



County of Lake

BOARD OF SUPERVISORS

POLICY AND PROCEDURE REVIEW

Rules of Procedure
General Protocol
Committees Policy



Background & Objectives

12.17.2024 BOS Meeting

- Initial review of proposed updates to the policies and procedures, as requested by the Board of Supervisors.
- The Board voiced several suggestions and questions to be answered by the Administrative Office/County Counsel.
- Today's review also includes additional updates.

Today's Objectives

- Review the major changes including recommended additions.



Section 2, Rule 3: Chair and Vice-Chair

The Chair of the Board of Supervisors (Board Chair) facilitates the efficient and transparent operation of the Board during Board meetings and performs a lead role in setting the tone for all interactions among the Board, with staff, and the community. The Board Chair is charged with preserving order and decorum and may call for a recess at any time he/she feels the meeting is becoming disruptive.

The Board Chair also:

- Collaborates with the CAO/Clerk of the Board on the Board meeting calendar.
- In consultation with the CAO/Clerk of the Board and County Counsel, develops Board meeting agendas.
- Recommends, with consent of the Board, Supervisors to those committees, commissions, agencies, associations, districts, boards, councils or other organizations on which the Board desires representation or which is required by law.



Section 2, Rule 3: Chair and Vice-Chair *(continued)*

- Generally, serves as primary spokesperson for the Board in collaboration with the CAO and/or Department Heads or designee.
- The Board Chair may call a special meeting when the Chair determines it is necessary based on consultation with the CAO and County Counsel. In addition, if three or more members of the Board request a special meeting through the CAO on a specific topic, the Board Chair shall honor this request for a meeting, while also noting the majority of the Board may discuss and call a special meeting directly.
- During a declared emergency, the Board Chair will coordinate with the CAO and the Director of Emergency Services on all matters relating to the emergency.



Section 2, Rule 16: Closed Sessions

The Brown Act allows meeting in closed session only for specific matters as expressly authorized by statute. (Government Code §54962) The authority for such sessions has been narrowly construed.

- 1) Each item to be transacted or discussed must be briefly described on the agenda. For some matters, additional information may be required. (Government Code § 54954.2(a))
- 2) Description of closed session items should be used. (Government Code §54954.5)
- 3) Prior to adjourning to closed session. a representative of the legislative body must orally announce the items to be discussed in closed session. (Government Code § 54957.7(a))
- 4) Once closed session has been completed. the agency must reconvene in open session. where it may be required to report votes and actions taken in closed session. (Government Code §54957.1 and §54957.7(b))

Public Reporting of Action taken in Closed Session: The Brown Act requires the local governing body to publicly report certain actions taken in closed session that are of a final nature. and the vote or abstention of each member present. (see Government Code §54957.1) Reports that are required to be made pursuant to this section may be made orally or in writing.



Section 3, Rule 5: Ordinances

- Second reading of Ordinance on agenda - Gov't Code 25131 prohibits the second reading of the Ordinance within 5 days of first reading. If a second reading is missed, the item will be placed on the consent agenda with the recommendation to have it continued at the stated date of the next scheduled Board meeting.

Exceptions: Ordinances that will become effective immediately include the following:

- Rezoning Ordinances
- Urgency Ordinances
- Ordinances related to Elections



Section 3, Rule 8: Motion to Rescind

A motion to rescind any action, direction or motion shall require four-fifths vote. A motion to rescind is not in order if action or direction has already been completed.

Budget Unit Approval: For a motion to rescind an item to correctly approve a budget unit "as amended" follow these steps:

- a. A motion to reopen the Board's consideration of the budget unit item/s.
- b. A motion to rescind the Board's approval of the budget unit item/s.
- c. A motion to approve the budget unit item/s "As Amended." The Board may reiterate the amendments made at this stage.



Section 3, Rule 11: Hearing Procedure

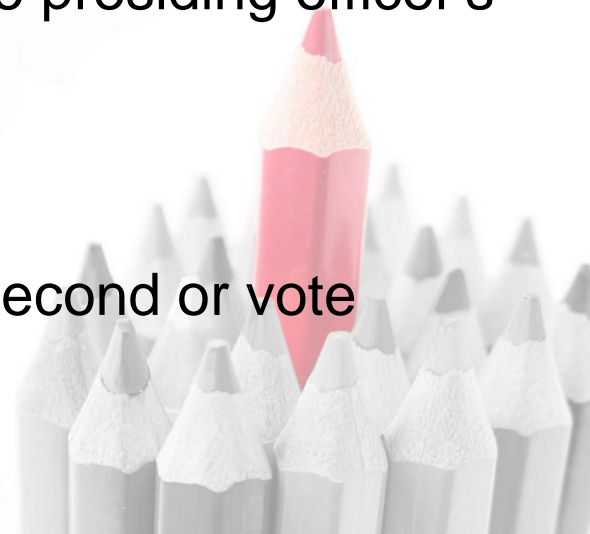
Unless otherwise provided by statute or ordinance, this section shall apply to all public hearings heard by the Board of Supervisors. Except as expressly provided in this section, the other provisions of these procedures shall also apply. All hearings required for the adoption, modification or repeal of a regulation under Government Code section 65850 et. seq. (Land Use) shall be noticed in compliance with Government Code section 65854.



Section 3, Rule 11: Hearing Procedure *(continued)*

The order of presentation shall be:

- a) Opening of public hearing by presiding officer. announcement of allotted time for hearing, time per side, and time for individual comment
- b) Swearing in of witnesses who will testify at the hearing.
- c) Presentation / testimony by staff/confirmation of notice by staff
- d) Presentation / testimony by applicant or appellant
- e) Presentation / testimony by opposition
- f) Acceptance of other witness testimony
- g) Factual corrections (not rebuttal) by staff, applicant or appellant (in the presiding officer's discretion)
- h) Summary and recommendations by Staff
- i) Board questions of Staff
- j) Closing of public hearing by presiding officer with or without motion, second or vote
- k) Board debate
- l) Board action



Section 3, Rule 12: Agenda Item Submission

All agenda items submitted for Board consideration shall include the following:

- Memorandum with an executive summary of the item and recommended action.
- Recommended action that includes approval of Agreements/MOU's or Letters should always include verbiage "and authorize the Chair/Department Head to sign."
- Documents reviewed and signed "approved as to form" by County Counsel (e.g. Agreements. MOU's, Resolutions. Ordinances).



Section 5, Rule 2: Board Member Duties and Responsibilities

As defined by general law, the duties of the Board of Supervisors include:

- Appointing most department heads. except elected officials.
- Providing for the compensation of all County officials and employees.
- Creating boards and commissions as needed, appointing members and fixing the terms of office.
- Awarding all contracts except those that are within the authority delegated to the County Purchasing Agent and/or Department Heads.
- Adopting an annual budget.
- Supervising the operations of departments and exercising executive and administrative authority through the County government and County Administrator.
- Serving as the appellate body for Planning and Zoning issues.
- Serving as the County Board of Equalization (to address Property Tax Assessment appeals).



Section 5, Rule 5: Department Head Evaluations

Each appointed Department Head will have an annual evaluation with the Board of Supervisors during Closed Session. A newly appointed Department Head will be scheduled for an initial 6- month evaluation. The Appointee Self-Evaluation Worksheet and Appointee Goals Worksheet will be filled out the week prior to the scheduled evaluation date and submitted to the County Administrative Officer.

Section 5, Rule 10: Board Member Training

The CAO will arrange for training of newly sworn in Board members to enhance their understanding of County operations. The New Supervisors Institute offered by the California State Association of Counties (CSAC) is an offered training opportunity.

The Lake County Board of Supervisors sits as the local Board of Equalization and is the hearing body for assessment appeals as an Assessment Appeals Board. Mandatory training is required by Revenue and Taxation Code section 1624.01 for members of this county assessment appeals boards.



5. GENERAL BOARD PROTOCOL

Rule 9. Board Member Travel Policy (replaces mileage reimbursement):

A. Travelers will be reimbursed for personal car mileage expenses for official County business purposes. Reimbursements shall not exceed established State of California rates. Current mileage rates can be found at www.sco.ca.gov/calaters_global.html. Once at the website, scroll down the page and select the link for the current year's mileage (e.g. "2023 Mileage Reimbursement Rate") to view the current rate.

B. Distance between two points for mileage reimbursement shall be based on the mileage as displayed by online driving distance websites, such as Google Maps. A copy of the website distance calculator must be attached to the Travel Expense Claim form. Mileage reimbursement for out-of-town travel should be calculated on the shortest distance between the starting point and the destination. If the distance between the work address and the destination is shorter than the distance between the home address and the destination, then the work address should be used.

C. Mileage between home and an employee's regular work site is a personal commuting expense and is not reimbursable



Section 5, Rule 12: Process for filling a vacancy on BOS or another County Elected Office

A member of the Board of Supervisors or an incumbent in one of the other elected county offices has vacated his or her office prior to the expiration of the term: In such circumstances the Board must address the manner in which the vacancy is filled. The purpose of this document is to establish how the Board will address such situations when they arise in the future to provide the broadest range of available options and to meet legally imposed deadlines for action.

When a member of the Board of Supervisors or an incumbent in one of the other elected county offices vacates his or her office prior to the expiration of the term, the following steps shall be taken:



Section 5, Rule 12: Process for filling a vacancy on BOS or another County Elected Office

A. Notification and Placement on Agenda. When the Clerk of the Board becomes aware of a vacancy in any of the county elected offices (Supervisor, Auditor, Assessor, District Attorney, Treasurer-Tax Collector or Sheriff), the Clerk of the Board shall immediately provide written notice to all Members of the Board, the County Administrative Office and County Counsel. The Clerk shall also, after consulting with County Counsel regarding appropriate wording, place an item on the Board's next regular meeting agenda which will allow the Board to discuss the vacancy and determine the steps that will be taken to fill the vacancy. If the next scheduled meeting of the Board of Supervisors is more than 10 days after the effective date of the vacancy, then the Clerk shall consult with the Chair of the Board and County Counsel regarding whether a special meeting of the Board should be scheduled to consider the vacancy.



Section 5, Rule 12: Process for filling a vacancy on BOS or another County Elected Office

B. Consideration at initial Meeting. At the initial Board meeting when the vacancy is considered, or at a later meeting to which the Board has continued the item, the Board shall make the following determinations:

- 1) **Board Vacancy.** If the vacancy is on the Board of Supervisors. the Board shall determine whether to call for an election or to fill the vacancy by appointment.
 - a) Appointment where a successor has already been elected. If a successor for the following term has already been elected, the Board may appoint the successor to fulfill the term of the vacating incumbent before the successor assumes the office for their elected term.
 - b) Appointment where no successor has been elected, the Governor will appoint a successor. A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members. At that time, an election shall be held to fill the vacancy for the remainder of the unexpired term in which the vacancy occurred.
- 2) **Vacancy in Another Office.** When the vacancy occurs in an office other than Supervisor, the Board shall set a date for making the appointment. The Board shall also call for the election required at the time required.

Rule 13. New Supervisors email

The procedure for email set up of a new Supervisor will be facilitated by the Administration office in coordination with the IT Department for account creation and setup process. County email access for newly appointed Supervisors will be available the first business day of the year their appointment starts.



Rule 3 Term and appointment to Advisory Boards

Vacancies arise when a term expires, or a current member of an advisory body resigns or no longer meets the requirements to serve. Up-to-date vacancy information is posted online and noticed in a variety of outlets. Applications are accepted on an ongoing basis and will be held for future vacancies if none exist at the time the application is received. All applications on file with the Clerk of the Board shall remain valid for a period of 90 days from the date received.

All applications are to be received in the timeframe stated in accordance with the County policy for agenda item submission. Appointments to be made when a full Board is present with the exception of when an appointment is imperative to meeting quorum.

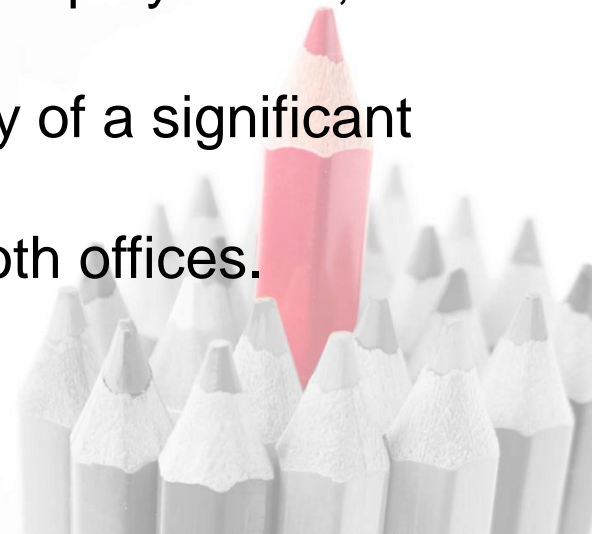


Rule 6. Advisory Board, Committee, and Commission Conflict of Interest

Conflict of Interest for a Public Officer serving on Local Area Plan Advisory Committees (LAPAC) -

A Public Officer, including but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law.

- (1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.
 - (2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.
 - (3) Public policy considerations make it improper for one person to hold both offices.
- Id.



Rule 6. Advisory Board, Committee, and Commission Conflict of Interest (Continued)

Generally, there is a conflict of interest if all of the following occur:

1. The official, makes, participates in, or uses his or her official position to influence a governmental decision;
2. It is foreseeable that the decision will affect the official's economic interest;
3. The effect of the decision on the official's economic interest will be material;
4. The effect of the decision on the official's economic interest will be distinguishable from its effect on the public generally,

The County's Application for Appointment to Lake County Boards, Commissions, and Committees requires each applicant to certify that he / she agrees to abide by the County's Conflict of Interest Policy, which, in part, states: " . . . unless state law or regulation require otherwise, any such member shall also refrain from participation in discussions or decisions related to proposals which are in direct competition with a proposal submitted by the agency of which the member or member's spouse is a director or officer."



APPENDIX A - Voting Requirements

Motion References:

EXTRA ITEMS – “I move to take this item up as an extra as it came up after the posting of the agenda and needs to be taken up before the next available meeting”

CONSENT AGENDA – “I move to approve consent agenda items 5.1 through 5.__(last one)”

OR

“I move to approve consent agenda items 5.1 through 5.(last one) with the exception of item(s) 5.(pulled item) for further discussion”

AGREEMENTS / AMEDMENTS / MOUS / LETTERS / PURCHASE ORDER / CHANGE ORDER / NOTICE OF COMPLETIONS / WAIVING FORMAL BIDDING – “I move to approve agreement (read agreement title) and authorize the board chair to sign” side note: sometimes the recommended action will authorize the department head to sign so you will say “authorize the department head to sign” instead of the chair

RESOLUTIONS – “I offer the resolution”

OR

“I offer the resolution as amended (if changes were made during item)”



APPENDIX A - Voting Requirements (Continued)

ORDINANCES (FIRST READING) – “I move to waive the reading of the ordinance and have it read in title only”

THEN

“I move to advance the second reading of the ordinance to the next available agenda”

ORDINANCES (SECOND READING) – “I offer the ordinance”

REZONE ORDINANCES – “I offer the ordinance” side note: rezone ordinances can be adopted the same day they are presented and are usually accompanied with a resolution that you will also offer

URGENCY ORDINANCES – “I offer the ordinance” side note: urgency ordinances are not subjected to a second reading or adoption period because they are urgent.



Appendix B: Order of Business at the BOS Meeting

1. Call to Order
2. Moment of Silence
3. Pledge of Allegiance
4. Consideration of Extra Items Not Appearing on the Posted Agenda
5. Approval of the Consent Agenda
6. Timed Items - Taken Up on or After Their Scheduled Time
 - a. Public Input
 - b. Other Timed Items
7. Non-Timed Items – May Be Taken Up Anytime at the Discretion of the Chair
 - a) Supervisor's Weekly Calendar, Travel, Reports, and Future Agenda Items
 - b) Other Non-Timed Items
 - i. Current Construction Projects
 - ii. Contract Change Orders
8. Closed Session – May Be Taken Up Anytime at the Discretion of the Chair
9. Adjournment



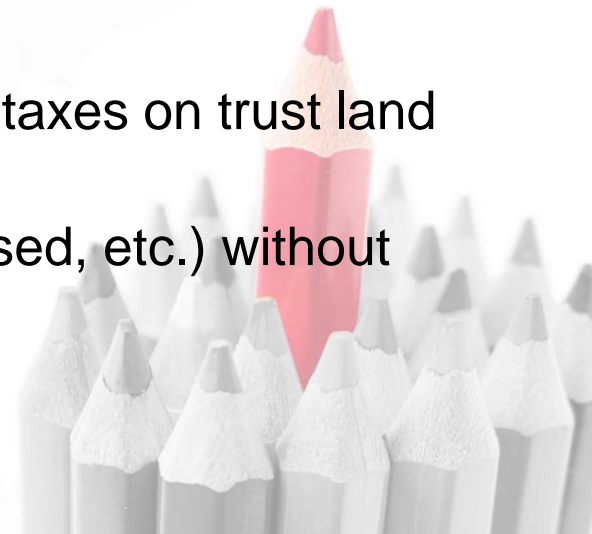
APPENDIX C: Miscellaneous Board Policy – Sovereign Nation Requests

All federally recognized American Indian tribes and individuals are eligible to apply for a fee-to trust land acquisition. An applicant must submit a specific written request for the Secretary of the Interior to take land into trust for the benefit of an applicant. Tribes may submit a tribal resolution to satisfy this requirement.

"Trust land" is land to which the title is held in trust by the United States on behalf of an individual American Indian or Tribe. Today there are over 56 million acres of land held in trust by the United States for the benefit of Tribal communities.

Trust land is a legal status that grants certain benefits, protections, and limitations, including but not limited to:

- Many programs and services offered by the Bureau of Indian Affairs (BIA) are available on trust land.
- Trust land is not subject to state or local taxes. However, Tribes may assess taxes on trust land for services they provide.
- Trust land cannot be alienated or encumbered (for example, sold, gifted, leased, etc.) without approval of the Secretary of the Interior.



APPENDIX C: Miscellaneous Board Policy – Sovereign Nation Requests *(continued)*

The use of trust land is governed by tribes and generally not subject to state laws, though certain federal restrictions still apply. Many federal programs and services are also available only on trust lands.

Tribes may benefit from:

- New Market Tax Credits
- Indian Employment Tax Credits
- Tax-Exempt Financing
- Discounted Leasing Rates
- Federal Contracting Preferences
- Foreign Trade Zone Customs Duty Deferral, Elimination or Reduction
- State/County Land Use Exemption
- Accelerated Depreciation for Business Property on Indian Reservations

These benefits have allowed tribes to enhance housing opportunities for their members, realize the energy development capacity on their lands, negotiate the use and sale of natural resources, and protect tribal ways of life including subsistence hunting and agriculture.



APPENDIX C: Miscellaneous Board Policy - Discretionary Cannabis Funding Protocols

- a. Fund Allocation: The Board of Supervisors Discretionary Spending Fund is allocated \$500,000, split evenly across the 5 county districts. This resulting \$100,000 would be available to at the discretion of each Supervisor to spend wherever the greatest need exists within their district.

The Cannabis Tax allocation shall be regularly reviewed during County budget cycle. The purpose of the review is to determine whether or not the Cannabis Tax allocations specified should be revised to most effectively service the goals of the County.

- b. Board Requests: Requests from Supervisors pursuant to the policy will be approved by the CAO up to signature authority, or the item will then be placed on the next available Board of Supervisors agenda for consideration.



APPENDIX C: Miscellaneous Board Policy – Proclamations on BOS Agenda

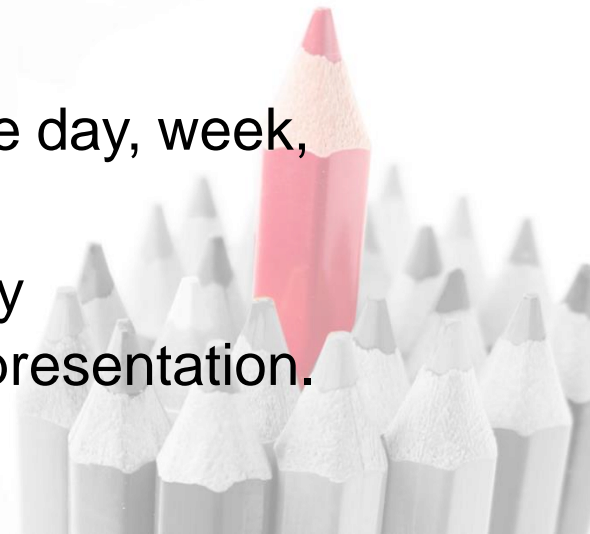
Proclamations are ceremonial documents issued by the County of Lake Board of Supervisors. They honor and celebrate events, recognize achievements, and/or increase public awareness. Presentations are made at a scheduled time during regular meetings.

Criteria & Guidelines: Proclamations may be issued for a specific day, week, or month that holds local significance and is recognized by a state or federal government agency or a notable non-profit organization.

Submitting a Request: Requests should be made to a County Supervisor or the Clerk of the Board at least 30 days in advance to allow time for review, approval, and production.

Provide information on the event or organization to be recognized with the day, week, or month to be proclaimed.

Upon approval of the request, send the composed proclamation to County Administration staff, limited to one page (if possible), to be formatted for presentation.

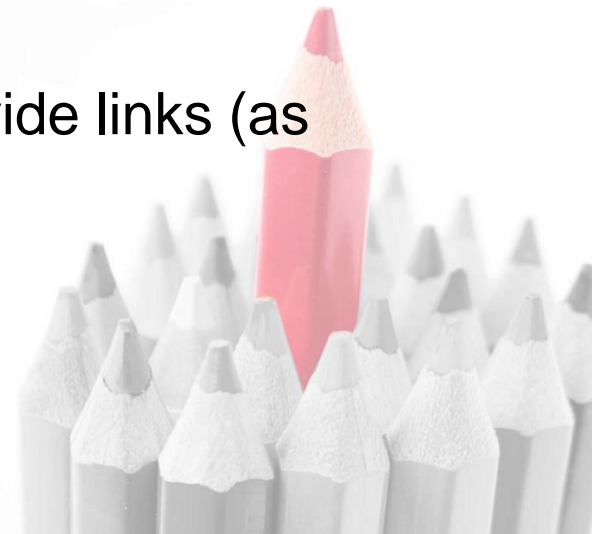


APPENDIX C: Miscellaneous Board Policy - Letters of Support or Opposition

A. Legislation: Full Board of Supervisors endorsements or opposition to legislation must come before the Lake County Board of Supervisors for approval. Additionally, the Chairperson of the Board of Supervisors or individual Supervisors may periodically provide letters of support or opposition as needed based on any benefit or detriment to the County of Lake or specific District issues.

The process of placing a letter of support/opposition on the Board of Supervisors Agenda:

1. Provide a memo with the legislation and your position for the general public's awareness.
2. Place the letter on Board of Supervisors' letterhead, including a signature line for the Chairperson to sign.
3. Attach any additional documentation related to the legislation / provide links (as applicable) to the information within the memo.



APPENDIX C: Miscellaneous Board Policy - Letters of Support or Opposition *(continued)*

- B. Grants: The Board of Supervisors support for a Grant application must come before the Lake County Board of Supervisors for approval. The letter of support advocates for a project, program, or organization and is used to supplement a grant proposal and provides additional evidence to support the proposal's objectives, methods, and potential impact.

The process of placing a letter of grant support on a Board of Supervisors Agenda:

Provide a memo with grant information and reason for support for the general public's awareness.

1. Place the letter on Board of Supervisors' letterhead, including a signature line for the Chairperson to sign.
2. Attach any additional documentation related to the grant.
3. Distribution of the letter is the responsibility of the requester unless otherwise specified.





Questions?

