

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Board of Supervisors' Agenda and Related Processes

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PURPOSE

To provide guidelines for conduct of all activities generally related to the Board of Supervisors' Agenda.

BACKGROUND

The Board of Supervisors formally conducts the business of the County and certain special districts by convening regular meetings, hearings, and conferences.

General Agenda Guidelines

The Clerk of the Board of Supervisors prepares an agenda for each meeting based on input from the Board, the Chief Administrative Officer, the County Counsel, and the public. The Board of Supervisors' Agenda is prepared weekly according to the Board of Supervisors calendar.

Items for the agenda for any regular meeting of the Board may be included on the agenda only with the approval of the Chief Administrative Officer; provided, however, Board members may file an item for the agenda for a regular meeting directly with the Clerk.

The Agenda includes certain administrative items which are those matters the Board has established to be administrative in nature, require Board action, and may be approved without extensive review or discussion.

Each Board member receives the weekly agenda and copies of the Board letter and supporting material that comprises the agenda item except for administrative items. Administrative items are only distributed upon request by an individual member of the Board.

The Clerk also prepares a list entitled Communications Received for Board of Supervisors' Official Records (CR). These are letters/documents submitted to the Board which do not require formal Board action. The CR list is placed on the regular agenda for the Board to receive and file. Any member of the Board may pull for discussion an item on the CR list. Staff of the Board member alerts the Clerk in advance to have the item pulled for discussion, for the Clerk to seek the approval of the Chair and distribute copies of the item to Board members, the Chief Administrative Officer, and County Counsel.

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The Agenda may also include items that are policy/presentation matters. These are matters of policy or of an issue on which a formal presentation will be made. The items are denoted on the Agenda Index with an asterisk (*). These items require discussion by members of the Board and are automatically included by the Clerk of the Board during formation of the Consent Calendar to the list of items to be discussed by members of the Board.

The Chief Administrative Officer, members of the Board, other elected officials, Planning Commission, and certain other boards, committees and commissions make the recommendation to the Board for an Agenda item. Except for Planning Reports and items placed on the agenda by elected officials, the recommendation must include the recommendation of the Chief Administrative Officer, which may be in concurrence or otherwise. When there is more than one recommendation printed on the Agenda, the Board takes action on the Chief Administrative Officer's recommendation unless otherwise stated in the motion.

General Meeting Guidelines

Any item on the Agenda, except for those placed on the agenda by elected officials, may be withdrawn in open session by the Chief Administrative Officer.

The Tuesday meeting of the Board begins at 9:00 a.m. The Wednesday meeting begins at 9:00 a.m.

Members of the public wishing to address the Board must fill out a Request to Speak slip in favor or opposition to the recommendation(s) described in the Board Letter for an item/project and submit it to the Clerk of the Board prior to commencement of the meeting or prior to the time that the item is called for discussion if the item has not been adopted without discussion, pursuant to the Board's Rules of Procedure.

Following opening of the meeting by the Chair, any member of the Board may present Proclamations/Certificates of Appreciation and other forms of recognition to members of the public.

As the first matter of business, the Board offers the public the opportunity to address the Board on any subject matter within the Board's jurisdiction, but not an item on the day's Agenda. Ten (10) minutes total is allocated for this period at the beginning of the meeting, with each speaker limited to two (2) minutes. Each speaker shall complete and submit a Public Communication Request to Speak form to the Clerk of the Board prior to

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the commencement of the meeting. In the event that more than five (5) individuals request to address the Board, the first five (5) will be heard at the beginning of the meeting. The remaining speakers will be heard at the conclusion of the meeting and granted two (2) minutes each. Any person filing a Public Communication Request to Speak form after commencement of the meeting shall not be allowed to address Board. All matters spoken to, and written material presented, will be automatically referred to the Chief Administrative Officer.

The next matter of business is a review of the Agenda to develop the Consent Calendar. The Consent Calendar is composed of agenda items to which no one from the public nor any member of the Board wishes to speak and the items are approved on one roll call vote. Thereafter, the Chair calls on each member of the Board to announce the item(s) the member wishes to pull from the Consent Calendar for placement on the list of items for Board discussion.

A list of Agenda items pulled for discussion is formed so that the items pulled by the public are heard first, followed by the items pulled by members of the Board, followed by policy/presentation matters; except that those items which are set to be heard at a time certain and items that are noticed public hearings are heard at the designated time or later, but not earlier.

Conferences may be scheduled by the Board to allow discussion between staff and Board members, and invited guests. The date for conference and meeting place are set by the Chair, unless otherwise ordered by the Board.

AGENDA PROCESS

The agenda process requires support from County staff in many ways. Management staff submits letters for Board action and attends Board meetings to review the staff report and respond to questions of members of the Board. The Board letter represents an attempt by management to answer anticipated concerns or questions Board members or the public may have regarding recommended actions.

The Clerk prepares the agenda, makes it available to the public, records all Board sessions, and publishes a Statement of Proceedings.

The major objective of the agenda process is to allow for open deliberation by the Board of Supervisors on all County matters not to be considered in Closed Session, with special emphasis on input from citizens.

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This Board Policy is outlined as follows:

- A. Docketing Items for Regular Meeting(s), Conference(s) and Communications Received for Board of Supervisors' Official Records;
- B. Provision of Agenda Information to the Public;
- C. Provision for Public Input to Agenda Items;
- D. Other Clerk of the Board of Supervisors' Support to Agenda Processes;
- E. Closed Sessions -- Official Records;
- F. Board Assignment of Staff Studies and Requests for Information;
- G. Chief Administrative Officer Representation at Board of Supervisors' meetings.

A. DOCKETING ITEMS FOR THE REGULAR, MEETING(S), CONFERENCE(S), AND COMMUNICATIONS RECEIVED FOR BOARD OF SUPERVISORS' OFFICIAL RECORDS.

1. TIMELY PRESENTATION OF MATTERS ON THE REGULAR AGENDA - APPROVAL OF AGENDA AND OFF-AGENDA ITEMS

As provided in Administrative Code Section 503, all matters, including time certain matters and conferences, to be listed on the agendas for the regular Tuesday meetings of the Board, but not including Closed Session matters, must be filed in the Office of the Clerk no later than 12 noon on the Monday, eight days before the Tuesday meeting. If the Monday deadline is a holiday, such matters must be filed in the Office of the Clerk no later than 12 noon on the Friday of the week preceding the holiday.

All matters for the Wednesday agenda, except Closed Session matters, must be filed in the Office of the Clerk no later than 12 noon on the Thursday, thirteen days before the Wednesday meeting. If the Thursday deadline is a holiday, said matters must be filed in the Office of the Clerk no later than 12 noon on the Wednesday preceding the holiday.

If the Board continues a scheduled Tuesday agenda item for one week, or up to four weeks (30 days), in order to receive an additional staff report, the docketing deadline for the additional staff report shall be noon on the Wednesday immediately preceding the Tuesday agenda to which the item has been continued, or noon on the Thursday immediately preceding the Wednesday agenda.

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The Closed Session agendas for the Tuesday and the Wednesday meeting shall be filed by County Counsel with the Office of the Clerk by 8:30 a.m. on the preceding Friday. If the Friday deadline is a holiday, the Closed Session agenda shall be filed at 8:30 a.m. on the last business day preceding the Friday holiday.

These deadlines will allow time for Board members and the public to review docketed materials and recommendations. Written disclosures required by Section 1000.1 of the San Diego County Charter filed with the Clerk of the Board will automatically be processed by the Clerk in accordance with the requirements of the Charter. Supplemental disclosures will be announced by the Clerk of the Board.

Government Code Sections 66016 through 66018.5 provide for a public hearing process prior to establishing or increasing a fee; exempt from this procedure are the establishing or increasing rates or charges for water, sewer, electrical service, or if there is another specific statutory notice requirement applicable to the proposed new or increased fee other than the Brown Act provision which is applicable to all matters. Agenda items subject to the public hearing process by proposing a new or increased fee, either by resolution or ordinance, are to be docketed with the Chief Administrative Officer in accordance with the standard docketing procedure and are to contain the appropriate ordinance/summary of ordinance/resolution hearing notice and legal advertisement request form. The Clerk of the Board, with concurrence of the Chief Administrative Officer, will set the matter for hearing, inform the initiating official/department of the hearing date, publish the notice two times, ten days in advance of the hearing, and place the item on the Board's agenda for the date set for the hearing.

Administrative items on the Agenda may be pulled and discussed as part of the regular agenda.

In general, deadline decision situations should be avoided and slippage of Board-set due dates minimized. If a Board-set due date cannot be met, a recommendation for a new date should be docketed with the Board along with reasons for such recommendations.

The Board of Supervisors will not consider any item not listed on the Board of Supervisors' meeting agenda except if the item qualifies under the Ralph M. Brown Act (Government Code Section 54950, et seq.) and as permitted by San Diego County Administrative Code Section 503. Prior to the commencement of

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the meeting, the County staff person requesting the Board to accept a matter for consideration as an off-docket item shall furnish the Board the following:

- The Board letter of recommendation,
- The Chairperson's "Statement to the Public to be Read on the Record" cover sheet stating the reason for not listing the item on the current or next regular agenda,
- The necessity for having such item considered at the current meeting
- A brief summary statement (subject title and short explanation of subject matter and recommendation) which the Chair will read upon introducing the item for Board consideration, and
- The finding to be made by the Board.

The Chairperson's Statement to the Public to be Read on the Record and attachments, if any, shall be submitted for approval to the Chief Administrative Officer, along with seven copies of the item for distribution to the Board of Supervisors. If approved, the Chief Administrative Officer will affix the off-docket stamp to the Chairperson's Statement to the Public to be Read on the Record cover sheet and transmit the item to the Chair's Office.

The Chairperson's Statement to the Public to be Read on the Record cover sheet with the off-docket stamp is placed on top of the regular Board letter for submittal to the Chair. The Clerk's Office will obtain the initials of each Board member to be present at the meeting and submit one copy of the item to each Board member, the Chair's signature to be sought last.

Board members submit off-docket requests directly to the Chair's office with five copies, one for each other Board member. The Board will consider off-docket items on Tuesday and on Wednesday at the call of the Chair.

2. EFFICIENT PACKAGING OF SIMILAR ITEMS

Compensation Ordinance Amendments, routine, and similar items should be consolidated for presentation to the Board at one time, provided time and other constraints allow.

Accordingly, proposed amendments to the Compensation Ordinance shall be consolidated and docketed no more than once each month for consideration by the Board at the regular Tuesday meeting eight days thereafter. However, when the

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Chief Administrative Officer deems it to be in the best interest of the County, such items may be presented at any time.

**3. SIGNIFICANT ISSUES SET FOR DISCUSSION AT BOARD CONFERENCES
-- CONFERENCE REPORTS**

Information should be developed and provided which will increase the Board of Supervisors' understanding and ability to make the decision in certain difficult subject areas. Accordingly, Board conferences will be scheduled for this purpose with the approval of the Chair.

When setting Board of Supervisors' conferences, the Board shall allow sufficient time for staff to prepare the necessary information and reports for such conference. Such information and reports should be submitted to the Clerk no later than 12 noon on Monday, eight days prior to the date of the meeting. An Agenda outlining the format of the conference including speaking times and names of presenters, if known, shall be included in the material docketed for each conference.

**4. COMMUNICATIONS RECEIVED FOR BOARD OF SUPERVISORS'
OFFICIAL RECORDS -- NOTIFICATION OF PENDING COUNTY
LITIGATION**

Routine informational reports which need to be brought to the attention of the Board of Supervisors yet not requiring Board action should be sent via the Chief Administrative Officer to the Clerk for distribution to Board members and listing on Communications Received for Board of Supervisors' Official Records. If there happens to be a substantive public or Board concern, a matter may be pulled and discussed as part of the regular agenda. Accordingly, this procedure shall be utilized by County staff to notify the Board of service on, and status of, pending County litigation. Reports requested by the Board of Supervisors shall appear on the Regular Meeting or Conference agendas.

5. ADMINISTRATIVE MANUAL PROCEDURES

The Chief Administrative Officer and Clerk of the Board of Supervisors may establish the necessary docketing procedures. See Administrative Manual Items 0020-1 and following.

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6. PLACEMENT OF ITEMS ON THE REGULAR AGENDA

- a. The following persons and agencies are authorized to place matters on the regular agenda of the Board:
 - (1) Members of the Board of Supervisors.
 - (2) The Chief Administrative Officer and designees.
 - (3) The County Counsel with Chair's approval for closed session only; the Chair shall coordinate scheduling and notification of Closed Session meetings with all Board members and appropriate County Staff.
- b. Requests for placement of items on the Board's regular agenda by persons or agencies will be referred by the Clerk of the Board to the Chief Administrative Officer for a report. If appropriate, the Chief Administrative Officer will place the item, and report, on the Board's agenda.
- c. The Clerk shall screen items submitted for inclusion on the regular agenda to determine if they more appropriately should be placed on the Administrative Agenda or Communications Received for Board of Supervisors' Official Records, and shall consult with the Chair in doubtful cases.

B. PROVISION OF AGENDA INFORMATION TO THE PUBLIC -- COPIES OF AGENDA AND BACK-UP MATERIAL

At least 72 hours before a regular Board of Supervisors' meeting, the Clerk of the Board shall post an agenda containing a brief general description of each item of business to be transacted or discussed, in a location that is freely accessible to members of the public. Each agenda shall be posted at the South Entrance of the first floor of the San Diego County Administration Center and on the bulletin board located at the North Chamber (Room 310), Third Floor, County Administration Center. The agenda and back-up material may be posted on the County's Internet Web site as a convenience to the public. Persons actively interested in receiving agenda information shall be assisted promptly, but at minimal cost to the County.

Copies of the agenda and back-up material, Board of Supervisors Policies, Board of Supervisors Rules of Procedure and Statement of Proceedings shall be available in the office of the Clerk of the Board of Supervisors and may also be posted on the County's Internet Web Site. Copies of these documents may be provided by the Clerk via electronic mail or facsimile (fax) transmission.

Mail subscriptions to the agendas and Statements of Proceedings may be procured through the Department of General Services – Document Services Unit, at a cost in

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accordance with Section 62.1 of the Administrative Code. Hard copies of the above documents may be procured through the Clerk of the Board at a cost in accordance with Section 62.1 of the Administrative Code.

C. PUBLIC INPUT TO AGENDA ITEMS -- ORDER FOR LISTING HEARINGS ON BOARD OF SUPERVISORS' AGENDA

Persons actively interested in making public input are to be facilitated, and Board deliberations structured where possible to minimize inconvenience to such persons. In order to accommodate persons who may travel long distances to provide input at Board hearings, it is the policy of the Board of Supervisors that in preparing the calendar for each day for public hearing matters, the Chief Administrative Officer shall list:

1. In descending order, those hearings set for projects in geographical area located most distant from the site of the Board of Supervisors' meeting chamber followed by those located closer;
2. Those hearings set for projects situated in Supervisorial District 5 first, Supervisorial District 2 next, and then Supervisorial Districts 1, 3 and 4 whenever more than one hearing is geographically located at a point approximately of equal distance from the site of the Board of Supervisors' meeting chamber;
3. Following the directions prescribed in 1 and 2, hearings continued from a previous date ahead of new hearings;
4. Those hearings dealing with subjects not involving geographical location last, but if there is known large public interest, they shall be scheduled after consultation with and as directed by the Chair of the Board.

Other rules regarding public input to the agenda process may be found in the Board of Supervisors' Rules of Procedure.

D. OTHER CLERK OF THE BOARD OF SUPERVISORS' AGENDA SUPPORT TO AGENDA PROCESS

1. PERFORMANCE OF ROUTINE RESPONSIBILITIES FOR THE BOARD OF SUPERVISORS -- EXECUTION OF DOCUMENTS

Whenever legal and feasible, the Clerk of the Board of Supervisors may be called upon to perform routine functions for the Board of Supervisors. Accordingly, all minute orders and resolutions by the Board of Supervisors authorizing the

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execution of a document on behalf of the County shall authorize the execution thereof by either the Chair or the Clerk of the Board of Supervisors, unless another specific designee is named. In most cases, the Clerk of the Board shall execute such documents to expedite processing and assure that a copy is on file in the Clerk's office as part of the official County records.

2. OFFICIAL RECORDS

The Clerk of the Board of Supervisors shall maintain on written microphotographic or computer file, or on magnetic tape or scanned media, official County records including all Board of Supervisors' public deliberations and actions.

E. CLOSED SESSIONS -- OFFICIAL RECORDS

1. With respect to Closed Sessions:

- a. The County Counsel, or Deputy, shall attend in person all Closed Sessions of the Board of Supervisors, and shall keep and enter in a minutes book a record of topics discussed and decisions made at such Closed Sessions.
- b. The County Counsel shall identify each entry as to the date of Closed Session and those attending the session.
- c. The minutes book shall be retained by the County Counsel in a locked cabinet in the Office of County Counsel in such a manner as to assure its confidentiality.
- d. The minutes book of any Closed Session of the Board of Supervisor shall be made available only to members of the Board of Supervisors when specifically requested by a Board member.
- e. A written record of actions taken at Closed Sessions will be prepared.
- f. The minutes book of a Closed Session shall not be removed from the Office of County Counsel, and any person reviewing the minutes book shall do so in the Office of the County Counsel.
- g. The County Counsel shall keep a confidential register of persons who review the minutes book of a closed Session.

F. BOARD ASSIGNMENT OF STAFF STUDIES AND REQUESTS FOR INFORMATION

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Requests from the public or members of the Board which will involve response from County management staff should informally be in writing and signed, in the case of an organization, by one of its principal officers. Staff response requiring less than one staff day (8 hours) to research, prepare and submit such an answer to specific problems, complaints, or requests for information readily obtainable should be responded to in an expeditious manner by the office or department to which addressed or assigned. More involved requests shall be discussed by the Chief Administrative Officer with the Chair of the Board of Supervisors, and if necessary, the requestor, and docketed with the Board for its direction, if deemed appropriate. If the Board directs the Chief Administrative Officer to respond to the request, the Chief Administrative Officer will assign the matter to the appropriate staff within the County organization and monitor its progress to assure a complete, coordinated and timely response.

G. CHIEF ADMINISTRATIVE OFFICER REPRESENTATION AT BOARD OF SUPERVISORS' MEETINGS

In order to, (1) utilize the advice and guidance of the Chief Administrative Officer at Board of Supervisors' meetings when required without placing an unnecessary burden on the Chief Administrative Officer's time, and (2) provide a significant training experience for the Assistant Chief Administrative Officer in the techniques of leadership, advice, informational input, guidance and persuasion, the following policy has been established.

1. The Chief Administrative Officer (or in the Chief Administrative Officer's absence, the Assistant Chief Administrative Officer) shall personally attend the Tuesday meetings of the Board of Supervisors during:
 - a. the formulation of the Consent Calendar;
 - b. the consideration of items determined to be of an especially critical nature;
 - c. most special sessions such as those on County budget; and
 - d. Closed Sessions.
2. Once the Consent Calendar is determined and approved, the Chief Administrative Officer's place at the Board may be taken by the Assistant Chief Administrative Officer or the Deputy Chief Administrative Officer.
3. The Chief Administrative Officer may delegate the responsibility of attendance at the Wednesday meetings to the Deputy Chief Administrative Officer.

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4. At any time during a meeting that any Board member determines that a matter requires the personal attendance, attention, and input of the Chief Administrative Officer, the items shall be trailed and the Chief Administrative Officer (or in the Chief Administrative Officer's absence, the Assistant Chief Administrative Officer or Deputy Chief Administrative Officer) shall be present when the Board subsequently addresses the matter.

Sunset Date

This policy will be reviewed for continuance by 12/31/17.

Previous Board Action

9-20-77 (7)

1-21-78 (61) to be effective 3-9-78

3-6-79 (5)

9-25-79 (14)

11-13-79 (15)

8-24-82 (20)

5-3-83 (10)

7-5-83 (81)

5-15-84 (32)

7-3-84 (9)

1-15-85 (77)

1-28-86 (89)

4-7-87 (26)

8-18-87 (14)

10-18-88 (48)

4-19-94 (38)

9/26/00 (16)

1/23/01 (26)

12/9/08 (33)

12/07/10 (27)

10/30/12 (18)

11/05/2013 (19)

CAO Reference

1. Clerk of the Board of Supervisors