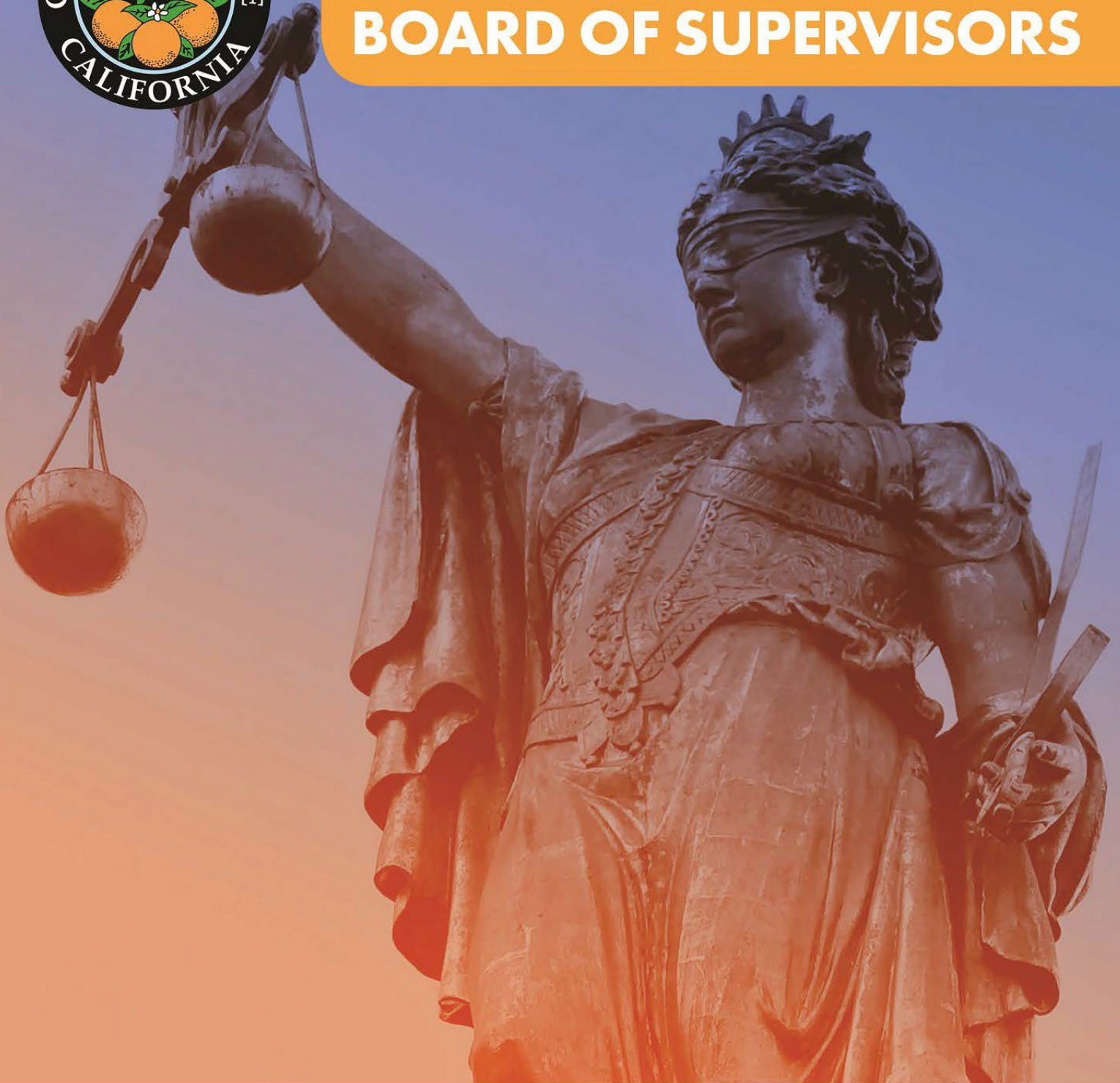




# ORANGE COUNTY BOARD OF SUPERVISORS



## RULES OF PROCEDURE

Adopted by The Orange County Board of Supervisors  
Amended 6/27/2023

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# CHAPTER I

## *General Provisions*

### Rule 1      Application of Rules

These Rules of Procedure (“Rules”) are adopted pursuant to Government Code Section 25003. The Rules shall apply to the Board of Supervisors of Orange County whether sitting as the Board of Supervisors of the County or acting as the governing body of any other district, authority, or board. These rules shall also apply to the County ~~departments/agencies~~Departments placing items of business before the Board of Supervisors.

These Rules are intended to expedite transaction of the business of the Board of Supervisors in an orderly fashion. The Rules are deemed to be procedural only. The failure to strictly observe application of the Rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with law.

Except as otherwise provided by law, these Rules, or any one of them, may be suspended by order of the Chair and will be deemed suspended by actions taken by or with the consent of the Chair or a majority of the Board members that are not in accordance with the Rules.

## Rule 2 Definitions

In interpreting these Rules:

- (a) “Board” refers to the Board of Supervisors of Orange County, whether sitting as the Board of Supervisors of the County or acting as the governing body of any other district, authority or board;
- (b) “Chair” and “Vice Chair” refers to the Board members elected to those respective offices;
- (c) “Clerk” refers to the Orange County Clerk of the Board of ~~Orange~~ County Supervisors;
- (d) “CEO” refers to the County Executive Officer of Orange County.
- (e) “Department(s)” refers to the Departments, Agencies and Offices of the government of the County of Orange

## Rule 3 Copies of Rules

Copies of these Rules will be made available, free of charge, at the Office of the Clerk and on the ~~Clerk’s website~~ [www.ocgov.com/cob/Board](http://www.ocgov.com/cob/Board) [webpage https://board.oc.gov/](https://board.oc.gov/)

## CHAPTER II

### *Meetings*

#### Rule 4 Regular Meetings ~~—Date, Time, and Place; Cancellation~~

The regular meetings of the Board shall be held on Tuesdays, beginning at the hour of 9:30 a.m. ~~Ceremonial presentations may be held prior to commencement of Board meetings at a time determined by the Chair.~~

Unless otherwise noticed, regular meetings of the Board shall be held in the County Seat, Santa Ana, and shall be conducted in the Board Hearing Room located on the first floor of the County Administration North, 400 West Civic Center Drive, Santa Ana, California. ~~An annual meeting schedule calendar including holidays and periodic breaks, which result in dark (canceled) meetings,~~ will be developed and posted ~~annually~~ by the Clerk ~~upon approval by the Board. Copies of the meeting schedule calendar will be made available in the Office of the Clerk and on the Clerk's and Board's websites.~~ Any scheduled meeting may be canceled upon order of the Chair, or a majority of the members, of the Board. (Codified Ordinances of the County of Orange, Sec. 1-2-1, Resolution 98-141A, Resolution 01-182).

#### Rule 5 Special Meetings

Special meetings of the Board may be called in the manner provided by State law. The order calling the special meeting shall specify the date, time and place of the meeting and the business to be transacted at such meeting and shall be signed by the Chair or by a majority of the Board's membership.

No other business shall be considered at the meeting. (Govt. Code Sec. 54956).

Rule 6 Adjourned Meetings; Continued Hearings

The Board may adjourn Any regular, adjourned regular, special or adjourned special meeting ~~of the Board may be adjourned~~ to a future date and time when necessary for the transaction of business. Any hearing may be continued once or more to a subsequent meeting of the Board ~~(Govt. Code Sec. 54955).~~ (Govt. Code Sec. 54955).

Rule 7 Absence of a Quorum; Adjournment

In the absence of a quorum, the remaining members or the Clerk may adjourn the meeting to another date and time in accordance with Government Code Section 54955 and shall post a Notice of Adjournment. In the event a Supervisor leaves the hearing room, momentarily causing a lack of quorum, he should notify the Chair of his intended absence and the Chair may call a recess.

## CHAPTER III

### *Election, Powers and Duties of Chair and Vice Chair*

Rule 8      Annual Selection of Chair and Vice Chair

At its first scheduled meeting -after January 1 of each year, the Board shall nominate and elect from its membership a Chair and Vice Chair to serve until the election of their successors.

Rule 9      Powers and Duties of the Chair

The Chair, 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. The Chair shall preserve order and decorum and shall decide all questions of order.

Rule 10     Powers and Duties of the Vice Chair

In the absence, or inability to act, of the Chair, the Vice Chair shall have and exercise all the powers and duties of the Chair.

Rule 11      Selection of Chair Pro Tem

In the absence, or inability to act, of the Chair and Vice Chair, at any meeting of the Board, the Board members present shall, by an order entered on the minutes, select one of their members to act as Chair Pro Tem. The Chair Pro Tem shall have and exercise all the powers and duties of the Chair during the absence, or inability to act, of the Chair and Vice Chair at that meeting.

# CHAPTER IV

## *Agenda Staff Reports*

Rule 12\_ Use of ~~Clerk of the Board Required Agenda Form~~ Agenda Management System

~~With the exception of Board Offices, All~~  
~~Departments/Agencies~~ Departments and Board Offices shall use the appropriate form as determined by the Clerk electronic agenda management system when submitting items to be placed on the Board's agenda for consideration.

Rule 13 Department/Agency Department Agenda Responsibilities

When submitting an item for consideration by the Board, it is the responsibility of the originating ~~Department/Agency~~ Department to submit the item utilizing the agenda management system and include, at a minimum, the subject of the item, any recommended action(s), a summary of the requested action(s), and related background information. The Clerk, consistent with the Brown Act, will ~~provide~~ prepare a brief general description of the recommendation(s) in the posted agenda sufficient to inform interested members of the public about the subject of the item so that they can determine whether to monitor or participate in the meeting at which the item will be considered.

Originating ~~Departments/Ageneies~~Departments shall submit sufficient hard copies necessary to meet the distribution and processing requirements of the CEO and Clerk. The Clerk may refuse to place any item on the agenda which fails to conform to this Rule.

Rule 14 County Counsel Approval of Legality as to Form

No ordinance, resolution, agreement or contract submitted with an agenda item will be considered by the Board until its legality as to form has been approved in writing and/or by electronic means by the Office of County Counsel.

Rule 15 Adoption of Ordinances

The recommended action section of any agenda item proposing adoption of an ordinance must state that the “title of the ordinance be read and that the reading of the ordinance in its entirety be waived.”

Rule 16 Review and Filing Procedure

All agenda items, except those filed by a Board member, require review by the CEO’s Office prior to submission to the Clerk for placement on the agenda. An agenda item and accompanying back-up documents for placement on a Board agenda must be submitted to the CEO’s Office pursuant to the ASR Submission Calendar published by the Clerk ~~of the~~ Board. Additional requirements may be imposed by the CEO and Clerk to ensure appropriate review and Brown Act compliance.

Agenda items regarding policy issues that are submitted by Board members shall show the Board member proposing the policy as the “Submitting ~~Agency/~~Department.” Board members shall not use ~~other departments or Agencies~~the Departments for such submissions unless directed by the Board at a Board meeting to develop policy direction for the Board.

Except as provided by law, nominees for appointment to a board, commission or committee that are designated for nomination by a specific Supervisorial district shall reside in that Supervisorial district, unless the Supervisor representing the district where the nominee resides provides written consent for the nomination, and such nominations shall be for a term concurrent with the nominating Supervisor’s term of office.~~and reside in that Supervisorial district, unless the Supervisor representing the district where the nominee resides provides written consent for the nomination.~~

All appointments to a board, commission, or committee that are not designated for nomination by a specific Supervisorial district shall be deemed “at large” appointments. All at large appointments shall be for a ~~period~~term of two years. Nominations for at large appointments and nominations to appoint a Board member to a board, commission, or committee may only be submitted by the Chair for placement on the Board agenda.

The CEO's Office will reflect CEO concurrence or non-concurrence on the agenda item and will submit the item to the Clerk for filing pursuant to the ASR Submission Calendar published by the Clerk ~~of the Board~~. The Clerk may amend ASR submission dates due to holidays to ensure appropriate review and Brown Act compliance.

No proposed labor agreement, such as a Memorandum of Understanding, amendment, codicil, side letter, or any other modification to a Memorandum of Understanding, including any such documents negotiated pursuant to a reopener clause, between the County of Orange and any employee bargaining unit shall be heard as an item on a Board agenda until and unless, one week has passed since the Clerk ~~of the Board~~ has published a copy of the proposed document on the County public website and the members of the employee bargaining unit have ratified the proposed labor agreement.

Any item that fails to conform to this Rule will be processed pursuant to Rule 17. The CEO may delay submittal of any item to the Clerk that fails to conform to this Rule.

Rule 17 Incomplete/Late Agenda Items and/or Back-Up Materials

Agenda items are to be submitted to the CEO's Office complete with all attachments and back-up materials and meeting the filing requirements in Rule 16. Any item that does not have the agenda item and all back up materials timely filed will be placed on the next regularly scheduled meeting by the Clerk. Exceptions may only be granted for special circumstances and must be requested no later than the Rule 16 CEO filing deadline, and must be approved in writing by the CEO with written concurrence by the Chair. Late items and/or back-up material will be received by the Clerk no later than 5:00 pm on the Monday, two weeks prior to the scheduled board meeting. This rule is to be distinguished from supplemental items, which are covered by Rule 21.

Rule 18 Revisions to Recommended Actions and/or New or Revised Information/~~Documents-Attachments~~ After the Agenda is Published

If the originating ~~Department/Agency~~Department desires to revise any recommended action, summary, background information and/or add new or revised information/~~documents-attachments~~ to an agenda item after the agenda has been published by the Clerk, it is their responsibility to first obtain CEO approval.

If the CEO approves the addition/revision, ~~the Clerk~~Departments must ~~receive-submit~~ the recommended change(s), using the ~~appropriate~~-ASR revision memo process, no later than 4:00 p.m., Thursday before the Board

meeting at which the item is to be considered. Departments shall submit sufficient hard copies of the revision memo and attachments to the Clerk for distribution to the Board.

The Clerk will ensure that the additional or revised document(s) are distributed as required and made available for public review no later than 125:00 p.m. on the Friday preceding the meeting at which the item is to be considered. The Clerk will further ensure that the new or revised information is uploaded to the Internet Meeting Agenda materials in a timely manner. If the Clerk has received the written revision to a recommended action prior to above deadline, a motion to adopt the recommended action shall be deemed a motion to adopt the most recent revised recommended action. The Clerk, at the time of the meeting, will note for the record that the recommended action has been modified from its original submission when appropriate.

Rule 19 Supplemental Correspondence and Information Prior to Board Meeting and During the Board Meeting

Any supplemental correspondence or written information related to an upcoming agenda item which is provided to three or more Board members, and/or members of their staffs within 72 hours of a meeting, shall be concurrently filed with the Clerk and made a part of the official record. This Rule shall not apply to attorney-client privileged communications.

Sufficient copies of supplemental correspondence and information should be delivered to the Clerk, and the Clerk shall make the appropriate distribution.

~~*After Initial Agenda Distribution and Prior to the Meeting Rule*~~*Prior to the Board Meeting* – Additional agenda item materials, correspondence or public comments received via mail, email, or hand delivered by the public to a majority of the Board or their staff must be concurrently distributed to the Clerk of the Board for public review.

~~*At the Board Meeting Rule*~~ – Correspondence, public comments and documents, including PowerPoint slides or other handouts, distributed to Board Members by County employees or Board Members themselves at the meeting, must provide 20 copies to the Clerk for distribution to each Board Member, CEO, County Counsel, Clerk of the Board and the ability to distribute to the general public upon request. If large numbers of the public are anticipated to attend the Board Meeting on a matter and new information will be distributed to the Board Members, then the number of copies should be increased to anticipate the number needed for the public.

Members of the public who wish to submit documentation to accompany their public comments should bring nine (9) copies for distribution to each Board Member, CEO, County Counsel and the Clerk. Due to information

systems security, electronic submissions of public comment supporting documentation cannot be accepted at the Board meeting.

***PowerPoint Presentations by County Departments—***

Departments must obtain prior review of presentations from the CEO's office and email an electronic copy to the Board Members' Chiefs of Staff, the CEO and the Clerk by 9:00 a.m. on the Monday before the Board meeting. In addition, Departments must provide 20 paper copies of their presentation slide decks at the meeting to the Clerk. The Clerk will ensure the presentation is displayed in the meeting room at the appropriate time as requested by the Department. In addition to providing 20 paper copies at the meeting, departments shall provide an electronic copy of the presentation to the Board Members' Chiefs of Staff and to the Clerk no later 9:00 a.m. Monday, the day before the Board meeting.

***PowerPoint Presentations by members of the public***

Due to information systems security, members of the public are prohibited from using the County laptop or connecting to the County network to present materials during Board meetings. Individuals wishing to present materials must bring a paper copy and display it using the document camera located to the right of the podium. At their discretion, nine (9) additional copies may be provided to the Clerk for distribution to the Board members, the CEO, and the Clerk.

~~Any supplemental correspondence or written information related to an agenda item which is provided to three or more Board members, and/or members of their staffs, shall be concurrently filed with the Clerk and made a part of the official record. This Rule shall not apply to attorney-client privileged communications.~~

~~Sufficient copies of supplemental correspondence and information should be delivered to the Clerk and the Clerk shall make the appropriate distribution.~~

# CHAPTER V

## *The Agenda*

### Rule 20      Requirements

The Clerk shall prepare an agenda for each Tuesday meeting for delivery to each Board office, the CEO, County Counsel and the Grand Jury on the Wednesday, two weeks prior, before noon. The agenda shall contain a brief general description of each item to be discussed or transacted at the meeting to which the agenda applies and shall include the full title of any ordinance proposed for adoption. The agenda shall indicate the time and location of the meeting and shall be posted by the Clerk as required by law. The agenda shall include the physical address of the Clerk where the public can obtain all documents/information relating to an agenda item as well as the Internet location of the meeting agenda and materials.

The Clerk shall arrange items to be discussed by the Board under the following agenda headings: Presentations, Consent Calendar, Discussion Calendar, Supplemental Agenda Items, Public Hearings and Closed Sessions. The Clerk and the Chair shall make a determination that if necessary, a public hearing shall be noticed for a time certain.

The Clerk, unless otherwise directed by the Chair, shall place or cause to be continued all special vote matters not able to be considered at a regular Tuesday meeting due to the absence of a minimum number of members necessary to approve the item on the next succeeding regular meeting's agenda. ("Special vote matters" are those that require a supermajority for passage.)

The Clerk shall also place all Board Directives scheduled for a date certain on the appropriate agenda. No department may continue or delete a scheduled directive without the written consent of the Chair.

## Rule 21 Supplemental Agenda Items

- (a) Supplemental Agenda items shall be kept to a minimum.
- (b) With the exception of items submitted by Board members prior to 12:00 p.m. on the Wednesday preceding a Board meeting, closed sessions requested by the County Counsel, or administrative errors/actions placed by the Clerk, any supplemental item must be concurred by the CEO, approved in writing by the Chair and received by the Clerk no later than 4:00 p.m., the Thursday before the Board meeting at which it will be considered.

- (c) Items submitted by Board members after 12:00 p.m. on the Wednesday preceding a Board meeting must be approved in writing by the Chair and received by the Clerk no later than 12:00 p.m., the Friday before the Board meeting at which it will be considered.
- (d) Board members and County ~~Department/Agency~~Department heads should use the following justification criteria when requesting approval of a supplemental item:
- 1) The item is based upon facts that were not known, nor with the exercise of reasonable diligence could have been known, in sufficient time to meet the ordinary agenda deadline date and hardship will likely result if the supplemental is not agendized and heard. Items of economic and financial hardship will be given priority consideration.
  - 2) The item requires immediate action to avert a crippling disaster, work stoppage or other activity that may severely impair public health, safety, or both.
  - 3) The department was directed to place the item on the agenda by the Board at a prior board meeting that did not allow sufficient time to meet the ordinary agenda filing deadline.
- (e) All supplemental items will be placed on the agenda at the conclusion of the discussion calendar or public hearings if required.
- (f) The Clerk shall distribute the supplemental items to the Board offices, CEO, County Counsel and Grand Jury no later than 12:00

p.m. the Friday preceding the Board meeting at which the matter will be considered. Sufficient hard copies of supplemental agenda items and any attachments shall be delivered to the Clerk for distribution.

The Clerk shall update the agenda by publishing a Revised Agenda with changes and supplemental items as needed until the Final Agenda is posted no later than 5:00 P.M. on the Friday before the Board meeting. Any continuations or deletions after the Final Agenda is posted will be published on an Agenda Modification report.

## Rule 22

### Deletions; ContinuancesContinuations and Deletions

#### Continuation or Deletion of Items by a Member of the Board

With the exception of items filed by another Board member, any member of the Board may submit a continuation or deletion memo of any item to the Clerk no later than 7:30 a.m., on Tuesday at which the item is scheduled to be considered. The Clerk shall identify which member of the Board continued or deleted the item from the agenda. Requests to continue or delete an item from the agenda after this deadline must be made at the meeting. Also, after a member of the Board has directed the Clerk to delete or continue any item on the agenda, that member of the Board may not delete or continue the item from a subsequent agenda without the concurrence of the Chair.

~~Any member of the Board may direct the Clerk to delete or continue any item from the agenda, except those items that are filed by another Board member, up to 12:00 p.m. Friday of the week preceding the meeting at which the item is scheduled to be considered.~~

~~After a member of the Board has directed the Clerk to delete or continue any item on the agenda, that member of the Board may not delete or continue the item from a subsequent agenda without the concurrence of the Chair.~~

#### **Continuation or Deletion of Items by Department or CEO**

The originating ~~or~~ Department of any item on the Board's agenda, or the CEO on behalf of any Department under ~~his~~their jurisdiction, may file a request with the Clerk to continue or delete an item no later than 7:30 a.m., on Tuesday at which the item is scheduled to be considered. The Clerk shall identify the Department that continued or deleted the item from the agenda. Any request to continue or delete an item after this deadline must be made at the meeting.

~~may direct its deletion or continuation to a date certain by the Clerk at any time prior to the meeting at which it is scheduled to be considered.~~

Notwithstanding any other Rule, ~~W~~when an agenda item is continued at a Board meeting by a motion of the Board, that is an action taken by the full Board and, as a result, individual Board members, the CEO, or Departments

may not override the Board's decision by further continuing or deleting the item without further action of the Board.

Any item that appears on a published agenda and is continued and then subsequently deleted prior to the board meeting to which the item was continued, will have its title remain on the agenda of the continued date and will show its status as deleted.

# CHAPTER VI

## *Order and Conduct of Business*

### Rule 23 Order of Business

The business of each regular meeting of the Board shall be transacted as far as practicable in the following order:

(a) Presentations

Ceremonial resolutions or proclamations recognizing individuals, groups or other special observances may be held prior to commencement of the regular meeting.

(b) Invocation

On a rotating basis, Board members are requested to provide an invocation at the start of each meeting.

(c) Pledge of Allegiance

On a rotating basis, Board members are requested to lead the assembly in reciting the ~~P~~ledge of ~~A~~llegiance.

(d) Regularly Scheduled Agenda Items

(1) Consent Calendar

(2) Discussion Calendar

(3) Supplemental Items

(4) Public Hearings

(i) Public Comments on items set for Public Hearing

(5) Closed Sessions

(e) Public Comments

Members of the public registering to speak either in person or by remote participation may comment on items of interest within the subject matter jurisdiction of the Board.

(f) CEO Comments

The County Executive Officer is invited to provide comments, updates or announcements.

(g) Board Comments

Board members may provide comments on any agenda or non-agenda item, give updates or announcements, and ask questions or give direction to staff, provided no action may be taken on non-agenda items unless authorized by law.

(h) Memorial Adjournments

Board members may ask to adjourn meetings in memoriam of community members who have passed away and whose passing they deem worthy of recognition.

Rule 24 Board Members; Notification of Absence

If any Board member is unable to attend a meeting, all reasonable effort shall be made to notify the Chair and the Clerk in writing as soon as possible to ensure there ~~are~~is a sufficient number of members present to consider all agenda items. The Clerk will continue an agenda item if there will not be a sufficient number of Board members present at the meeting to approve the item.

Rule 25 Quorum and Vote Required for Transaction of Business

Three members of the Board shall constitute a quorum sufficient to transact business. It shall take at least three affirmative votes of the Board to pass any motion (Govt. Code Sec. 25005), except where supermajority ~~4/5 votes~~ or unanimous votes are required by law.

Rule 26 Emergency Items

The Board may take action on items of business not appearing on the posted agenda under any of the following circumstances:

- (a) Upon a determination by a majority vote that an emergency situation exists, as defined in Government Code Section 54956.5;
- (b) Upon a determination by a two-thirds vote, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted;

- (c) 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.

No item will be considered by the Board which is not on the posted agenda unless the Supervisor who presents the item assures the Board that an emergency situation exists; or that the need to take immediate action came to the attention of the County subsequent to the agenda being posted and cannot be considered on the next regular agenda for specific reasons. Any item not on the agenda that is proposed for consideration shall state facts to support the determination why it comes within one of the foregoing provisions.

#### Rule 27 Resolutions and Proclamations Usage by Board Members

*Resolutions:* A Board resolution should only be placed on the Board agenda for consideration by the entire Board if the organization's or individual's achievement is of direct benefit to the *entire* County. The Clerk will work with County Counsel and Board offices to ensure placement of resolutions on the agenda meet the intent of this Rule.

*Proclamations:* Proclamations should be used to commend individuals and organizations that are one or two district specific.

To expedite the order of business, requests to present a resolution or proclamation at a Board Meeting shall be approved by the Chair prior to placement on the agenda by the Clerk. The Chair will make every effort to minimize the number of presentations on any one agenda and will encourage members to make their presentations at the appropriate ~~community~~ functions within their District communities.

Rule 28 Department/Agency Department Use of Supervisorial District Designation on Agenda Items

Departments are required to utilize the “all districts” designation, unless the item relates to a specific project, facility or area within a specific district(s) regardless of its countywide or multi-district service area.

Rule 29 Consent/Discussion 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, or as revised pursuant to Rule 18, above. 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.

Any Board member may ask the Clerk to record a “no” or “abstention” vote on any consent calendar item during the course of the meeting.

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, Board Member, CEO~~ or upon a request from the public to speak, the County Executive Officer.

The following matters are appropriate for the Consent Calendar, including but not limited to:

- Equipment purchases less than \$1,000,000
- Service purchases of less than \$1,000,000
- Position classification changes
- Receipt of pre-authorized or reoccurring grants
- New grants under \$500,000 which have been budgeted
- Agreements/contracts or extensions/amendments/change orders to contracts which do not individually or cumulatively exceed \$1,000,000
- 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
- Straight contract renewals of Board approved contracts regardless of dollar amount provided there are no monetary or scope of work revisions

Discussion Calendar – Items that require separate discussion and/or action, including, but not limited to:

- Any new program or change in policy
- Any items that require greater than a simple majority vote to approve (for example, 4/5ths or 2/3rds vote of the members)
- Agreements/contracts or amendments/extensions/change orders, with the exception of Public Works change orders and straight contract renewals noted above, that individually or cumulatively equal \$1,000,000 or more
- Requests of new or unbudgeted positions
- New fees and/or fee increases (Note: usually requires a published notice of hearing)
- Consideration of new policy or changes in policy, initiated locally or by legislation

- Items that require the Board to make a selection from a list/slate of firms or to select from a range of options that do not have a recommended selection by staff
- Introduction, reading and adoption of a proposed ordinance (State law)
- Supplemental agenda items
- Receipt of new grants that exceed \$500,000
- Unbudgeted expenditure that is absorbed within existing budget and that is or exceeds \$100,000
- Any unbudgeted expenditure that cannot be absorbed within existing budget and requires an appropriation
- All Declaration of Emergencies and Status Report Updates on the need for continuation of Declaration/Termination of Emergency
- All contract solicitation by RFP for firm selection by the Board regardless of dollar amount
- All Sole Source agreements/contracts regardless of amount
- All retroactive agreements and amendments to agreements

***Sole Source Agreements*** - ASRs for sole source agreements must contain the justification for sole source within the background information.

***Agreement Contingency Requests*** – ASRs that contain a contingency increase should contain the need for such contingency within the background information.

***Specialty Updates/Reports*** – The Board may designate certain types of reports/updates that require routine late submission to ensure they cover the most

current, up-to-date information. These reports include: The ~~weekly~~ legislative ~~bulletin~~report, the ~~weekly~~ grants report, ~~any~~ status reports on a Board declared emergency, and Statement of Votes following an election. The deadline for these reports is 4:00 p.m. Thursday preceding the Board meeting at which they will be considered. The Clerk will ensure distribution by 10:00 a.m. Friday.

*~~Department PowerPoint Presentations—See Rule 19.~~*

### Rule 30 Public Hearings

Upon receipt of a request by a County agency or Board Member for a public hearing established by statute, the Clerk may proceed to set the matter for public hearing without further action of the Board unless the Board is required by law to set the matter for hearing. In that event, the matter will be placed on the consent calendar to set the matter for hearing.

### Rule 31 Public Hearings for Planning and Zoning Matters

The following procedure shall be followed for public hearings involving planning and zoning matters:

- (a) The Chair or Clerk shall announce the scheduled matter.
- (b) Department staff may present the item and answer questions from Board members.
- (c) The Chair shall officially open the public hearing.
- (d) Persons in support or opposition to the Planning Commission's action may address the Board.

- (e) The Chair shall, following the conclusion of public comments, close the public hearing.
- (f) Board members shall then deliberate and either determine the matter or continue the public hearing to another date and time certain.
- (g) All information/exhibits introduced and presented to the Board at the hearing shall be filed with the Clerk of the Board as part of the official record of the proceedings. Exceptions may be made for one-of-a-kind items presented by staff used in the hearing when custody of the items will be maintained by the OC Planning Director.  
  
In such instances, the Clerk shall place a notation of the exhibit in the Clerk's files and the fact that it is in the custody of the OC Planning Director, where it may be inspected. Exhibits that are not of a nature that can be conveniently retained in the Clerk's files, such as scale models, shall be photographed by the person presenting the exhibit and the photographs shall be placed in the Clerk's files or returned to the presenter.
- (h) To be considered by the Board, any written material, including letters, briefs, and other documents, or exhibits, in support of or opposing the Planning Commission's action, are to be presented to the Board by filing eight (8) copies thereof (one for each Board member, CEO, County Counsel and one for the Clerk) with the Clerk either prior to or at the time of the hearing. Written material filed with the Clerk ~~of the Board~~ in advance of the hearing will be

available for public inspection and distributed to each Board Office. (Special time periods for submission of materials may be established by the Board in individual cases where an unusually heavy volume of such material is anticipated or other exceptional conditions exist).

- (i) Copies of all staff reports, environmental documentation, and other materials transmitted by County staff shall be provided to the Clerk and made available for public inspection. Suggested findings or amendments thereto submitted by staff are not subject to this Rule.
- (j) The Board may, after closing the public hearing and considering the matter and reaching a tentative decision, request staff to advise whether additional or revised suggested findings are advisable and, if so advised, either continue the matter to a date and time certain for final determination and direct staff to prepare such findings for Board consideration at that time or direct County Counsel to amend the findings accordingly and forward a copy of the revised findings to the Clerk for inclusion in the record.
- (k) A motion to approve a staff-recommended action shall, unless otherwise stated, be deemed to include all proposed findings recommended in connection with such action.

## Rule 32 Ordinances

When announcing an item that proposes the adoption of an ordinance, the Clerk shall read the title of the ordinance. Following Board action, the ordinance shall be placed by the Clerk on the agenda of the next regularly

scheduled Board meeting for adoption, or a later date if the Board so directs. Any alteration of the proposed ordinance, other than clerical or typographical, shall necessitate continuance of the item of at least five days to the next regular meeting. This Rule shall not apply to urgency ordinances or ordinances which, by statute, can be passed only after notice and a public hearing.

### Rule 33 Members to Address the Chair

When any Board member is about to speak, the member shall address the Chair. When two or more members address the Chair at the same time, the Chair shall name the member who is first to speak, and the speaker shall confine his remarks to the question under debate.

### Rule 34 Motions

All actions of the Board shall be made by motion and vote. Any motion made by any Board member will require a second. If a motion is not seconded, the motion fails for lack of a second and shall be so declared by the Chair. When seconded, the main that original motion is before the Board, no substitute motion will be entertained except as an amendment to the original motion to the main motion which will be voted on prior to the vote on the main motion unless incorporated into the main motion or the motion is withdrawn by the makers of the main-original motion. In the event the amendment-original motion is withdrawn or fails to carry a new motion may be entertained in the same manner, the main motion will resume intact.

After a motion has been seconded, the matter is open for discussion, and any member may request to be heard by submitting their request to the Chair using the electronic request to speak feature on their screen. The Chair shall recognize the right of the member to speak in the order appearing on the Chair's display. The Chair or any member who has the floor may call for the question. The Chair may also call for the vote if it appears that further discussion will be repetitious or that a majority of the members present concur, or if no member wishes to discuss the motion further, the Chair shall call for a vote on the motion.

Rule 35 Roll Call Votes

The roll need not be called in voting upon a motion except where specifically required by law or requested by a Board member or the Chair. Each roll call vote shall be made in an order determined by the Clerk or directed by the Chair but shall first include: the maker of the motion; the member who seconded the motion; the balance of the members present, with the Chair called last, unless the Chair made, or seconded, the motion.

Rule 36 Non-Roll Call Votes

If the roll is not called, in the absence of objection, the Chair shall order the item unanimously approved.

Rule 37      Conflicts of Interest

Members shall not be financially interested in any contract, purchasers at any sale or vendors at any purchase made by them in their official capacity.

Any member with a disqualifying conflict of interest must, in compliance with the Political Reform Act:

- a.      publicly state the nature of the conflict in sufficient detail to be understood by the public;
- b.      recuse himself/herself from discussing and voting on the item; and
- c.      leave the room until the item has concluded, unless it is on the consent calendar.

The member may be allowed to address the Board as a member of the public. Said disclosure shall be noted in the official Board minutes. The member must also comply with all other applicable conflict of interest laws.

# CHAPTER VII

## *Duties of County Staff*

### Rule 38 Clerk of the Board (“Clerk”)

#### A. Attendance at Meetings

The Clerk, or a representative designated by the Clerk, shall attend each meeting of the Board and maintain a record of all proceedings and directions of the Board. Agenda items or groups of items will be called by the Clerk.

#### B. Preparation and Distribution of Agenda

The Clerk will prepare, post and distribute all agendas of the Board meetings. The agenda shall consist of a brief statement of each item to be considered by the Board of Supervisors, pursuant to the Ralph M. Brown Act, Government Code section 54950 et seq. The regular Board meeting agenda will be published on the Wednesday, two weeks preceding the Tuesday regular meeting. Internal distribution shall be made to the members of the Board, the CEO, County Counsel and the Grand Jury.

The Clerk will also update the agenda by publishing a Revised Agenda with any changes and supplemental agenda items and materials when there has been an item added, continued, deleted, and/or modified since the distribution of the initial meeting agenda.

The Clerk will publish the Final Agenda no later than 5:00 P.M. on the Friday before the Board meeting.

~~The Clerk will also prepare, post and distribute all supplemental agendas when there has been an item added, continued, deleted, and/or modified since the distribution of the initial meeting agenda.~~

~~The regular Board meeting agenda will be distributed and made available to the public on the Wednesday, two weeks preceding the Tuesday regular meeting. Internal distribution shall be made to the members of the Board of Supervisors, the County Executive Officer, Grand Jury, and County~~

~~Counsel. Supplemental agendas shall be made available as soon as practical. The Clerk shall also make these agendas available on the Intranet and Internet as soon as is feasible.~~

**C. Preparation and Distribution of Summary Action Minutes**

The Clerk shall prepare and distribute Summary Action Minutes (“minutes”) of Board meetings. The minutes shall consist of the brief statement of each item posted on the final agenda ~~and supplemental agenda~~ plus all motions, resolutions and ordinance numbers related thereto, all votes recorded thereon, and the final action taken by the Board.

The minutes shall be distributed and made available to the public within 72 hours of the meeting. Internal distribution shall be made to the members of the Board, the ~~County Executive Officer~~CEO, ~~affected Agency/~~submitting Departments~~s-heads~~, and affected districts, authorities, or boards of which the Board is the governing body. The minutes shall also be ~~posted~~placed on the Internet.

The minutes shall be made available at no cost at the Clerk's Office and will suffice as the official Summary of Proceedings.

**D. Custodian of Audio ~~and Audio~~/Video Records**

The Clerk shall maintain the official audio/video record of each Board meeting for a period of not less than three (3) years and will make the audio/video records~~se tapes~~ available for listening by the public at no charge. ~~The Clerk shall also maintain the official audio/video record of any meeting broadcasted. These audio/video records will also be made available to the public for viewing at no cost and will be maintained for a period of no less than three (3) years.~~

**Rule 39 County Executive Officer (“CEO”)**

The CEO, or a representative designated by the CEO, shall attend each meeting of the Board and shall provide such information to the Board as necessary to assist Board members in their deliberations and decision making.

**Rule 40 County Counsel**

The County Counsel, or a representative designated by the County Counsel, shall attend each meeting of the Board and shall serve as adviser to the Board on appropriate rules to comply with legal requirements. County Counsel will provide the oral report out from closed sessions and the oral reports regarding compensation for executives, department heads and similar administrative officers required under Govt. Code Section 54953(d)(3)(A).

Rule 41 Sheriff

The Sheriff, or a representative designated by the Sheriff, shall be available to respond to each Board meeting immediately upon call, shall be the Board's Sergeant-at-Arms and will carry out all orders given by the Chair

for the purpose of maintaining order and decorum at Board meetings and will ~~insure~~ensure that the aisles, entrance to the Board Meeting Room and lobby areas are clear and that individuals are seated to maintain public safety in the event of an emergency. As the Sergeant-at-Arms the Sheriff's Deputy will fully enforce Rule 48 dealing with the Security and Safety of Board Room participants.

Rule 42 Department/Agency~~Department~~ Heads

~~Departments/Agenies~~Departments shall, insofar as practicable, consult with such other ~~Departments/Agenies~~Departments as may be appropriate to the particular subject, or as referred by the Board, before submitting official correspondence to the Board, in order that necessity for further referral shall be minimized.

Each County, authority or district ~~Department/Agency~~Department head, or a designated representative of the ~~Department/Agency~~Department head, having any matter on the agenda for consideration by the Board, whether consent or discussion, shall be available for the purpose of providing

information to the Board and shall attend any Board meeting when requested to do so by a Board member or the CEO or when, in the judgment of the ~~Department/Agency~~Department head, the Board will probably require additional information.

## CHAPTER VIII

### *Participation by the Public*

#### Rule 43 Right to Address Board

Subject to the provisions of these Rules, any member of the public shall have the right to address the Board on any matter being considered by the Board, or, during the portion of the meeting reserved for public comments, on any issue of interest to the speaker that is within the subject matter jurisdiction of the Board. However, if a matter is set for a public hearing, it shall be out of order for any member of the public to address the Board on such a matter prior to the official opening of the public hearing unless the person's remarks are confined to the specific question of the appropriateness of setting said matter for public hearing.

#### Rule 44 Use of Speaker's Request Form Registering a Request to Speak

(a) Members of the public desiring to address the Board on a consent item, discussion item, closed session, ~~or~~ public hearing agenda item or during the non-agenda public comments portion of the meeting must ~~complete a speaker request form and deposit the completed form with the Clerk~~ register their request to speak online if participating remotely or at the kiosks located in the lobby prior to the Board's consideration of the consent calendar, the Clerk's reading of the agenda item, ~~or~~ the opening of the public hearing, or the start of the public comments. ~~as the case may be.~~ Once an item is called, no additional requests to speak on that item will be accepted.

~~(b) Members of the public desiring to address the Board during the public comments portion of the meeting must complete a speaker request form and deposit the completed form with the Clerk prior to the start of the public comments portion of the meeting.~~

(be) To ensure the orderly conduct of each meeting and public hearing, the Chair may deem “out of order” any member of the public who attempts to address the Board without having first submitted ~~to the Clerk a completed speaker request form;~~ a request to speak. ~~S~~such a speaker may be found in violation of Rule 46 if his/her conduct actually disturbs the orderly conduct of the meeting or interferes with the Board’s ability to accomplish its business.

#### Rule 45 Public Comments

During the public comments portion of the agenda, a member of the public may directly address the Board on any matter that is within the subject matter jurisdiction of the Board. However, no action may be taken by the Board on off-agenda items unless authorized by law.

**Rule 46      Addressing the Board**

At the appropriate time, the Chair or the Clerk will call the names of members of the public desiring to address the Board. In order to facilitate the orderly conduct of the meeting, the speaker, ~~after approaching the lectern, whether in person or participating via remote participation,~~ is requested to announce his or her name and city of residence for the record. All remarks and questions shall be addressed to the Board. However, nothing herein shall preclude a member of the public from commenting on, questioning, or criticizing the policies, procedures, programs, or services of the County, the acts or omissions of the Board, or the positions, statements, votes, actions or omissions of members of the Board. However, each person who addresses the Board shall refrain from making personal, impertinent, slanderous or profane remarks to any member of the Board, staff or the general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or who engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Board meeting shall, at the discretion of the Chair, or a majority of the members, be ruled “out of order” and directed to end his or her remarks. ~~and be seated.~~ If such conduct thereafter continues so as to disrupt the orderly conduct of the public’s business, the Chair shall order the person removed from the meeting room or muted from remote participation for the remainder of the meeting. Aggravated cases may be

prosecuted on appropriate complaint signed by the Chair, a member of the Board or any other County representative.

It is the policy of the Board to encourage free speech at its meetings in accordance with these rules. No sanction will issue under this rule based on the content of a person's speech; rather, a speaker may be sanctioned as described herein only if a speaker's conduct actually disrupts the orderly conduct of the meeting or interferes with the Board's ability to accomplish its business.

For purposes of this Rule, "disruption" of a Board meeting may include, but is not limited to, speaking beyond the time limits set by these Rules or the Chair, by being unduly repetitious, by engaging in an extended discussion of irrelevancies, by violating the requirements of Rule 44, or by failing to yield to the Chair.

Pursuant to Government Code 54943.4 (b)(1), all regular meetings of the Board shall provide members of the public opportunity to attend and provide public comments by remote participation via two-way audio platform.

If an interruption of telephonic or internet services occurs preventing members of the public from participating in the meeting via the two-way telephonic platform, the Board shall recess the meeting and make a good

faith attempt to restore service. The Board may meet in closed session during this period. The Board shall not reconvene the open session of the meeting until at least one hour following the interruption or until service is restored, whichever is earlier.

Upon reconvening the open session, if service has not been restored, the Board shall either: a.) adopt a finding by roll call vote that good faith efforts to restore service have been made in accordance with Government Code 54953.4 and that the public interest in continuing the meeting outweighs the public interest in remote public access, or b.) adjourn the meeting and continue all remaining items of business to the next regularly scheduled meeting or to a special meeting called by the Chair.

#### Rule 48 Time Limits

(a) For every regular and special meeting, each member of the public may address the Board on up to three occasions, with ~~three~~two minutes allotted to the speaker per occasion.

(b) The Chair retains ~~the authority~~authority, in his or her discretion, to further reduce the time allotted for each individual speaker if the number of persons desiring to speak would prevent the Board from accomplishing its business in a reasonably efficient manner.

(c) When any group of persons desires to address the Board on the same subject matter, the Chair may require that a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition.

(d) A speaker's time will be tolled by the Clerk if the speaker is questioned or interrupted by the Chair, or by members of the Board, including the time for the speaker to respond to such questioning.

#### Rule 49

#### Interpretation/Translation Services

Real-time in-meeting interpretation services will be provided for non-English speaking members of the public who wish to address the Board. Interpreter services for members of the public participating remotely is not available at this time. If a member of the public participating remotely utilizing the services of their own a-~~interpreter~~translator, they shall be allotted twice the amount of time to speak as other individual public speakers to ensure that non-English speakers receive the same opportunity to address the Board.

If any member of the public wishes to translate a public meeting into another language or receive interpretation provided by another member of the public, space will be made available in the County Administration North Multi-Purpose Room. Participants may use their own equipment or arrange for commercially available interpretation services so that interpretation does not disrupt the meeting.

Translated agendas will be provided pursuant to Government Code 54953.4 (c) and County Language Access Policy. Additionally, and in accordance with Government Code section 54953.4 (c) (3), public translation boards

are available for the public to post their own translated versions of agendas. Posting boards will be located adjacent to the kiosks at the south and west entrances of the Civic Center. The County is not responsible for the content or accuracy of any translation provided by the public.

Rule 50 Security and Prohibition of Banners/Signs or other Hazardous Objects

The Board of Supervisors has the power to implement and approve all security measures in the Board Room. Any changes in security procedures shall be shared with the Board in advance. All recordings from security cameras are confidential and are not public records, but copies of such recordings shall be provided to any or all Board Members at their request, absent any state law that may prohibit such distribution.

Signs, posters, banners or other hazardous objects that actually disrupt the meeting shall be prohibited in the Board Room. All attendees are required to pass through a metal detector, and bags, suitcases, backpacks, or other suspicious containers shall be examined for contraband prior to entrance to the Board Room. Any large object/container that may be deemed a hazardous object which could impair the safety of individuals in the event of an emergency will be prohibited in the Board Room.

## **Log of Amendments**

Rules of Procedure adopted by the Orange County Board of Supervisors on 03/16/1971, Resolution No. 71-273

Amended by Resolution No. 80-2128, 12/23/1980

Amended by Resolution No. 81-169, 02/03/1981

Amended by Resolution No. 84-397, 03/20/1984

Amended by Resolution No. 84-901, 06/12/1984, Agenda Item No. 31

Amended by Resolution No. 86-48, 01/14/1986, Agenda Item No. 26

Amended by Resolution No. 86-330, 03/18/1986, Agenda Item No. 45

Amended by Resolution Nos. 86-1543 and 86-1544, 12/09/1986, Agenda Item Nos. 32 and 33

Amended by Resolution No. 87-21, 01/06/1987, Agenda Item No. 88

Amended by Resolution No. 91-95, 01/29/1991, Agenda Item No. 50

Amended by Resolution No. 94-330, 03/29/1994, Agenda Item No. 70

Amended by Resolution No. 95-57, 01/31/1995, Agenda Item No. 26

Amended by Resolution No. 96-271, 04/23/1996, Agenda Item No. S32H

Amended 02/23/1999, Agenda Item No. 44

Amended 7/20/2004, Agenda Item No. 38

Amended 12/19/2006, Agenda Item No. 67

Amended 11/25/2008, Agenda Item No. 50

Amended 1/27/2009, Agenda Item No. 39

Amended 12/15/2009, Agenda Item No. 62

Amended 12/04/2012, Agenda Item No. 19

Amended 12/18/2012, Agenda Item No. S57B

Amended 12/17/2013, Agenda Item No. 34

## **Log of Amendments (Continued)**

Amended 11/17/2015, Agenda Item No. S11B

Amended 02/09/2016, Agenda Item No. 24

Amended 11/8/16, Agenda Item No. S33A

Amended 04/11/17, Agenda Item No. S29B

Amended 02/06/2018, Agenda Item No. S29C

Amended 01/12/2021, Agenda Item No. S42E

Amended 07/13/2021, Agenda Item No. 19

Amended 04/24/2022, Agenda Item No. S48B

Amended 06/27/2023, Agenda Item No. 71

Amended 06/23/2026, Agenda Item No. XX