

## **RULES OF THE BOARD OF SUPERVISORS**

### **COUNTY OF SANTA CLARA, CALIFORNIA**

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## **RULES OF THE BOARD OF SUPERVISORS**

## **COUNTY OF SANTA CLARA, CALIFORNIA**

Revised January 10, 2017

### **CHAPTER 1** **General Provisions**

Section 1. These rules shall apply to the Board of Supervisors of the County of Santa Clara whether sitting as the Board of Supervisors of the County or as the governing board of any other government agency.

### **CHAPTER 2** **Board Meetings**

Section 2. Pursuant to Government Code Section 25081, regular meetings of the Board, sitting as the Board of Supervisors of the County of Santa Clara and other special districts, shall be established by ordinance. Meeting commencement times for all meetings will be set from time to time by Ordinance of the Board of Supervisors. All meetings shall be held in the Chambers of the Board of Supervisors, County Administration Building, 70 West Hedding Street, in the City of San Jose, or in another location when notice has been duly posted in a conspicuous place and as otherwise may be required by law. If any regular meeting day falls on a holiday, the regular meeting of the Board of Supervisors will not be held. If a decision is made by the Board to hold a meeting on a holiday, the Clerk will comply with all notice provisions for the holding of a special meeting.

Section 3. The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Clerk of the Board may declare the meeting adjourned to a stated time and place in the manner provided by State law (Section 54955 of the Government Code, see Appendix A). When a regular or adjourned meeting

is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. Any hearing being held or noticed or ordered to be held at any such meeting may be continued or recontinued to any subsequent meeting of the Board in the manner provided by State law (Section 54955.1 of the Government Code, see Appendix A).

Section 4. Special meetings of the Board of Supervisors may be called in the manner provided by State law (Section 54956 of the Government Code, see Appendix A).

Section 5. Each member shall be at his/her respective location at the hour set for each such regular or special meeting and at the time set for any adjourned or special meeting. Any member not present shall be designated in the minutes as absent or as entering late. Members must be at their respective location in order to vote.

Section 5A. Closed sessions shall be called by the Chairperson or three members of the Board of Supervisors or by the County Counsel in accordance with the provisions of the Ralph M. Brown Act (Government Code, Section 54950 et seq.) and legal interpretations thereof. Closed sessions may also be called pursuant to Section 54957 of the Government Code during regular or special sessions of the Board of Supervisors. Notice of closed sessions shall be given as required by law and by the Board of Supervisors. The Clerk will maintain records of closed sessions pursuant to Government Code Section 54957.1(a) and 54957.1(b). When necessary for implementation, actions taken during closed session will be reaffirmed or reported during open session.

Actions taken to appoint, employ or dismiss an employee will be reported at the next public meeting pursuant to Section 54957.1 of the Government Code.

### CHAPTER III

## Election, Powers and Duties of Presiding Officers

Section 6. At the discretion of the presiding officers, the presiding officers may use titles Chair, Chairperson, President, Chair Pro Tem, Vice Chair, President Pro Tem, or Vice President may be used. For purposes of nomenclature consistency within the Rules of the Board of Supervisors, the titles Chairperson and Chairperson Pro Tem shall be used. At the first Board meeting following the first Monday in January, or as soon as practicable thereafter, the Board shall elect a Chairperson and Chairperson Pro Tem to serve until the election of their respective successors. To make for a smooth transition, the Board may nominate the incoming Chairperson and Chairperson Pro Tem at the first regular Board meeting in December, or as soon as practicable thereafter.

Generally, the member who is selected to serve as Chairperson Pro Tem is the Supervisor who is expected to assume Chairperson functions the following year after the completion of their tenure as Chairperson Pro Tem. While the Chairperson and Chairperson Pro Tem are formally nominated and elected on an annual basis, pursuant to the procedures set forth above, it is the custom and practice of the Board to select its Chairperson and Chairperson Pro Tem for two successive, consecutive years in order to provide for continuity and efficiency of Board operations

Section 7. The Chairperson, when present, shall preside at all meetings of the Board and shall take the chair at the hour appointed for every Board meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these rules. In the absence of the Chairperson, the Chairperson Pro Tem will preside and shall have all the powers and duties of the Chairperson. A majority of the members shall constitute a quorum for the transaction of business.

Section 8. In the absence, or inability to act, of the Chairperson and Chairperson Pro Tem, the members of the Board present shall by an order

entered on the minutes select one of their members to act as Chairperson Pro Tem. The Acting Chairperson Pro Tem shall have all the powers and duties of the Chairperson during the absence, or inability to act, of the Chairperson and Chairperson Pro Tem.

## CHAPTER IV Order and Decorum of Board Meetings

Section 9. The Chairperson shall possess the powers and perform the duties prescribed as follows:

- (a) Have general direction over the Board Room and assign seats for the use of the members;
- (b) Preserve order and decorum; prevent demonstrations; order removed from the Board Room any person whose conduct actually disrupts, disturbs or otherwise interrupts the orderly conduct of a meeting; and order the Board Room cleared whenever s/he shall deem it necessary;
- (c) Assure that attendance of the public at meetings in the Board Room shall be limited to that number which can be accommodated by the seating facilities regularly maintained therein. Standees may be asked to leave when room capacity exceeds that maximum number set by the Fire Marshal;
- (d) Recess the meeting if deemed necessary due to disturbance.

Section 10. The Chairperson shall order removed from the Board Room any person who commits the following acts that actually disrupt, disturb or otherwise interrupt the orderly conduct of a meeting of the Board of Supervisors:

- (a) Disorderly, contemptuous or insolent behavior toward the Board or any member of the public or staff;

- (b) A breach of the peace, boisterous conduct or violent disturbance;
- (c) Disobedience of any lawful order of the Chairperson which shall include an order to be seated or to refrain from addressing the Board;
- (d) Any other unlawful interference with the due and orderly course of said meeting.

Section 11. In accordance with Government Code Section 54957.9, in the event that any meeting is willfully interrupted 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 individuals who are willfully interrupting the meeting, the members may order the Chambers cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

Any person so removed shall be excluded from further attendance at the meeting from which s/he has been removed, unless permission to attend be granted upon motion adopted by a majority vote of the Board, and such exclusion shall be effected by the Sergeant at Arms upon being so directed by the Chairperson.

Section 12. The Sergeant at Arms, who shall be a Deputy Sheriff, in attendance at the meeting when his/her services are commanded by the Chairperson, shall carry out all orders and instructions given by the Chairperson for the purpose of maintaining order and decorum at the meeting.

Section 13. Except with prior authorization of the Chairperson, no placards, signs or posters or packages, bundles, suitcases, balloons or objects larger than 2 feet by 3 feet shall be brought into the Board Room or other

locations where the Board of Supervisors or its Committees and associated legislative bodies may meet. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, ice picks, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; and glass objects. Objects that are deemed a threat by the Chairperson to persons at the meeting or the facility infrastructure shall not be allowed. The Chairperson or County staff, including the Sergeant at Arms, are authorized to request removal of items and/or individuals from the Board Room or alternate meeting location if a threat exists or is perceived to exist. All persons entering the Board Room or alternate location, including their bags, purses, briefcases, backpacks, and similar belongings, are subject to search for weapons and other dangerous materials. No personal belongings or other items may be left unattended.

Notwithstanding the forgoing, signs and symbolic materials less than 2 feet by 3 feet are permitted provided that: (1) no sticks, posts, poles or similar objects are attached; (2) the items do not create a facility, fire, or safety hazard; and (3) persons with such items remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.

Section 14. Unless addressing the Board or entering or leaving the Board Room, all persons in the audience shall remain sitting in the seats provided. No person shall block the aisles or doorways.

Section 15. All demonstrations, including cheering, yelling, whistling, hand clapping and foot stamping are prohibited.

Section 16. Except with prior authorization of the Chairperson, the distribution of literature, of whatever nature or kind, is prohibited. If

persons wish to distribute information on matters not on the agenda, they must present themselves at the appropriate time and receive permission from the Chairperson to distribute informational items covered under their one-minute presentation.

Section 17. Persons desiring to address the Board on any matter not listed on the agenda may do so pursuant to instructions on the printed agenda. The Chairperson may limit the number or duration of speakers on the matter.

Section 18. With respect to protocol and time limits on public presentations at meetings:

- (a) No person shall address the Board until s/he has first been recognized by the Chairperson. The decision of the Chair to recognize or not recognize a person may be changed by order of the Board. All persons addressing the Board may be asked to give their names and addresses for the purpose of the record but identification shall not be required (Government Code Sections 54953.3 and 54954.3). The Chairperson may, in the interest of facilitating the business of the Board, limit the amount of time which a citizen or group may use in addressing the Board. Persons may be requested to return to their seats if they do not speak to the subject at hand, speak too long, or if their speech becomes irrelevant or repetitious because such disruptive conduct prevents the Board from accomplishing its business in a reasonably efficient manner and interferes with the rights of other speakers;
- (b) Pursuant to general law, the Board of Supervisors sets aside time during its regularly scheduled sessions when members of the public may address the Board on any matter that is not on the agenda for that day's meeting. The public is cautioned to note that the Board is legally prohibited from taking action on or engaging in a lengthy discussion of any matter that is not on the agenda except under rare

circumstances. If Board action is requested, the matter can be placed on the next Board agenda. All matters that require a written response will be referred to Administration for a scheduled reply.

- (c) Persons who wish to address the Board on a matter that is not on the agenda shall limit their presentations as follows: three minutes if the Chairperson or designee determines that five or fewer persons wish to address the Board; two minutes if the Chairperson or designee determines that between six and fourteen persons wish to address the Board; and one minute if the Chairperson or designee determines that fifteen or more persons wish to address the Board;
- (d) Persons who wish to address the Board on a regularly scheduled item on the agenda shall complete and submit a form that is located on the speakers' podium. Groups of speakers who wish to make a presentation on a particular item are asked to limit their presentation to a maximum of twenty minutes for each side of the issue. Individual speakers are requested to limit their comments to two minutes, subject to the discretion of the Chairperson;
- (e) The Board shall provide at least twice the allotted time to members of the public who utilize interpreters or translators, unless simultaneous translation equipment is utilized;
- (f) The above protocol and time limits set forth in subsections (a) through (e) above shall also apply to public comment during meetings of any legislative body established by the Board.

## CHAPTER V Rights and Duties of Members

Section 19. In order for a member to be recognized, s/he must first electronically request to be recognized for verbal comment through the Request to Speak Monitor. Once recognized by the Chairperson, the

speaker shall confine his/her remarks to the question under debate and shall avoid personalities.

Section 20. Each motion made by any member of the Board shall require a second. Discussion on a motion shall not take place until the motion receives a second. Motions and seconds may be made by any member of the Board, including the Chairperson.

Section 21. A verbal roll call or electronic vote need not be called in voting upon a motion except where specifically required by law or requested by a member. The roll shall be called for the adoption of an ordinance or resolution. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as an "Aye". The Chairperson shall indicate any member who abstains from voting or who votes "No". A vote of abstention shall not be counted as either an "Aye" or a "No" vote. No act of the Board of Supervisors shall be valid unless three members concur. Each roll call of the Board shall be by supervisorial seniority except that the Chairperson shall be called last.

Section 22. The electronic vote board is designed so that no member's vote is displayed either at the display board or the member's seat until all members have cast their vote. When all members have cast their vote, the Clerk will cause the vote to be publicly displayed. Both in oral and electronic voting, members must cast their own vote at the time called for by the Chair. Proxy votes are not allowed and will not be counted by the Clerk.

Any member wishing to abstain from voting should so advise the Chairperson. The public display of each vote cast in lights is considered equivalent to orally calling and responding to a roll call vote.

Section 23. No member shall absent himself/herself from any regular or special meeting (except on account of illness or an emergency) without the consent of the Board. If any member is to be unable to attend a meeting,

s/he shall notify the Clerk of the Board or Chairperson at least one day prior to the meeting and advise him/her of the reasons therefore.

Section 24. Pursuant to Government Code Section 1063, no member shall absent himself/herself from the state, except on business for the state or county, for more than 30 days without the consent of the Board. No member shall absent himself/herself from the state for more than two months without the consent of the Board with the written approval of the Governor, and no such absence shall continue for more than six months in any one year.

Section 25. No member shall leave his/her seat at the Board table during any session of the Board without notifying the Chairperson or Clerk.

## CHAPTER VI Duties of the Clerk of the Board

Section 26. The Clerk of the Board, or one of his/her deputies, shall attend each open session meeting of the Board with the exception of open sessions held solely for the purpose of recessing into a closed session and open sessions held for the purposes of training. The Clerk of the Board shall maintain a record of all proceedings as required by law. No minutes shall be maintained of closed sessions.

Section 27. The Clerk of the Board shall each week prepare the agenda for the following meeting for delivery to each Board office on Thursday morning.

The agenda shall list the items for Board consideration by number with a brief statement of the subject matter of each of the items. The agenda may include suggested actions.

Section 28. The Clerk of the Board may place items on the agenda which have been addressed to the Board and deemed to be of a routine nature.

Other items may be placed on the agenda at the request of either a Board member or the County Executive or other elected official and may not be removed without prior permission of the submitter.

Section 29. The Clerk of the Board may withhold placement of any matter on the agenda that s/he deems inappropriate for scheduling purposes, lack of sufficient information, or in need of staff review and report prior to Board consideration. Any member of the Board of Supervisors may direct that any such withheld matter be placed on the agenda.

Section 30. The Clerk of the Board shall record all regular and special open meetings of the Board with the exception of open sessions held solely for the purpose of recessing into a closed session and open sessions held for the purpose of training. Persons desiring to audibly review these records may make arrangements in the Office of the Clerk of the Board.

Section 31. After each regular and special meeting of the Board, the Clerk of the Board will prepare a brief summary of proceedings as required under Section 25150 of the Government Code and cause its publication in a newspaper certified to be of general circulation within the County of Santa Clara.

Section 32. The Clerk of the Board is authorized to schedule hearings on certain matters without prior presentation to the Board and to give such notice, publication, and posting as may be required by law; i.e.,

- Zone Reclassification & Appeals
- Variance Appeals Use
- Permit Appeals Cluster
- Permit Appeals Special
- Permits Cemetery
- Permits
- Tax Roll Changes
- Land Development Appeals

Architectural and Site Approval Appeals  
House Moving Appeals  
Abandoned Vehicle Protest  
Setting of Official Plan Lines  
Subdivision Directional Sign Appeals  
Major and Minor Land Division Appeals  
Environmental Appeals  
Construction Code Appeals  
Garbage Disposal Rates  
Substitution of a Subcontractor

Establishment and increase of fees require a public hearing pursuant to Section 54986 of the Government Code.

## CHAPTER VII Committees

Section 33 – Board Policy Committee Structure. There shall be five major policy committees of the Board of Supervisors. The Committees are the Board's medium for fostering collaboration among various departments of the County of Santa Clara, and for encouraging partnerships between government agencies in the County. The Committees shall be the following:

- (a) Health and Hospital
- (b) Children, Seniors and Families
- (c) Housing, Land Use, Environment and Transportation
- (d) Public Safety and Justice
- (e) Finance and Government Operations

In addition, the Legislative Committee of the Board, as described in Section 35 of the rules, shall continue to exist to review legislation.

Section 33.1 – Purpose. The purpose of the committees shall be to evaluate and make recommendations to the Board of Supervisors on all items of significant importance, both fiscal and policy, to the County of Santa Clara. Consistent with this mandate, referrals shall be made directly to the committees by the County Executive, County Boards and Commissions or individual Board members on the following matters:

- (a) Issues which would implicate new or changed policy for the Board.
- (b) Issues which would have an impact of \$100,000 or more on the budget of the County.
- (c) Issues which, in the opinion of the County Executive or a member of the Board, may be of a controversial nature and/or would benefit from a preliminary review by committee.

Section 33.2 – Appointments. The Chairperson of the Board of Supervisors shall appoint, with approval of the Board of Supervisors, the Chair and Vice-Chair of each of the five policy committees. Each Board member shall be the Chair of a committee and the Vice-Chair of a different committee.

Section 33.3 – Procedures. (This section, as it may be applicable to the Legislative Committee, is suspended effective February 26, 2013, pursuant to Resolution No. BOS-2013-26). The procedures of the committees shall be as follows:

- (a) The voting members of each committee shall be the members of the Board of Supervisors. The Clerk of the Board shall provide all Board members and the County Executive notice of any meeting and minutes of committees.

- (b) Following each meeting of a committee the Chair of the committee shall submit a written report of the meeting to the full Board of Supervisors, at an open meeting of the Board, within 45 calendar days of said committee meeting. All matters which are referred to the committee, and those outlined in Section 33.1, shall be reported with a vote to either support, oppose or make no recommendation regarding the matter. Attached to the committee report shall be a copy of the meeting agenda and a copy of any related documents.
- (c) For each committee agenda item prepared by a department or agency that includes one or more recommended actions other than solely a recommendation to receive a report, the department or agency that prepared the agenda item shall prepare a new agenda item for an open meeting of the Board, within 45 calendar days of said committee meeting or as directed by the committee. The department or agency shall include an explanation of the committee's action or recommendation within the body of the item's legislative file.
- (d) Each committee shall establish an annual plan of activities of the committee. In 1997, each committee shall establish its meeting dates, times and location for the year by July 1, 1997. In subsequent years, the committees shall set their meeting dates, times and locations for the year by February 1 of each year.
- (e) Each committee of the Board shall have the power to appoint sub-committees and task forces as needed. The Chairs, Vice-Chairs and voting members of each subcommittee shall be the members of the Board of Supervisors.
- (f) Each committee will work with the County advisory boards and commissions to enable it to accomplish the goals of the committee.

- (g) The Clerk of the Board of Supervisors shall provide services to the Board Committees, including, but not limited to, appropriate noticing of the meetings, preparing the agenda for the meetings, distributing the meeting packets, making a record of the proceedings, and such accounting services as may be needed. All meetings will be held in compliance with the Ralph M. Brown Act. The County Executive will provide staff support for each committee as needed.

Section 34 – Finance and Government Operations Committee. In addition to the duties and responsibilities outlined in Section 33, the Finance and Government Operations Committee shall:

- (a) Recommend or develop a management audit work program to be approved by the Board of Supervisors;
- (b) Oversee, monitor and review the Board's Management Audit function;
- (c) Review and comment on the work plan and work product of the Internal Audit staff submitted to the Committee by the County Executive;
- (d) Conduct the selection process for the post-audit required by Charter Section 603 and recommend a contract to the Board of Supervisors;
- (e) Review the post-audit performed pursuant to Section 603;
- (f) Report to the Board of Supervisors on the work of the Committee;
- (g) Review all the budget requests submitted by the Clerk of the Board, County Counsel and the County Executive to the County Executive and make recommendations to the Budget Inventory List prior to the full Board of Supervisors adopting the annual budget;

- (h) Review the County's Master Plan for technology needs and make recommendations to the full Board for Plan approval. Review annual information technology project capital requests and make recommendations to the full Board for approval;
- (i) Assess the County's capital needs and review annual capital project budget requests and make recommendations to the full Board for approval. Review Master Plans for major capital projects;
- (j) Monitor the overall implementation of the Comprehensive Performance Management (CPM) Program.

Section 35 – Legislative Committee. (This section is suspended effective February 26, 2013, pursuant to Resolution No. BOS-2013-26). The Chairperson shall appoint, with the approval of the Board of Supervisors, two Supervisors, to be the Chair and Vice- Chair of the Legislative Committee which was established by resolution on November 30, 1976.

The Legislative Committee shall:

- (a) Meet as often as necessary with legislative representatives of the County to review legislative issues that have been brought to the Board for action or that affect directly the County of Santa Clara;
- (b) Prepare general guidelines on major legislative issues setting forth the County's position on such issues and submit them to the Board for approval;
- (c) Instruct the legislative representative as to actions s/he may take with regard to specific bills when a guideline has been approved by the Board;
- (d) Keep each Board member informed of actions it has taken as to legislation.

Section 36 – Other Committees. At the first Board meeting following the first Monday in January, the Chairperson shall, with approval of the Board of Supervisors, make appointments to various Boards, Commissions, Committees and Authorities as deemed necessary, on which Board of Supervisors members are asked to serve.

In cases of mid-year changes, the Chair shall present an appointment to the Board for ratification in a timely manner.

The assignment of responsibilities, including all representational and leadership assignments, are under the Board's control for each of the Board members. This includes such appointments as representation to the national, state and regional bodies; leadership and/or representation on various County Boards, Commissions and Committees; chairs of the County's Joint Conference Committees; and other liaison positions requested of the County.

## CHAPTER VIII Miscellaneous Provisions

Section 37. The proceedings of the Board shall be governed by the provisions of law applicable thereto and, except as herein otherwise provided, by Robert's Rules of Order, newly revised. Provided, further, that the failure to follow the Rules of Order or these rules shall not invalidate any action taken. The County Counsel shall act as parliamentarian and, on request of the Chairperson, shall give parliamentary advice.

Section 38. The County Executive and the County Counsel, or a representative designated by each such officer, shall attend all regular and special meetings of the Board.

Section 39. Each County or District officer having any matter on the agenda for consideration by the Board shall either be present at the Board meeting

or shall hold himself/herself in readiness for the purpose of furnishing information to the Board. Each County or District officer may designate a deputy to perform this duty.

Section 40. Except as otherwise provided by law, these rules, or any one thereof, may be suspended by order of the Board when regularly entered in its minutes.

Section 41. The Clerk of the Board provides the staff which attend meetings of advisory boards and commissions established by the Board of Supervisors and makes a record of all proceedings thereof as required by law. The Clerk of the Board also prepares agendas for Board and Commission meetings. The Board of Supervisors adopted a Handbook for Commission and Board Members on May 8, 1990 which is updated and available in the Office of the Clerk of the Board.

Section 42 – Advisory Organizations. The Board of Supervisors shall have four different kinds of advisory organizations as described below. The three kinds of organizations set forth in (a), (b) and (c) shall be ongoing and the fourth type, Task Forces, shall be temporary, designed to cover a single subject for a defined period of time. These are:

- (a) Board of Supervisors' Joint Conference Committees (JCC) shall be created by minute action as a result of a formerly agendized proposal and shall consist of no more than two members of the Board of Supervisors of which one shall be the Chair of the JCC and the other the JCC Vice Chair, assisted by the leading County administrators associated with the assigned subject matter. Minutes shall be maintained and the meeting noticed by the County agency most permanently involved with the assigned subject matter.
- (b) County Boards and Commissions shall be created as a result of a formal ordinance adopted by the Board with proper notice. The members of these organizations are sworn state officials subject to

the appropriate conflict of interest codes. Formal minutes shall be maintained by the Clerk of the Board and all meetings shall be noticed, conducted in the County Building, and open to the public.

- (c) Community Councils shall be created by minute action in response to an agendized proposal. These organizations are typically formed to represent unincorporated pockets and are primarily advisory to the Supervisor representing the area from which the Council is selected. Meetings shall be formally noticed, minutes maintained, and the meetings shall be open to the public. Examples of these organizations are the Burbank and Cambrian Community Councils.
- (d) Task Forces may be created by the Board of Supervisors as a result of minute action presented pursuant to an agendized proposal. The unique aspect of this type of advisory body is that it is for a specific, limited subject and for a defined period of time not to exceed two years.

When any Board member, or member of the administration, wants to create any of the four types of advisory organizations, a transmittal should be developed which should include a formal resolution in the case of items (a), (c) and (d), or an ordinance in the case of (b), above. The draft of the resolution or ordinance should be reviewed and approved by County Counsel as to form and legality before being agendized. The resolution or ordinance should include specifics regarding the subject to be advised upon; specific departments or outside organizations to be called upon for support or otherwise involved; the number, term and specific qualifications of appointees; the deadline for submitting reports, if any; financial requirements and staffing; and the required termination date of the organization, if appropriate.

Any request for advice should be assigned to current existing advisory organizations whenever possible. When a unique subject requires the creation of a new advisory organization, one of the four types of structures

listed above must be used. It should be stressed that each of these four types of organizations is advisory only to the Board of Supervisors and cannot, without the Board's prior consent, communicate with any organization outside of County structure.

Section 43 – Selection of Office Space for Board of Supervisors Member.  
Board members shall have access to physical office space on basis of seniority.

The choice of offices shall be ascertained by the Clerk of the Board in the first week in December of calendar years preceding changes in Board membership, or as quickly as possible after an unforeseen change occurs.

The Clerk of the Board shall ascertain, from the senior member of the Board, if any change in office space is desired. Once that decision is made, the Clerk may then offer the opportunity to seek a change in office space to the next senior member, and so on.

The Clerk of the Board shall have the responsibility of providing first choice to the most senior member, second to the next senior member, and so on, until all Supervisors have selected office space. Since these moves typically require some amount of modifications in communications and facilities, selections should be made as soon as possible so that physical arrangements might be made during the Christmas vacation period or at other non- intrusive times.

Section 44 – Presentation of Resolutions at Board Meetings shall be limited to a maximum of twelve (12) per year/per Supervisor. Chairperson presentations are not included and are exempted from this rule. Employees of the Month and Comprehensive Performance Management (CPM) resolutions will not be affected by this rule. This rule will cover only presentation of resolutions at Board meetings, not adoption of resolutions. Additional presentations at Board meetings will be allowed with the permission of the Chairperson.

## APPENDIX A

### GOVERNMENT CODE SECTION 54955 Adjournment

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

### GOVERNMENT CODE SECTION 54955.1 Continuance

Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in

the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

GOVERNMENT CODE SECTION 54956  
Special Meetings; Notice

- (a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

- (b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However,

this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

- (c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:
  - (1) A legislative body as that term is defined by subdivision (a) of Section 54952.
  - (2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

## APPENDIX B

### RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ESTABLISHING ADDITIONAL RULES OF PROCEDURE

WHEREAS, Government Code Section 25003 provides that the Board of Supervisors may make and enforce rules and regulations necessary for the government of the Board, the preservation of order, and the transaction of business;

WHEREAS, the rules of procedure governing this Board of Supervisors have heretofore been established by ordinance and by Board order;

WHEREAS, Government Code Section 25081 requires that by ordinance the Board shall provide for the holding of regular meetings at the county seat;

WHEREAS, the holding of regular meetings has been and shall continue to be addressed by county ordinance;

WHEREAS, on June 23, 1992, the Board of Supervisors approved recommended changes to the Rules of the Board of Supervisors;

WHEREAS, these rules of procedure shall be Appendix B to the existing Rules of the Board of Supervisors updated on June 23, 1992;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Clara does hereby resolve as follows:

1. Time and Place of Meetings

The time and place of meetings shall be as established in Chapter III of Division A5 of the County of Santa Clara Ordinance Code.

2. Emergency Meetings

Emergency meetings of the Board of Supervisors shall be called as provided by general law and by Chapter III of Division A5 of the County of Santa Clara Ordinance Code.

3. Time for Filing Matters with Board

Any and all matters to be presented and acted upon by the Board of Supervisors at the regular Tuesday meeting must be filed in the office of the Clerk of the Board not later than 5:00 p.m. on Tuesday of the week preceding the day of such meeting.

Unless so filed, said matters will not be considered by the Board of Supervisors until the next succeeding regular meeting of said Board, except as provided by Section 54954.2 of the Government Code (see Appendix A).

4. Processing of Approved Money Demands

After each meeting of the Board of Supervisors, the Clerk shall deliver to and leave with the Controller all demands allowed for the payment of money.

5. Action on Sale or Lease of Real Property

Whenever any sale or lease of any interest in real property is proposed by the County Executive, the Board of Supervisors shall consider the proposal, and if affirmative decision is reached, the Board of Supervisors shall thereupon pass and adopt a resolution of intention to sell or to lease the interests involved.

(Cross-reference - [Leasing county property generally, Division A21 of the County of Santa Clara Ordinance Code](#)).

6. Appointments

Appointments to fill positions on any board or commission, other than the Board of Supervisors, may be made either by individual Board members or by the Board as-a-whole, depending upon the enabling legislation for the board or commission. Appointments shall be made by the Board of Supervisors upon the nomination of the Supervisor to whom the right of nomination falls in accordance with the provisions of this resolution. Such nominations shall be deemed seconded and a vote shall be taken.

Authority to appoint to a position on any board or commission shall remain with the Supervisorial District for the full term of the position and shall not rotate to the next district until the term is ended.

7. Certificates of Appointment Required

A certificate of appointment shall be issued by the Clerk of the Board of Supervisors to all persons appointed to fill a position on any board or commission. Such certificate shall indicate the appointive term of office, and the appointment shall be effective according to the terms of such certificate.

8. Positions Allocated to Districts

One position on each board or commission, except as provided in this resolution, shall be allocated to each supervisorial district, and the supervisor making the nomination to fill the allocated position shall nominate any qualified resident of the county.

9. At-Large Nominations

At-large positions on each board or commission shall be filled as specified in this resolution. For each board or commission, at-large positions shall be filled by rotating the right of nomination among the supervisorial districts. Successive supervisorial districts in numerical order shall have the succeeding right to nominate to fill at-large positions. The successive supervisorial district in sequential order following the district that made the appointment of the incumbent in the position shall have the right to appoint. A supervisor may nominate any qualified resident of the county to fill an at-large position.

10. Filling Vacancies in Allocated or At-Large Positions

An allocated or at-large position that is vacant shall be filled by the procedures specified in paragraphs 9 and 10, as applicable.

11. Nominations from List

Notwithstanding any other provision of this Resolution:

- (a) Where a nomination is to be made from a list of nominees, such lists shall be subject to rejection until acceptable to the Board of Supervisors or the Supervisor having the right of nomination; in the alternative.
- (b) Any requirement that the Board of Supervisors, or any individual member thereof, must appoint from nominations submitted by other than the Board shall also authorize the Board, or the individual member, to reject such nominations and nominate and appoint any qualified resident of the county.

This provision shall be inapplicable to the County Personnel Board as established by the Charter.

12. Boards and Commissions with Special Method of Nomination

All boards and commissions for which a special method of nomination, qualifications or larger membership is not established herein or in some other paragraph of this resolution, shall be allocated among the supervisorial districts.

13. Time for Nomination

All appointments to be made by the Board of Supervisors during a calendar year shall appear on the Local Appointments List pursuant to Government Code Section 54972 and all unscheduled vacancies shall be posted pursuant to Government Code Section 54974.

A Supervisor to whom the right of nomination of an at-large position falls upon expiration of the current term, or to whom an allocated appointment is assigned for the next succeeding term, may place on a Board of Supervisors' meeting agenda a reappointment of an

incumbent eligible to serve an additional term to the seat which is scheduled to expire no earlier than forty-five (45) days prior to the date of expiration of the current term.

A Supervisor to whom the right of nomination of an at-large or allocated position falls, shall make the nomination not later than thirty-five (35) days after the right of nomination accrues, provided that a majority of the Board may extend the period in which this nomination shall be made. If after the lapse of thirty-five (35) days, or any other period for which the right of nomination may have been extended, the Supervisor having the right of nomination fails to nominate a qualified person to fill the vacancy, any member of the Board may so nominate. For the purpose of determining subsequent rights to nominate for either allocated or at-large positions, said nomination shall be charged to the Supervisor who failed or declined to exercise the right of nomination.

14. Limitation on Number of Terms

No member of any appointive board or commission shall be eligible to serve on such board for more than three (3) consecutive terms in addition to any portion of any unexpired term which may have been served, unless specified otherwise in the enabling legislation.

15. Rules of the Board of Supervisors

These rules shall supplement the existing Rules of the Board of Supervisors, as revised on April 27, 1999.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on June 15, 2000, by the following vote:

AYES: Gage, Alvarado, McHugh, Beall, Simitian

NOES: None

Don Gage, Chair  
Board of Supervisors

ATTEST:  
Phyllis Perez, Clerk  
Board of Supervisors

### Amendments

The Rules of the Board of Supervisors were first adopted on May 9, 1972 to implement certain controls and business processes regarding the conduct and structure of Board and Committee meetings. The Rules were previously amended on November 1, 1975; January 15, 1980; June 23, 1992; August 10, 1993; December 20, 1994; January 14, 1997; April 27, 1999; December 14, 1999; June 27, 2000; February 27, 2001; May 24, 2005; September 27, 2005; January 13, 2009; December 1, 2009; February 26, 2013; February 24, 2015; June 9, 2015; November 3, 2015; April 12, 2016; and November 1, 2016.

The Rules of the Board of Supervisors, in their original format, are available at <http://www.sccgov.org/sites/bos/Legislation/Rules-of-the-Board-of-Supervisors/Pages/default.aspx>.

### **History**

Date	Changes Made
11/1/16	Sections 9, 10, and 18 amended. <a href="#">View legislative file</a> .
4/12/2016	Sections 26 and 30 amended. <a href="#">View legislative file</a> .
11/3/2015	Section 6 amended. <a href="#">View legislative file</a> .
6/9/2015	Sections 26 and 30 amended. <a href="#">View legislative file</a> .
2/24/2015	Section 33.3 amended. <a href="#">View legislative file</a> .
3/21/2014	Rules uploaded. (John Myers)

