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MARIPOSA COUNTY RESOLUTION No. 81-211

A RESOLUTION ESTABLISHING RULES OF
PROCEDURE FOR MEETINGS OF THE BOARD
OF SUPERVISORS OF MARIPOSA COUNTY

THE BOARD OF SUPERVISORS of Mariposa County hereby resolves that the following rules of procedure shall govern meetings of said Board pursuant to Government Code Section 25003.

RULES OF PROCEDURE

1. MEETINGS:

- A. Regular meetings shall be held pursuant to Mariposa County Code Section 2.04.010.
- B. Special meetings may be called by the Chairman, or in his/her absence, by the Vice-Chairman, provided notice is given as required by Section 54956 of the Government Code, and shall be limited to those items listed on the noticed agenda.
- C. Meetings may be continued by the Chairman, the Vice-Chairman in his/her absence, or by a motion of the Board, without further public notice, and shall be continued to a definite time, date and place, not later than the next regular meeting.

2. CHAIRMAN:

- A. The Chairman of the Board shall be selected by a majority vote of the members of the Board at the first regular meeting in January of each year, and shall serve for one year so long as the individual selected continues in office as a supervisor. If for any reason the Chairman ceases to hold the position of supervisor, a new Chairman shall be selected by the same process at the next

1 regular meeting. Four affirmative votes shall be re-
2 quired to remove the Chairman and cause a replacement to
3 be selected at any other time, however selection of the
4 replacement shall require only three votes.

5 B. A Vice-Chairman shall be selected by the same process
6 and shall act as Chairman in the absence of the Chairman.

7 3. CONDUCT OF MEETINGS:

8 A. The Chairman shall preside at all meetings of the Board,
9 and in his absence the Vice-Chairman shall preside.

10 When both are absent, those in attendance shall select
11 an acting Chairman for that meeting only by a majority
12 vote of those in attendance.

13 B. A meeting may be opened, continued and adjourned by the
14 Chairman at his/her discretion, or by a majority vote of
15 the Board.

16 C. Any action or decision by the Chairman may be reversed
17 by a majority vote of the Board.

18 D. The order of business shall follow the final agenda for
19 the meeting, provided that the Chairman or the Board by
20 majority vote may deviate therefrom so long as notice is
21 announced to the public during the meeting. Public hear-
22 ings required by law and noticed bid openings shall pro-
23 ceed as scheduled insofar as possible, but may be con-
24 tinued during the meeting provided notice is announced
25 to the public at the scheduled time.

26 E. Actions and decisions by the Board shall result from a
27 motion followed by a second and passed by three votes,
28 except where four are required by law.

1 F. For purposes of proposing a motion or a second, the
2 Chairman may relinquish the chair to the Vice-Chairman
3 or any other Board member willing to act as temporary
4 Chairman, and thereafter move or second an action. He/
5 She shall not resume the Chair until after the vote is
6 taken on the motion or it is otherwise acted upon at the
7 meeting.

8 4. QUORUM:

9 A. A quorum shall consist of three supervisors, and no
10 action requiring a vote shall be effective unless at
11 least three aye votes are recorded by supervisors pres-
12 ent at the meeting. Four affirmative votes shall be
13 required when mandated by State law.

14 B. In the absence of a quorum a meeting may be cancelled,
15 continued or relocated by the Chairman, or in his/her
16 absence the Vice-Chairman, or by the Clerk of the Board
17 at the direction of the Chairman, or Vice-Chairman in
18 his/her absence, provided that:

19 1) Notice of the action is given to all super-
20 visors, the media and the public as required
21 by State law; and

22 2) Notice is posted at the time and place of the
23 meeting.

24 C. When circumstances prevent a meeting in sufficient time
25 to take action, urgent or emergency decisions or actions
26 may be authorized by telephone approval of at least three
27 supervisors, provided that no such action or decision
28 shall be valid unless ratified by vote of three supervi-

sors at the next regular or special meeting of the Board.

5. VOTING:

- A. When a vote is called for by the Chairman, silence shall constitute an aye vote.
- B. A supervisor may change his/her vote at any time prior to the next vote of the Board, after which his/her vote shall be permanently recorded.
- C. A supervisor with a direct conflict of interest involving the subject matter of any item before the Board shall declare such conflict in public and abstain from participation in Board deliberations and from voting thereon. Such supervisor may participate in public comment on the item provided it is done as a member of the public from the floor. A remote conflict must also be made public, but shall not prevent voting or deliberation unless ruled to be a direct conflict by the Chairman or by a vote of the Board.
- D. A supervisor who abstains or is absent from a vote shall not be deemed to have voted for or against a measure. Where the remaining number of persons eligible to vote on the matter is insufficient to decide the matter if all voted the same, a supervisor present but abstaining shall be deemed to have voted with the majority.
- E. Where a tie vote results due to absence or abstention, the motion fails. If the subject matter is an appeal, a tie vote on each side of the question shall result in no change to the action appealed.
- F. A supervisor may abstain from voting on any matter at

1 any time. The effect of abstaining shall be the same
2 as not voting.

3 G. A supervisor may raise an objection to the procedure at
4 any time, and when called upon shall state the basis of
5 the objection. The Chairman shall rule on the objection
6 but may be overruled by a majority vote of the Board.

7 H. At any time prior to adjournment of the meeting a motion
8 may be passed by majority vote to reconsider, revise,
9 amend or rescind any action of the Board at that meeting,
10 provided that matters subject to legal public notice re-
11 quirements shall require new notice prior to action on
12 such matters.

13 I. At any time prior to the effective date of any official
14 enactment, the Board by majority vote may rescind such
15 action, provided notice is given in advance if required
16 by law.

17 J. After the effective date of any enactment the Board may
18 repeal the enactment but such repeal shall operate pro-
19 spectively only.

20 K. A motion may be tabled by majority vote to be taken up
21 either at a date and time certain or until a vote to con-
22 sider the motion is passed.

23 6 AGENDAS:

24 A. The Agendas for all Board meetings shall be prepared by
25 the Clerk at the direction and under the control of the
26 Board of Supervisors, including the scheduling, handling
27 and order of all matters appearing thereon.

28 B. The deadline for submission of agenda items shall be

1 noon on the Thursday immediately preceding the meeting
2 for which the agenda is prepared. Late items may be
3 accepted or refused at the discretion of the Board
4 Chairman.

5 C. All persons and departments submitting agenda items
6 shall prepare and submit an original and ten copies of
7 all supporting written material prior to the agenda
8 deadline.

9 D. Items submitted for routine action shall be so identi-
10 fied by the submitting party and scheduled as such at
11 the discretion of the Clerk of the Board under the
12 direction of the Chairman. Routine items shall in-
13 clude travel advances and matters that are routine,
14 non-controversial, ministerial, or ratification of
15 interim decisions by the Board. Prior to a motion and
16 a second on routine items, any Board member may request
17 an item be pulled for discussion at a later time; no
18 discussion is allowed of items not pulled.

19 E. Budget changes requested of the Board shall be accompa-
20 nied by a letter of explanation or a personal appear-
21 ance by the requesting party.

22 7. MINUTES:

23 A. Minutes shall be prepared by the Clerk of the Board
24 under the control and direction of the Board, and shall
25 be subject to approval by the Board.

26 B. Minutes shall be published and preserved as required by
27 law.

28 8. RECORDS AND DOCUMENTS:

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- A. All Ordinances, Resolutions, Contracts and other official documents representing actions and decisions by the Board shall be preserved and published as required by law.
- B. A permanent recording shall be retained by the Clerk of the Board for at least ten years of all public meetings of the Board.

9. PUBLIC HEARINGS:

- A. Separate resolutions may provide procedures for public hearing for specific purposes.
- B. Notice shall be given as required by law for the particular purpose or subject matter.
- C. Public Portion:
 - 1) After sufficient data is received from staff to identify the issues and purposes of the hearing, the public shall be allowed to testify and ask questions, in an orderly manner, on the subject of the hearing.
 - 2) Separate portions of the public hearing shall be allowed for general public questions, for proponents and for opponents.
 - 3) No one present shall be required to speak unless he or she has already given testimony.
- D. Deliberation Portion:
 - 1) The public shall not interrupt or interfere with deliberations although questions may be directed to the witnesses by the Board.

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2) The action of the Board shall be announced to the public.

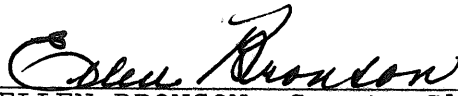
E. A record shall be maintained and preserved of all public hearings, in writing, tape, and both, if possible.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 27th day of October, 1981 by the following vote:

AYES:	Taber, Dalton, Erickson, Moffitt
NOES:	None
EXCUSED:	Barrick
ABSTAINED:	None


 WILLIAM H. MOFFITT Chairman
 Mariposa County Board of Supervisors

ATTEST:


 ELLEN BRONSON, County Clerk and
 Ex Officio Clerk of the Board

APPROVED AS TO FORM:


 RICHARD K. DENHALTER
 County Counsel