a future agenda for action. Unless a member was absent, a motion to reconsider must be placed on the agenda for the next regular Board meeting. A member who was absent must place a motion to reconsider on the agenda for the next regular Board meeting after the regular Board meeting at which that member is in attendance. A motion to reconsider shall require a majority vote. A motion to reconsider, if lost, shall not be renewed nor shall any subject be a second time reconsidered within twelve (12) months, except by a 4/5<sup>th</sup> vote of the Board.

**Rule 28. Substitute Motion**

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 majority vote, does away entirely 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.

**III. COMMITTEES****Rule 29. Committees in General**

The Chair of each committee shall call meetings as needed, provided they are held in conformance with the law and do not conflict with the Board master calendar.

Any committee vacancy shall be filled by the Chair of the Board without delay. The Chair of the Board may serve as a member of any committee whenever a committee member is absent or unable to serve, except in those circumstances that would cause a violation of the Brown Act.

Each committee shall have the authority to investigate as it deems best the matters referred to it by the Board of Supervisors, but shall not authorize any funding.

No committee shall investigate any matter unless referred to it by the full Board by way of a motion or a clearly stated directive.

Upon a majority vote of all members of the Board, any matter referred to any committee may be withdrawn from the consideration of such committee and referred to another committee, unless said referral would cause a violation of the Brown Act.

All committees shall report to the Board following each committee meeting. Committee reports shall be given by the Chair thereof either orally or in writing, but no report shall be made in the

absence of either member of such committee unless the majority of the Board so orders and directs.

The Executive Office and County Counsel shall serve as support staff to all committees. Other department heads and/or staff shall be present as requested by the Committee Chairs.

### **Rule 30. Standing Committees**

The Chair shall appoint two (2) members to each standing committee, naming one as Chair, within ten (10) days from the date of the organizational meeting in January. Standing committees are subject to the Brown Act and their regular meeting times and location will be set by separate resolution. The standing committees of the Mendocino County Board of Supervisors shall be:

1. Public Health, Safety, and Resources
2. General Government

All standing committees shall be appointed for the calendar year, and the members shall continue in office until their successors have been appointed.

The General Government Committee will have a "standing" agenda item to receive and consider legislative matters pursuant to the County Legislative Program.

### **Rule 31. Ad Hoc Committees**

Ad hoc committees may be formed by Chair directive or Board action taken in open session and shall include prescribed duties and membership of the committee. Status reports from ad hoc committees shall be made to the Board at each regular meeting, and should be submitted to the Clerk of the Board in writing. Ad hoc committees are encouraged to conclude their business at the end of each calendar year but may be extended at the recommendation of the committee and approval of the Board. The Chief Executive Officer/Clerk of the Board will maintain a current index of ad hoc committees and their purpose.

### **Rule 32. Board Assignments/Reporting Requirements**

All members who are assigned to special projects, committees, CSAC committees, and separate boards or commissions shall provide regular reports to the full Board regarding their activity in connection with the special assignment, and may be submitted to the Clerk of the Board in writing

### **AB 1234 Reporting Requirements**

Pursuant to Government Code §53234, et. seq., regular reports shall be provided pursuant to the provisions of AB 1234.

### **Rule 33. Suspension or Amendment of Rules**

Any rule may be suspended or amended upon the consent of 4/5<sup>ths</sup> of all the members of the Board of Supervisors. Suspension of any rule shall apply only to those matters before the Board at that time.

A proposal to amend the rules shall be filed in writing with the Chief Executive Officer/Clerk of the Board, and shall be made a special item of business at the next regular meeting of the Board.

### **Rule 34. Parliamentary Questions**

On all points of order or procedure not governed by these rules, the general rules of parliamentary practice as outlined in Robert's Rules of Order (latest revised edition) shall govern.

## IV. Other

### Appendix A. Order of Agenda

The order of business at each regular meeting, except for such times as may be set apart for consideration of special items, shall be as follows:

1. Open Session
  - (a) Roll Call
  - (b) Pledge of Allegiance
2. Public Expression
3. Consent Calendar
4. Regular Calendar
5. Modifications to Agenda
6. Closed Session

### Appendix B. 4/5<sup>ths</sup> Vote Requirement

The following actions require a 4/5<sup>ths</sup> vote of the Board.

- A. Appropriation (Budget) Transfers
  1. Changes to proposed budget after budget hearing but prior to final budget (Gov. Code §29088).
  2. Transfers from the Contingency Fund (Gov. Code §29125).
  3. Transfers of unanticipated revenue (Gov. Code §29130).
  4. Appropriations for an emergency (Gov. Code §29127).
  5. Exceeding budget in emergencies (Gov. Code §5379.2).
  6. Transfer from designated reserves excluding General Reserve (Gov. Code §29130).
- B. Off-Agenda Item
  1. To consider an item not on the Agenda, the Board must make findings that the need to take action arose after the Agenda was posted. The vote on the matter requires at least four votes of the Board if 2/3<sup>rds</sup> of the members of the Board are present. If less than 2/3<sup>rds</sup> of the Board is present, it requires a unanimous vote of those members present.
- C. Planning Matters
  1. Adoption of interim zoning ordinance as urgency measure (Gov. Code §65858).
  2. Adopt or amend a general plan element, zoning ordinance, building regulation, or airport master plan that has been found by the Airport Land Use Commission to be inconsistent with the adopted Airport Land Use Plan (Pub. Util. Code §21676).
- D. General Matters
  1. Contracts, changes, or alterations which increase costs over the maximum allowed without advertising but are less than 10% of the original contracts (Pub. Contract Code §20137).
  2. Plans and specifications, for public buildings or structures, when changes increase costs (Pub. Contract Code §20135).
  3. Bridge construction contracts, modifications of contracts or plans (Pub. Contract Code §20405).
  4. Cooperation with cities in road work (Sts. and Hwy. Code §1680).
  5. City Streets – designation as a county highway (Sts. and Hwy. Code §1700).
  6. County roads, improvement through use of the General Fund monies (Sts. and Hwy. Code §1070).
  7. Private roads, improvement and repair with County funds (Sts. and Hwy. Code §969.5).
  8. Leasing of Road equipment (Sts. and Hwy. Code §942).

9. Establishment of Rights of Way Revolving Fund (Sts. and Hwy. Code §1627).
10. Adoption of resolution of intention to sell or lease County property (Gov. Code §25526).
11. Leasing of certain County property for certain specified usage (Gov. Code §25536); Amendment of lease of contract (Gov. Code §25536.5).
12. Parks, resolution of intention to abandon all or part – 5 votes (Gov. Code §25583).
13. Condemnation proceedings, resolution of necessity (Code Civ. Proc. §1245.240).
14. County property, conveyance or exchange of to another governmental agency (Gov. Code §25365).
15. County property, conveyance to cities for park purposes without reimbursement – unanimous vote of members present (Gov. Code Sects. 25550 and 25550.5); County aid to cities for park purposes – 4/5<sup>ths</sup> vote (Gov. Code §25553); Dedication of unused parklands – 4/5<sup>ths</sup> vote of all its members (Gov. Code §25560.4).
16. Property acquisition for airport purposes by purchase, condemnation or lease; Resolution for County aid (Gov. Code §26021).
17. Airports, contribution of funds to U.S. Government (Gov. Code §26026).
18. Special Assessment District, exceptions to proceedings relating to sanitary projects (Sts. and Hwy. Code §2808).
19. 1911 Act, Majority Protest, over-ruling of protest (Sts. and Hwy. Code §5222).
20. County sanitation, maintenance and flood control district loans, establishment of revolving fund (Gov. Code §23014).
21. County Service Area Loans, establishment of revolving fund for making loans (Gov. Code §25210.9(c)).
22. County Service Area, extension of period for repayment of loans (Gov. Code §25210.9(b)).
23. Investment of Retirement Funds in real property sold or leased to County, requires unanimous vote of Board of Retirement and 4/5<sup>ths</sup> vote of Board of Supervisors.
24. Records, destruction of original records which have not been microfilmed (Gov. Code §26202).
25. Delinquent Accounts – Assignment to a collection agency (Gov. Code §26220).
26. Urgency / Emergency Ordinance for preservation of public peace, health or safety – to become effective immediately (normally requires 30 days for ordinance to become effective) (Gov. Code §25123 and Elec. Code §9235).
27. Destruction of records exposed to asbestos (Gov. Code §26202.5).
28. Replacement of annual Special Audit with a biennial audit for Special Districts: Requires unanimous request of governing board, and unanimous approval of the Board of Supervisors (Gov. Code §26909(e)).
29. Employ counsel to assist District Attorney, County Counsel or other counsel for the County (Gov. Code §25203).
30. Cash sale or lease of any property, not required for public use, at a noticed public auction, 4/5<sup>ths</sup> vote; sale or lease at an unadvertised, private sale can be authorized by simple majority, but only after the Board unanimously finds that the value of property does not exceed \$500, monthly rental value is less than \$75, or it is a product of a County farm (Gov. Code §25363).
31. Resolution negating public bidding (Pub Contract Code §20150.10)
32. Authorizing condemnation (Code Civ. Proc. §1241 Repealed 1975).
33. Delegation by majority vote to appropriate County Executive Officer of the power to declare a public emergency for purpose of permitting certain construction work subject to Board confirmation at its next meeting by 4/5<sup>ths</sup> vote, for counties electing to become subject to the Uniform Construction Cost Accounting Procedures (Pub. Contract Code §22035); hiring County employees to perform a project by “force account”, if the Board rejects bids for a public contract (Pub. Contract Code §22038).

## Appendix C. Consent Calendar Clarification

### Consent Calendar Items

All items listed under Consent Calendar on the Board's agenda will be enacted by one motion for unanimous approval of the recommended actions contained in the agenda item recommendation section. There will be no separate discussion of these items prior to the time the Board votes on the motion unless any member of the Board requests removal of specific items from the Consent Calendar for separate discussion and action.

Consent items consist of items that are routine in nature and that do not require individual consideration. Such items may be moved from the Consent Calendar to discussion for separate consideration at the request of a Supervisor, or the Chief Executive Officer.

The following matters are appropriate for the Consent Calendar:

- Service purchases of less than \$250,000
- Position classification changes
- Receipt of pre-authorization or reoccurring grants
- Grant Applications as noted in Policy 25
- Agreements/contracts or extensions/amendments/change orders to contract which do not individually or cumulatively exceed \$250,000
- Bid Opening requests and approval of related plans and specifications
- The setting of a public hearing
- All Tract Maps
- Unbudgeted expenditure which is absorbed within existing budget and is under \$100,000
- Public Works project change orders that are \$100,000 or less regardless of the cumulative project cost

### Consent Calendar Items Categories

#### Contracts and Grants

- Purchases
- Contracts
- Receipt or approval of grants
- Amendments, extensions, or change orders
- Changes to position Classification
- Rejection of bid

#### Ordinances

- Second reading/final adoption

#### Resolutions and Proclamations

- Resolutions that are ceremonial in nature

- Proclamations

#### Reports

- Monthly or quarterly financial reports
- Department Head reports

#### Committees and Appointments

- Appointment or reappointment of members to advisory committees
- Disbanding of ad hoc committees who business has been completed

Other (as determined by the Clerk of the Board\_\_\_\_\_)

[NOTE: This is a partial listing.]

Adopted: July 12, 2022