

MARIPOSA COUNTY RESOLUTION NO. 90-231

RESCINDING AND REPLACING
RESOLUTIONS NOS. 86-463 AND 88-616
AMENDING "RULES OF PROCEDURE FOR MEETINGS
OF THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY"

WHEREAS, Government Code Sections 54954.2, 54954.3, 54954.3, 54956. 54056.5 and 54960.1 have been amended to require changes to the board agenda and to the way in which board of supervisors are required to conduct public meetings, and

WHEREAS, Resolutions Nos. 86-463 and 88-616 were adopted to address the current law, and

WHEREAS, the Board desires to rescind and replace Resolutions Nos. 86-463 and 88-616 to clarify existing Board policy;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, that the "RULES OF PROCEDURE FOR MEETINGS OF THE MARIPOSA COUNTY BOARD OF SUPERVISORS" shall read in its entirety as follows:

"RULES OF PROCEDURE FOR MEETINGS
OF THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY

I. 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 California 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.

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II. 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 (1) 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 regular meeting. Four (4) affirmative votes shall be required to remove the Chairman and cause a replacement to be selected at any other time, however selection of the replacement shall require only three (3) votes.

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

III. CONDUCT OF MEETINGS:

A. The Chairman shall preside at all meetings of the Board, and in his absence the Vice-Chairman shall preside. When both are absent, the meeting shall be opened by the Clerk of the Board and those in attendance shall select an acting Chairman for that meeting only by a majority vote of those in attendance.

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

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

D. The order of business shall follow the final agenda for the meeting, provided that the Chairman or the Board by majority vote may deviate therefrom so long as notice is announced to the public during the meeting. Public hearings required by law and noticed bid openings shall proceed as scheduled insofar as possible, but may be continued during the meeting provided notice is announced to the public at the scheduled time.

E. Actions and decisions by the Board shall result from a motion followed by a second and passed by three (3) votes, except where four (4) are required by law.

F. For purposes of proposing a motion or a second, the Chairman may relinquish the chair to the Vice-Chairman or any other Board member willing to act as temporary Chairman, and thereafter move or second an action.

He/She shall not resume the chair until after the vote is taken on the motion or it is otherwise acted upon at the meeting.

IV. QUORUM:

A. A quorum shall consist of three (3) Supervisors, and no action requiring a vote shall be effective unless at least three (3) "aye" votes are recorded by Supervisors present at the meeting. Four (4) affirmative votes shall be required when mandated by State law.

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

1. Notice of the action is given to all Supervisors, the media and the public as required by State law; and
2. Notice is posted at the time and place of the meeting.

V. 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 any time. The effect of abstaining shall be the same as not voting, except for circumstances as described in Paragraph 5(D)

above.

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

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

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

J. After the effective date of any enactment the Board may repeal the enactment but such repeal shall operate prospectively only.

K. A motion may be tabled by majority vote to be taken up either at a date and time certain or until a vote to consider the motion is passed.

VI. AGENDAS:

A. The agendas for all Board meetings shall be prepared by the Clerk of the Board at the direction and under the direction of the Administrative Officer, including the scheduling, handling and order of all matters appearing thereon.

B. The deadline for submission of agenda items shall be three and one-half (3 1/2) working days immediately proceeding the meeting for which the agenda is prepared.

1. At least seventy-two (72) hours before a regular meeting of the Mariposa County Board of Supervisors, the Board of Supervisors shall cause to be posted an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda.

2. The Board of Supervisors may take action on items of business not appearing on the posted agenda under any of the following conditions:

a. Upon a determination by a majority vote of the Board that an emergency situation exists as defined in Government code Section 54956.5(b).

b. Upon a determination of a two-thirds vote of

the Board, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted as specified in No. 1 above.

c. The item was posted pursuant to No. 1 above for a prior meeting of the Board occurring not more than five (5) 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.

3. The agenda for regular meetings shall provide an opportunity for members of the public to directly address the Board of Supervisors on items of interest to the public that are within the subject matter jurisdiction of the Board, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by No. 2 above.

The Board shall allow public presentations to the Board as follows:

a. A Public Presentation period shall be provided on the Agenda to allow the public to comment on items not on the Agenda, which are of interest to the public that are within the subject matter jurisdiction of the Board, and any item on the Agenda which is not a timed item.

b. The public shall be allowed to comment on items which are on the timed schedule during the time when that particular item is being heard.

c. The Chairman of the Board, in his/her discretion, shall have the authority to allow public comment at any time during the Board meeting.

The Board may adopt by Minute Order from time to time reasonable regulations to ensure that the intent of this paragraph is carried out including but not limited to regulations limiting the total amount of time allocated for public input on particular issues and for each individual speaker.

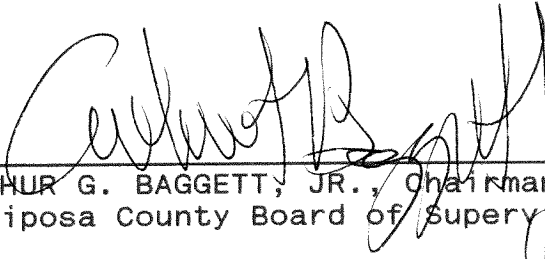
E. All persons and departments submitting agenda items shall prepare and submit those items in conformance with regulations as developed periodically by the Administrative Officer. This shall include any forms, rules of procedure or additional information as required in regulations to satisfy the Administrative Officer.

F. Items submitted for routine action shall be so identified and scheduled as such at the discretion of the Administrative Officer. Prior to a motion and a second on a routine item, any Board member may request an item be pulled for discussion at a later time. In addition, any Board member may ask a questions regarding an item on the routine agenda prior to adoption of the routine agenda if that question does not involve considerable discussion."

PASSED AND ADOPTED this 8th day of May 1990, by the Mariposa

County Board of Supervisors by the following vote:

AYES:	TABER, ERICKSON, BAGGETT, RADANOVICH, PUNTE
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE



ARTHUR G. BAGGETT, JR., Chairman
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ATTEST:


MARGIE WILLIAMS
Clerk of the Board
JEFFREY G. GREEN
County Counsel