ORANGE COUNTY BOARD OF SUPERVISORS

Agenda Revisions and Supplementals

Note: *This supplemental agenda is updated daily showing items that have been added, continued, deleted or modified. No new supplemental items will be added to the agenda following close of business on Friday*.

November 8, 2016

PRESENTATIONS **(9:00 A.M.)**

Chairwoman Bartlett will be presenting a resolution to Pulmonary Hypertension Association in recognition of November 2016 as "Pulmonary Hypertension Awareness Month"

Presentation by County Librarian Helen Fried on OC Public Libraries' digital audiobooks and e-books

Vice Chair Steel will be commending Alzheimer's Orange County for providing hands-on support and access to resources for families in Orange County and surrounding areas when facing memory loss, Alzheimer's and other types of dementia, while continuing to advance research for a cure

DISCUSSION

18. Continued to 12/13/16, 9:30 a.m.

21. Continued to 11/22/16, 9:30 a.m.

28. Revised Title to read:
County Executive Office – Approve recommended positions on introduced or amended legislation and consider other legislative subject matters*; and approve Orange County 2017 Legislative Affairs program guidelines* – All Districts

31. Revised Title to read:
County Executive Office - Approve grant applications/awards submitted *by John Wayne Airport and Sheriff's Department* in 11/8/16 grant report and other actions as recommended - All Districts

THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:

Items: 28 and 31

Supplemental Item(s)

S33A. **Chairwoman Bartlett** - Approve amendments to Rules of Procedure to provide opportunities for public comment at the beginning of each regular meeting effective immediately

SCS3. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):

ORANGE COUNTY BOARD OF SUPERVISORS

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Name of Case: Michael Crawford v. Dillon Alley, et al., United States District Court Case No. 8:16-CV-01503-DOC-DFM

SCS4. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION – Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case

SCS5. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Cases: Sierra Club, et al. v. City of Highland, et al., San Bernardino Superior Court Case Number CIVDS 1615347; and Greenspot Residents Association, et al. v. City of Highland, et al., San Bernardino Superior Court Case Number CIVDS 1615280

SCS6. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Pursuant to Government Code Section 54956.8:
Property Location: County Owned Property at Former MCAS El Toro
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: City of Irvine
Lowe Enterprises Real Estate Group
Future Lessees
Under Negotiation: Terms of and Value of Development and Future Leases

Document last updated: 11/7/2016 4:30 PM

Continuation or Deletion Request

Date: **November 7, 2016**

To: Clerk of the Board of Supervisors TS

From: **Vice Chair Michelle Steel** MS

Supervisor Todd Spitzer

Re: ASR Control #: N/A, Meeting Date 11/8/16 Agenda Item No. # 18

Subject: **Require Anti-Fraud Training for Designated County Officials**

☒ Request to continue Agenda Item No. # 18 to the December 13, 2016 Board Meeting.

Comments: Additional time is necessary to provide complete responses to the questions raised when this item was previously presented to the Board.

☐ Request deletion of Agenda Item No. # _____

Comments:

Continuation or Deletion Request

2016 NOV -7 PM 1:11

Date: **November 7, 2016**

To: Clerk of the Board of Supervisors

From: **Barry A. Rondinella, Airport Director** BAR

Re: ASR Control #: 16-001163, Meeting Date 11/08/16 Agenda Item No. # 21

Subject: **Approve Agreement with Orange County Visitors Association**

☒ Request to continue Agenda Item No. # 21 to the November 22, 2016 Board Meeting.

Comments:

☐ Request deletion of Agenda Item No. # _____

Comments:

Legislative Bulletin

DRAFT

A Publication of the County Executive Office/Legislative Affairs

November 8, 2016
Item No. 28
Vol. XCVII, No. XXII

County of Orange Positions on Proposed Legislation

The Legislative Bulletin provides the Board of Supervisors with analyses of measures pending in Sacramento and Washington that are of interest to the County. Staff provides recommended positions that fall within the range of policies established by the Board. According to the County of Orange Legislative Affairs Procedures adopted by the Board of Supervisors on November 25, 2014, staff recommendations for formal County positions on legislation will be agendized and presented in this document for Board action at regular Board of Supervisors meetings. When the Board takes formal action on a piece of legislation, the CEO will direct the County's legislative advocates to promote the individual bills as approved by the Board. The Legislative Bulletin also provides the Board of Supervisors with informative updates on State and Federal issues.

The 2015-2016 Legislative Platform was adopted by Board of Supervisors' Minute Order dated November 25, 2014.

On November 1, 2016, the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

1. **APPROVE – Orange County 2017 Legislative Affairs Program Guidelines**
2. Receive and File Legislative Bulletin

INFORMATIONAL ITEMS

1. Legislative Update: CEO-LA
2. Sacramento Legislative Report
3. Washington Legislative Report

RECOMMENDED ACTIONS

1. APPROVE - 2017 Legislative Affairs Program Guidelines (Attachment A)

SUMMARY:

Approving the 2017 Orange County Legislative Affairs Program Guidelines will allow the County to continue to pursue critical policy initiatives in Sacramento and Washington DC. **There are no new proposed changes to the Guidelines for 2017; this document is identical to what your Board approved last year.**

BACKGROUND INFORMATION:

The Legislative Affairs Program Guidelines (Guidelines) serve as a protocol for the Board of Supervisors (Board), County departments/agencies (Departments), CEO office of Legislative Affairs (CEO-LA), and the County's Legislative Advocates to follow. Annually reviewing the Guidelines will better align them with current Board priorities and provide for a more effective advocacy program in Sacramento and Washington DC.

The Guidelines were first adopted by the Board on June 3, 2003 and remained largely in place until a comprehensive review and update of the protocol and procedures was completed and presented to the Board for adoption on November 25, 2014. The motion included a directive that going forward, CEO-LA will annually review the Guidelines first before bringing to the Board for approval, prior to the start of the legislative sessions in Sacramento and Washington DC,

In 2016 CEO-LA reviewed the Legislative Guidelines and proposed four changes that were approved by the Board of Supervisors. The 2017 Legislative Guidelines remain consistent with the approved 2016 Legislative Guidelines.

INFORMATIONAL ITEMS

1. Legislative Update: CEO-LA

The tables below summarize bills the County has taken positions on throughout 2015-16.

State Legislation *As of Thursday, November 3, 2016*

Bill Number	Author	Subject	Position	Date of Board Action	Status	NOTES
AB 45	Mullin D	Household hazardous waste.	**Oppose**	4/21/15	Senate Environmental Quality – Failed Passage	
AB 120	Committee on Budget	Budget Act of 2015: Elections Reimbursement	**Support**	4/26/16	Chaptered #11	
AB 783	Daly D	County Auditor	**Oppose**	7/14/15	Senate Floor – Inactive File	

AB 806	Dodd D	Community Development: economic opportunity (Previously – Planning and zoning: permits: strand-mounted antenna)	**Watch**	7/21/15	Chaptered # 503	
AB 1546	Olsen R	Vital Records	**Support**	1/12/16	Chaptered #255	
AB 1669	Hernandez D	Displaced employees: service contracts: collection and transportation of waste	**Oppose**	6/28/16	Chaptered #874	
AB 1676	Campos D	Employers: Salary Information	**Watch**	4/26/16	Chaptered # 856	
AB 1699	Kim R	Homeless youth emergency service projects	**Support**	3/15/16	Assembly Appropriations - Failed Passage	
AB 1703	Santiago D	Inmates: medical treatment	**Support**	5/10/16	Chaptered #65	
AB 1705	Rodriguez D	Jail: Searches	**Support**	5/10/16	Chaptered #162	
AB 1854	Bloom D	Bail: attorney's fees: forfeited bail	**Support**	5/24/16	Chaptered #378	
AB 1925	Chang R	Desalination: Statewide goals	**Support**	4/26/16	Assembly Appropriations – Failed Passage	
AB 2078	Kim R	Protective Orders	**Support**	4/12/16	Senate Appropriations – Failed Passage	
AB 2121	Gonzalez D	Alcoholic beverage control	**Watch**	4/12/16	Vetoed	
AB 2255	Melendez R	Sober Living Homes	**Support**	5/10/16	Assembly Appropriations – Failed Passage	
AB 2403	Bloom D	Alcoholism or drug abuse recovery or treatment centers	**Support**	5/10/16	Assembly Appropriations – Failed Passage	
AB 2433	Allen R	Voter Registration	**Support**	4/26/16	Assembly Appropriations	

		Database: Electronic Information Center			– Failed Passage	
AB 2682	Chang	Registered sex offenders: interactive video games: meeting with minors	**Support**	8/23/16	Senate Rules - Failed Passage	
AB 2772	Chang R	Drug Treatment Programs	**Support**	4/12/16	Assembly Public Safety – Failed passage	
SB 807	Gaines R	Unmanned aircraft systems	**Support**	5/24/16	Chaptered #834	
SB 1182	Galgiani D	Controlled Substances	**Support**	3/22/16	Chaptered #893	
SB 1273	Moorlach R	Crisis stabilization units: funding	**Support**	3/1/16	Assembly Floor Inactive File – Failed Passage	
SB 1283	Bates R	Adult recovery maintenance facilities	**Watch**	4/12/16	Senate Health – Failed passage	
SB 1315	Bates R	Counties: budgets	**Sponsor/ Support**	3/1/16	Chaptered #56	
SB 1323	Bates R	Controlled substances: fentanyl	**Support**	3/22/16	Assembly Appropriations – Failed Passage	
SB 1387	de León D	Non-vehicular air pollution: market-based incentive programs: South Coast Air Quality Management District board	**Oppose**	5/24/16	Assembly Floor – Failed Passage	
SB 1415	Bates R	CEQA: local water projects scoping meetings	**Support**	4/26/16	Senate Appropriations – Failed Passage	
SCA 8	Mendoza D	Charter counties: board of supervisors: redistricting.	**Oppose**	6/16/15	Senate Floor Inactive File – Failed Passage	

Federal Legislation

Bill Number	Author	Subject	Position	Date of Board Action	Status	NOTES
H.R. 4233	Rohrabacher R	Preservation of Rocks and	**Support**	3/1/2016	House Committee on	

		Small Islands Along the Coast of Orange County, California			Natural Resources	
H.R. 6070	Issa R	Safe Recovery and Community Empowerment Act	**Support**	9/27/16	Subcommittee on the Constitution and Civil Justice	

- Highlighted sections symbolize a status change

*Orange County Sponsored Legislation

2. Sacramento Legislative Report

Prepared by Amy Jenkins & Nicole Wordelman, Platinum Advisors

California Statewide Local Streets and Roads Needs Assessment. In October, NCE, a consulting firm specializing in engineering, planning, and the environment, released an analysis of the current conditions of California's streets and roads, and potential funding solutions for the current shortfall. CSAC, the County Engineers Association of California, the League of California Cities, Regional Transportation Planning Agencies, and the Rural Counties Task Force sponsored the study. All tables in this summary are directly from the Needs Assessment report.

Questions addressed by the study included:

- What are the current pavement conditions, and how much will it cost to repair them?
- What are the essential components to a functioning system?
- What is the funding shortfall?
- What are some proposed solutions?

NCE performed a similar study in 2008. No comprehensive study on local pavement conditions had been done before. The 2016 study surveyed 58 counties and 482 cities. Data reported is from more than 99% of the State's local streets and roads.

Increasing demands and unreliable funding has made the maintenance of local streets and roads nearly impossible. Since 1990, California's population has grown by 9 million, resulting in increased traffic and demand for new roads, while the cost of road repairs and construction has steadily increased. Cities and counties have had to contend with new laws and regulations affecting maintenance costs and requiring a transportation system that works for cars, trucks, buses, bicycles, and pedestrians. This needs assessment provides analysis on pavements, essential components of the transportation system, and bridges as part of a comprehensive breakdown of the condition of California's local streets and roads. The report also breaks down funding sources of each element, showing decreasing federal and state funding and requiring increased local funding.

Pavement: The average April 2016 pavement condition statewide, using the Pavement Condition Index (PCI), where zero is failing pavement and 100 is pavement in excellent condition, is currently 65. The score 65 places pavement conditions in the "at risk" category. In 2008, the condition was 68, also in the "at risk" category. The PCI reported is the weighted average for each county and includes

cities within the county. Orange County reported the best pavements statewide at an average PCI of 79.

For purposes of determining funding need, the study used the goal of reaching a condition where best management practices (BMP) can occur. Reaching a PCI in the 80s and the elimination of the unfunded backlog is the study's BMP goal. To reach the BMP goal, it would cost the State $70 billion over 10 years.

	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Future
Pavement Funding ($M)	$1,453	$1,571	$1,557	$1,530	$1,691	$1,836	$1,938	$1,967	$1,846
Federal	10%	23%	18%	16%	10%	11%	9%	9%	11%
State	62%	49%	53%	53%	52%	50%	44%	41%	40%
Local	28%	27%	29%	30%	38%	38%	47%	50%	49%

Essential Components: NCE reported that essential safety and traffic components such as curb ramps, sidewalks, storm drains, streetlights, signals, street signs, and underground pipes will require $32.1 billion to maintain over 10 years.

Funding type	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Future
Funding Available ($M)	$885	$903	$1,204	$1,332	$1,111	$1,184	$1,100
Federal	16%	16%	12%	13%	11%	17%	13%
State	31%	31%	28%	23%	18%	17%	18%
Local	53%	53%	60%	65%	70%	66%	70%

Bridges: California has 12,103 local bridges, about 48% of the State's total of 25,318. Of the 12,105 local agency bridges, 1,448 (12%) are structurally deficient, 1,930 (16%) are functionally obsolete, and 829 bridges (7%) require replacement. The estimated total statewide local agency bridge need is $4.6 billion over the next ten years including rehabilitation, replacement, and seismic retrofit costs.

Funding: The study examined three funding scenarios for consideration by the Legislature – maintaining existing funding, funding to maintain the current pavement condition, and funding to reach BMP in ten years. Existing funding is $1.98 billion annually, addressing the most cost-effective treatments first. At the current level, the pavement condition is expected to deteriorate to 56 by 2026 and the unfunded backlog will increase from $38.8 billion to $59 billion. In order to maintain the current pavement condition, $3.5 billion would be required. The funding backlog would be about $42.5 billion. Funding to achieve BMP in ten years would require $7 billion annually to have the PCI reach 84 by 2026 and the unfunded backlog eliminated by 2027. Once eliminated, the cost of maintenance thereafter is approximately $2.5 billion annually.

This study estimates that the total funding need over the next 10 years to achieve BMP and address essential transportation components and bridges is $106.7 billion. Current funding is $33.7 billion, a shortfall of $73 billion over the next 10 years. Below is a history of 10-year needs assessment and shortfall calculation from the report.

Transportation Asset	Needs ($B)				2016		
	2008	2010	2012	2014	Needs	Funding	Shortfall
Pavement	$ 67.6	$ 70.5	$ 72.4	$ 72.7	$ 70.0	$ 19.8	$ (50.2)
Essential Components	$ 32.1	$ 29.0	$ 30.5	$ 31.0	$ 32.1	$ 11.0	$ (21.1)
Bridges	-	$ 3.3	$ 4.3	$ 4.3	$ 4.6	$ 2.9	$ (1.7)
Totals	$ 99.7	$102.8	$107.2	$108.0	$ 106.7	$ 33.7	$ (73.0)

Potential Solutions: The study suggests, at minimum, two possible ways to partially address the funding shortage: utilizing technological efficiencies and/or by increasing revenues. Reusing or recycling materials in pavement rehab could save up to $823 million annually. In terms of increasing revenues, the paper explores several options including raising the gas tax, indexing the gas tax, returning vehicle weight fees, increasing vehicle license fees, utilizing the California Road Charge Program, passing Senator Beall's and Assemblyman Frazier's transportation funding proposal, or increasing local sales taxes.

Potential Solutions	Potential Revenues ($M/year)	Potential Local Streets & Roads Share
Technological Efficiencies	$ 823	$ 823
Adjust base gas tax for inflation & fuel economy changes (14 cpg increase)	$ 2,100	$ 1,050
Restore price-based excise tax to 17.3 cpg (7.5 cpg increase)	$ 1,125	$ 495
Index Gas Tax to CPI (2% annually)	$ 54	$ 27
Vehicle Registration Fee ($60)	$ 2,040	$ 1,020
Vehicle License Fee(increase by 1% of value)	$ 3,500	$ 1,750
Return Weight Based Fees to Projects	$ 1,000	$ 440
Mile-Based Fee (Replace or Supplement Gas Tax)	Unknown	Unknown
Aspiring Counties Sales Tax Measures	$ 399.6	$ 150

- Raising the gas tax – The current gas tax is 27.8 cents per gallon, 18 cents is static, 9.8 cents is adjusted annually. The static tax was last increased in 1994, and it currently provides $2.4 billion in revenue annually. If it were adjusted for inflation, it would increase funding by $1.7 billion annually. If it were increased by 10 cents per gallon, it would raise about $1.3 billion annually.
- Indexing the gas tax to the Consumer Price Index at 2% per year would raise $54 million annually.
- Returning vehicle weight fees to the state highway account would raise $1 billion annually. The fees currently go to the Transportation Debt Service Fund. The General Fund would then have to make debt service payments on transportation-related general obligation bonds.
- Increasing vehicle license fees by 1% would raise $3.5 to $4 billion annually.
- The California Road Charge Program is currently a pilot project that is exploring the implementation of a vehicle-miles-traveled fee. Results from the pilot program are due to the Legislature by June 2018.
- Senator Beall's and Assemblyman Frazier's transportation funding proposal would index transportation taxes and fees to the CPI to keep pace with inflation, raising $7.4 billion annually.
- Increasing local sales taxes – Currently, 20 self-help counties have passed sales tax measures for transportation. Additional counties could explore this option.

3. Washington DC Legislative Report

Prepared by James F. McConnell

Negotiations are underway at the staff level on Capitol Hill on the 11 remaining appropriations bills to fund the Federal Government after the current Continuing Resolution (CR) expires on December 9th. Aides to congressional and Appropriations Committee leadership are working to complete a spending blueprint for their Members that can be enacted in the post-election, lame-duck session.

While the attention is directed at the presidential and congressional races, staff to House and Senate appropriators have been meeting to expedite their work to resolve as many differences as possible in their separate versions of Fiscal Year 2017 spending measures. Members will return on November 15th for the final few weeks of the 114th Congress with the December 9th deadline looming

Staff have said that they are still not certain how the bills will be packaged, including whether some will be in three or four "minibuses" or end up in one large Omnibus. House Appropriations Committee Chairman Hal Rogers (R-KY) and Senate Appropriations Committee Chairman Thad Cochran (R-MS) have charged staff with conferencing most of the details of the 11 bills during the Thanksgiving recess in order to be able to have only top level outstanding issues to deal with when they return to Washington.

The appropriations bills are the top priority for congressional leaders in the lame-duck session, because so far only one of them, Military Construction and Veterans Affairs (MilCon-VA), has been signed into law. MilCon-VA was included in the CR (H.R. 5325) to fund the government that is set to expire on December 9th.

House Speaker Paul Ryan (R-WI) and Senate Majority Leader Mitch McConnell (R-KY) said finalizing the 11 spending bills will be the focus of much of the lame duck session, which is expected to start after Congress returns from the Thanksgiving week recess on November 28th.

Both the House and Senate Appropriations Committees drafted and reported out from committee all 12 bills, but only a few were passed on the floors of the two Chambers. Aside from MilCon-VA, the Senate approved the Energy and Water, and Transportation and Housing and Urban Development bills. Besides MilCon the House approved four others: Legislative Branch, Defense, Interior-Environment, and Financial Services.

Negotiations on finalizing all 11 outstanding bills are proceeding in advance of further floor work. The exercise involves arriving at a new set of 302 (b) allocations to set spending for the measures—named for the section of the Budget Act of 1974 that sets spending ceilings for each Appropriations subcommittee.

The starting point for the Appropriations conference is the $1.070 trillion discretionary spending cap set by the bipartisan budget agreement. However, enactment of MilCon-VA took $82.33 billion from that total and also claimed $2.5 billion of the small increase reflected in the $1.070 trillion total.

With enactment of MilCon, there now is $543 billion for defense and $443.9 billion for domestic spending for the other bills within that discretionary total.

After agreeing on the new set of allocations, congressional staff said they will work to resolve differences in spending for individual programs and policy provisions by the November 15th deadline. Once staff has completed their work Chairmen Cochran and Rogers along with the Democratic leaders on the committees will tackle issues staff have been unable to resolve.

The hope is that there should be enough decisions made so that the bills can be finalized during the week of November 21st when Members are gone for Thanksgiving. That timeline means an omnibus packaging of all the bills or a series of minibuses could be unveiled roughly a week before the current CR funding the government expires on December 9th.

Congressional staff believe that Congress will need another week beyond the December 9th deadlines to finish its work. The current working deadline is December 16th.

Consequently, Congress may have to pass another stopgap in mid-December to buy itself more time to negotiate the spending plan's final details, including the possible add-on of non-spending items, and get it through both Chambers before Christmas.

If you or your staff have any questions or require additional information on any of the items in this bulletin, please contact Peter DeMarco at 714-834-5777.

Attachment A

2017 Legislative Affairs Program Guidelines

The County of Orange recognizes the need to protect its interests in Sacramento and Washington, DC. To be most effective, the County of Orange has at its disposal the County Executive Office-Legislative Affairs Unit and the County's Legislative Advocates.

Attempts to impact public policy debate are an ongoing challenge. As more entities engage in these debates, the County of Orange must ensure that its Legislative Affairs Program effectively impacts the legislative, administrative and regulatory processes. This document serves as a protocol for the Board of Supervisors (Board), County departments/agencies (Departments), CEO office of Legislative Affairs (CEO-LA), and the County's Legislative Advocates to follow.

I. BOARD

A. The Board will direct the County's legislative efforts as the elected legislative body with the authority to make policy decisions for the County of Orange.

B. The Board will adopt a two-year Legislative Platform corresponding to the state and federal legislative sessions that will direct the County's legislative efforts.

C. Any member of the Board may agendize specific issues at any time regarding the County's legislative program or regarding a specific legislative proposal.

D. Individual Board members may write correspondence and make public their position on a particular public policy issue. They may not, however, state their position as being a position taken by the County unless the matter has come before the entire Board and a majority has approved it.

II. COUNTY EXECUTIVE OFFICE, LEGISLATIVE AFFAIRS PROGRAM

A. Overview

1. CEO-LA will provide an independent legislative analysis for the Board. Their responsibility is to serve the Board in an advisory role regarding how to best represent the County's interests in Sacramento and Washington, DC. CEO-LA staff serves under the policy direction of the Board but reports to the County's CEO.

2. CEO-LA has the primary responsibility to identify and monitor bills of interest and influence the legislative process by administrating the County's legislative affairs program in collaboration with Departments. It is the responsibility of the Legislative Advocates to impact the process through their lobbying efforts in Sacramento and Washington, DC.

3. CEO-LA will provide the primary communication link between the Board, Departments and the Legislative Advocates regarding the County's goals on bills of interest.

4. CEO-LA will use the Legislative Platform in addition to Board direction to guide legislative affairs efforts.

5. CEO-LA, in conjunction with COO, will monitor Departments to ensure they are operating in a manner consistent with these procedures.

6. CEO-LA will work with designated staff from each Department for the purpose of regularly updating Departments regarding legislative issues. CEO-LA will maintain a list of the designated staff for each Department and will update the list on a regular basis.

B. Legislative Platform

1. Every even numbered year, CEO-LA will draft and the Board will adopt a two-year Legislative Platform that corresponds with the state and federal legislative sessions. The platform will communicate key legislative priorities and policies of the County in Sacramento and Washington D.C. and provide policy direction and guidance to Departments and staff.

2. CEO-LA will seek input for the platform from the Board, Departments, the Orange County legislative delegation, local elected officials, and area stakeholders.

3. Every odd numbered year, CEO-LA will work with the Board and Departments to update and revise the platform as necessary.

4. Any change to the Legislative Platform after its adoption must follow the Letter to the Board process outlined in Sec. II.(E)

C. County Sponsored Bills

Overview

1. The County of Orange may sponsor legislation as a means of accomplishing its policy and priority goals.

2. Before bringing each legislative proposal before the Board, CEO-LA in collaboration with Departments, Legislative Advocates, and County Counsel, as appropriate, will analyze how each legislative proposal would impact the County.

3. In the fall, before each legislative session, the Board will determine the legislative proposals for which the County will seek authors in Sacramento and sponsorship in Washington, DC.

4. Following the Board's decision on which legislative proposals to pursue, CEO-LA in collaboration with Departments, Legislative Advocates and County Counsel will develop bill language/proposal and a background sheet.

5. CEO-LA will work with the County's Legislative Advocates to identify authors/sponsors for each legislative proposal approved by the Board.

6. CEO-LA may work with the County's Legislative Advocates on any technical or minor changes to County sponsored legislation. Any substantive changes under consideration must be brought to the Board for approval.

7. CEO-LA will keep the Board and relevant Departments apprised of the status of County sponsored bills.

Role in Sponsored Legislation

1. Once an author has been identified, CEO-LA and the Legislative Advocates will work with the author's office to ensure:

    a. The proposal has been submitted to the California State Legislative Counsel or Congressional staff for drafting.

    b. A background sheet for each Committee to which the bill has been assigned has been completed and returned to the author's office.

2. CEO-LA and the Legislative Advocates will also:

    a. Work to remove any opposition to the bill.

    b. Work to build support for the bill.

    c. Work to add co-authors to the bill.

    d. Communicate with the author's office regarding the bill and provide any additional information or resources necessary.

    e. Provide the Board with regular updates on the bill's progress.

    f. Provide affected Department(s) with regular updates on the bill's progress.

D. Board Direction

1. CEO-LA will work with the Clerk of the Board to place a recurring agenda item (Legislative Bulletin) on the Board's agenda to allow the Board to take immediate action when necessary.

2. CEO-LA will bring before the Board via the Legislative Bulletin any bill deemed by CEO-LA to have a high level of significance due to Board interest, strategic positioning or coalition building.

3. When recommending action on a particular bill, CEO-LA will provide an analysis and a recommended course of action.

4. CEO-LA will provide Board offices with copies of any CEO-LA external correspondence pertinent to the County's legislative affairs efforts.

5. When a Board member identifies an issue of importance requiring action and it is approved by the Board, it will be termed a *Board Initiative*. Such initiatives represent a major legislative or administrative/regulatory issue of importance to the County and include an action plan with a timeline and desired outcome. *Board Initiatives* will be tracked in accordance with Sec. II.(L)

E. Letter to the Board

1. A letter to the Board is required before consideration of legislation with subject or policy implications that are not included, or are contrary to, the approved Legislative Platform. If the request is made by a Board member, the letter will be placed on the Board's agenda as an attachment to the standing Legislative Bulletin, separate from other legislation under consideration. If the request is generated from a Department, the letter will be evaluated by CEO-LA prior to inclusion in the Legislative Bulletin.

2. The letter can either provide a recommendation on specific legislation by the requesting entity, or it may request that the Board incorporate a new policy into the Legislative Platform on additional matters of importance to the County.

3. CEO-LA will provide an analysis of the legislation or policy as an attachment to the letter.

4. Letters to the Board from Departments must be submitted to CEO-LA at least 14 days prior to a Board meeting.

F. Legislative Tracking

1. CEO-LA will identify all bills which relate to the County's Legislative Platform and which may have a direct and specific impact upon the County of Orange throughout the legislative session. CEO-LA will monitor each bill's status and language in coordination with Departments and Legislative Advocates.

2. CEO-LA will develop a complete listing of all of the bills which are being monitored.

    a. On a monthly basis, while Congress and the State legislature are in session, CEO-LA will provide each Board Office and the CEO with an updated tracking report on county sponsored, position, and high watch bills.

    b. The Tracking Report will categorize each bill, taking into account its impact on the County, priority level of the bill, and how it correlates with the policy directions of the Board. The categories will be as follows:

        1. **County Sponsored –** legislation primarily developed and advocated (or promoted) by the County.
        2. **County Position –** bills for which the Board has adopted a position.
        3. **High Watch –** bills likely to be recommended for Board consideration or that may have a significant impact on the County.
        4. **Watch –** bills identified by Departments or outside organizations as significant, but for which Board action is not yet necessary.

G. Bill Analysis

1. CEO-LA will be responsible for the completion of an independent analysis on each bill brought before the Board and for any bill for which a Board office requests an analysis.

2. An analysis of any bill should include the following information as appropriate:

    a. The bill number
    b. The name of the bill's author
    c. The version of the bill analyzed
    d. CEO-LA recommended Board action
    e. The policy question related to the bill
    f. A summary of the legislative proposal
    g. Arguments in support of the bill
    h. Arguments in opposition of the bill
    i. A list of supporters of the bill
    j. A list of opposition to the bill
    k. Impact upon the County- fiscal and other
    l. Orange County delegation votes/position (if available)
    m. Background
    n. Any other information deemed necessary

H. Board Positions

The Board will adopt one of the following positions when considering legislation:

1. **Support** – the bill has a favorable fiscal, policy or operational impact on County programs and is consistent with existing County policy. If the bill is amended, this position remains in effect unless the Board modifies its position.

2. **Support if Amended** – the bill could be beneficial to the County, but has a provision or provisions that make it unacceptable in its present form. If the bill is amended as requested, the County's position changes to Support.

3. **Oppose** – the bill mandates unjustified costs, interferes with efficient administration or operations of County programs, and/or is in conflict with policies adopted by the Board. If the bill is amended, this position remains in effect unless the Board modifies its position.

4. **Oppose Unless Amended** – the bill is undesirable, but can be made unobjectionable by amendment. If the bill is amended as requested, the County's position changes to neutral.

5. **Neutral –** the County has no position.

6. **Watch –** the bill has been introduced as "intent" language, which may have an impact on the County. If the bill is amended, this position remains in effect unless the Board modifies its position.

I. Board Correspondence

1. After the Board adopts a position on legislation, a letter will be sent by the Chair or designee on behalf of the County to the bill's author.

2. A copy of the letter will be provided to the Orange County legislative delegation.

3. Throughout the legislative process a letter with the Boards adopted position will be sent to each committee the bill is assigned to.

4. If the bill is amended after the Board adopts a position and remains consistent with the Board's position, the CEO or designee, of the Legislative Advocate may send a letter reaffirming the County's position.

J. Attempts to Impact Legislative Outcomes

1. CEO-LA, to the extent possible, is charged with the task of gaining positive legislative outcomes for the County of Orange.

2. CEO-LA will work to actively seek amendments to legislative proposals for which the Board has taken a "Support if Amended," or "Oppose unless Amended" position.

3. For legislative measures on which the Board has taken a position, CEO-LA will actively work with the County's Legislative Advocates to achieve the desired outcome.

4. CEO-LA may work with the Legislative Advocates to amend legislation prior to Board action if the matter is of an immediate and urgent nature and the requested changes are consistent with the Legislative Platform.

K. Testimony and Comments

1. CEO-LA will work with Legislative Advocates to develop strategies on how best to influence the public policy debate through the testimony of the County and comments on proposed rules and regulations.

2. The following are the only individuals authorized to testify on legislative issues: A member of the Board, the Chief Executive Officer or designee, County Legislative Advocates, and Board or CEO-authorized County staff. Such testimony will be aligned with the Board's position on a specific bill and the Legislative Platform.

3. The Board shall have the first opportunity to testify or comment on legislation, rules, or regulations. If the Board chooses not to do so, CEO-LA will coordinate with County Departments to provide testimony or comment when appropriate.

4. CEO-LA and Legislative Advocates will aid in preparing Board members or appointed County staff for testimony before federal or state governmental agencies and/or legislative, Congressional or decision-making bodies.

5. CEO-LA will work with Departments to ensure that any prepared testimony they give is consistent with Board policy. CEO-LA will review prepared testimony from Departments prior to presentation.

6. In those instances when a Board member or other County representative is not available, the County's Legislative Advocates will provide testimony on all measures and administrative/regulatory issues on which the County has a position.

L. Use of Associations and Coalitions

1. CEO-LA will work to establish coalitions with other legislative units and other associations on legislative issues of interest to the Board.

2. CEO-LA will work to build grassroots support for County positions and County sponsored bills.

M. Informational Service

1. CEO-LA will provide the following informational reports to the CEO and the Board:

    a. Legislative Bulletin – Provides recommended action to the Board on legislation, and updates on County sponsored measures or bills of specific interest to the Board.

    b. Report on Final Legislative Action on State and Federal Bills of Interest to Orange County -- Prepared by the County's Legislative Advocates at the end of each legislative session to summarize the legislative actions taken on County sponsored and position bills.

    c. Special Reports and Memos -- Prepared, as requested or assigned by the Board, on major legislative subject areas.

    d. A weekly legislative update on key issues occurring in Sacramento and Washington, DC.

    e. A Board Initiative matrix, provided as requested.

2. CEO-LA will coordinate the development of the following with the CEO-Budget Office.

    a. State Budget Analysis -- Prepared as a preliminary analysis of the State Budget.

    b. State Budget Updates -- Prepared, as needed, to update the Board on the latest budget developments.

    c. State Budget Adoption Analysis -- Prepared upon the budget's adoption to analyze the consequences of the State's adopted budget on the County's General Fund and programs.

N. Other Services

CEO-LA will:

1. Administer central contracts for Legislative Advocates; prepare evaluations of County Legislative Advocates and file contract recommendations for consideration by the Board; and, in conjunction with the Sacramento Legislative Advocate, file quarterly reports on lobbying activities with the Secretary of State.

2. Schedule meetings as requested between the Legislative Advocates and the Board.

3. Plan, arrange, and attend meetings of the Board with the Orange County Federal and State delegations as requested.

N. Comments on Regulations and Proposed Rule-Makings

1. CEO-LA will seek input from Departments regarding the impact of a proposed rule/regulation on the County.

2. If necessary, requests for comments on state or federal rules or regulations will be vetted through the Board to determine whether Members wish to provide comment or testify.

III. LEGISLATIVE ADVOCATES

A. Legislative Advocates represent the County in Sacramento and Washington, DC, before State and Federal legislative bodies and executive agencies for the general purposes of: 1) expressing County support for, or opposition to, specific measures and explaining the effects of these measures upon Orange County to the appropriate legislators/executive agencies as recommended by the County Executive Office or the Board; 2) providing feedback to appropriate County staff on matters pending before the State and Federal legislative bodies and executive agencies; and 3) advising the Board regarding legislative affairs strategy.

B. The specific duties of the County's Legislative Advocates include:

1. Advocate the interests of the County in State and Federal legislation, regulations, and executive actions with members of the Legislature, and State and Federal agencies, departments, boards, commissions, committees, and their staffs.

2. Provide members of the Legislature and their staffs and State and Federal agency staffs, details of the costs and programmatic or procedural impacts of proposed legislation, regulation, or executive action on the County.

3. Monitor, assist and expedite grant applications and advocate on their behalf as requested by CEO-LA.

4. Make recommendations to the CEO-LA and the Board regarding legislative affairs strategy.

5. Draft correspondence to legislators and administrative officials detailing positions adopted by the Board on legislative, administrative, and

regulatory matters.

6. Provide annual and monthly written reports to the CEO-LA and the Board with respect to the nature and extent of the services or actions taken on behalf of the County.

7. Maintain close contact with the Board, their staffs, the CEO, and the Legislative Affairs unit to be aware of the County's needs, desires, policies, and impacts relevant to legislative activity.

8. Make presentations concerning legislative activities to the Board.

9. Secure letters of support for legislation and grants.

10. Disclose potential conflicts of interest as soon as possible. (Refer to contract scope of work.)

11. Immediately notify CEO-LA and the Board if being investigated by any government agency, under threat of a lawsuit, or subject to actual litigation that has been filed.

C. Legislative Advocates will serve at the policy direction of the Board, but will report to the CEO.

IV. COUNTY COUNSEL

A. County Counsel advises the County Executive Office, Departments, the Legislative Advocates and the Board on the legal aspects of legislative matters affecting the County. This support includes:

1. Advise the County Executive Office on procedural matters and application of the Brown Act with respect to special meetings of the Board with Federal or State legislative delegations.

2. Review proposed legislation submitted by Departments, advise the County Executive Office on any legal issues identified, and draft proposed legislation on behalf of the County in conjunction with the County Executive Office.

3. Provide legal support to County Executive Office and Departments on legal issues surfaced through pending legislation or in support of County sponsored legislation.

4. Review language after County sponsored bills are introduced.

V. COUNTY DEPARTMENTS

A. Overview

1. No action may be taken by a Department on any legislation which is in conflict with Board policy, Legislative Affairs Program Guidelines, or the Legislative Platform.

2. A County elected official as an individual member may write letters or make public their position on a particular legislative issue. They shall make the

Board aware of all actions they intend to take with respect to legislative and major administrative/regulatory issues. They may not, however, state their position as being that of the County at large. CEO-LA is available to assist in providing this information to the Board via the Legislative Bulletin or other means.

3. Departments will monitor and alert CEO-LA of critical rules, regulations, and legislation introduced in Sacramento or Washington, DC that will impact their Department.

4. Appointed Department heads and/or designees will coordinate all requests for assistance from the County's Legislative Advocates through CEO-LA.

5. Departments shall work through CEO-LA regarding all positions on legislation.

6. Departments will submit an analysis of any legislative proposal to CEO-LA 14 days prior to the desired date of Board consideration. If a Department wishes the Board to take action on a legislative issue, the analysis must be approved by the Department's head.

7. Appointed Department heads may not retain a legislative advocate without Board approval.

8. Departments may provide comments on non-legislative matters that affect the operations, both procedural and technical, of their Departments, without prior Board authorization.

9. Department staff traveling to Sacramento or Washington DC on official business will work with CEO-LA to identify opportunities to promote County legislative and administrative/regulatory goals.

B. Written Correspondence Policy for Departments

1. Written correspondence on behalf of the County to elected officials at the federal, state or local level should be transmitted over the signature of the Board. Departments should route such written correspondence through CEO-LA.
2. The Board may delegate authority to originate and transmit letters in support of or in opposition to pending State and Federal legislation only if:

    a. The Board has taken a specific position that the correspondence addresses.

    b. It has been reviewed and approved by the County Executive Office in advance.

    c. Copies must be provided to the Board and CEO-LA by the originating Department before its distribution.

3. If a rule or regulation is deemed significant, CEO-LA will coordinate with Departments on correspondence for Board consideration.

C. Testimony

1. All testimony on legislation, rules, or regulations must be aligned with the Board's position and the Legislative Platform.

2. All scheduled testimony of any kind must be communicated to and coordinated with the Board and the CEO-LA prior to the date of the presentation. CEO-LA will notify the Board and Legislative Advocates when appropriate.

3. County staff is authorized to present information of a non-policy nature (information of a technical, operational or factual nature) without prior Board authorization to members, committees and staffs of the Legislature and Congress, and local regional or State governmental decision-making bodies and organizations and associations of which a Department is a member.

4. Departments and County staff seeking to testify regarding legislation or major rules/regulations will seek CEO or Board approval.

5. Departments and staff will submit a written report to CEO-LA regarding the testimony given. This report will include a summary of the testimony, questions asked and answers provided.

D. Seeking County Sponsored Legislation or Administrative/Regulatory Changes

1. If a Department would like the County to sponsor a legislative proposal or an administrative/regulatory change, the Department will contact CEO-LA and request that they place the proposal on the agenda for Board consideration.

2. It is the Department's responsibility to provide a background sheet and an analysis for any proposal for which the Department is seeking Board consideration at least 14 days prior to the desired date of Board consideration. The background sheet and analysis will be provided to CEO-LA before the item comes before the Board.

3. Departments will adhere to County and Department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and administrative/regulatory changes for which they plan to seek County-sponsorship.

VI. LEGISLATIVE ADVOCACY BY COUNTY ADVISORY BOARDS AND COMMISSIONS

A. A County advisory board or commission may not make a recommendation on pending legislation or on legislative issues to any legislative body other than the Board.

B. Those advisory boards or commissions which are specifically mandated to advise certain legislators under the government codes or laws establishing them are exempt from the above provisions. They may forward their recommendations per the requirements of their mandates, and provide a copy to CEO-LA.

VII. ADVOCACY WITHIN PROFESSIONAL ORGANIZATIONS/ASSOCIATIONS

A. Departments have the authority to work within the framework of County/regional/State/Federal organizations or professional associations to affect pending legislation if in advocating, staff represent a position that is consistent with Board policy and priorities and the Legislative Platform.

B. Positions taken by statewide and federal associations on pending legislation, which differs from official County positions, should be brought to the attention of the CEO-LA.

C. County personnel who become officers of statewide, regional, or federal professional associations should notify CEO-LA and the Board of their titles and responsibilities.

D. Staff and appointed Department heads should coordinate with CEO-LA prior to advancing a position with an organization or professional association of which they are a member.

Grants Report

DRAFT

County Executive Office/Legislative Affairs

November 8, 2016
Item No. 31
Vol. XLVI, No. 20

County of Orange Report on Grant Applications/Awards

The Grants Report is a condensed list of grant requests by County Agencies/Departments that allows the Board of Supervisors to discuss and approve grant submittals in one motion at a Board meeting. County policy dictates that the Board of Supervisors must approve all grant applications prior to submittal to the grantor. This applies to grants of all amounts, as well as to new grants and those that have been received by the County for many years as part of an ongoing grant. Receipt of grants $50,000 or less is delegated to the County Executive Officer. Grant awards greater than $50,000 must be presented to the Board of Supervisors for receipt of funds. This report allows for better tracking of county grant requests, the success rate of our grants, and monitoring of County's grants activities. It also serves to inform Orange County's Sacramento and Washington, D.C. advocates of County grant activities involving the State or Federal Governments.

On November 8, 2016, the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

Approve grant applications/awards as proposed and other actions as recommended.

ACTION ITEMS

1. Approve Grant Application – John Wayne Airport – Airport Improvement Program-Taxiway B Rehabilitation – $6,924,776.

2. Approve Grant Application – Orange County Sheriff's Department – 2016 Sex Offender Registration and Notification Act (SORNA) Reallocation Grant – $40,000.

3. Receive and File Grant Report.

If you or your staff have any questions or require additional information on any of the items in this report, please contact Cynthia Shintaku at 714-834-7086

☒ GRANT APPLICATION / ☐ AWARD AUTHORIZATION FORM

Today's Date:	October 24, 2016
Requesting Agency/Department:	John Wayne Airport
Grant Name and Project Title:	Airport Improvement Program - Taxiway B Rehabilitation
Sponsoring Organization/Grant Source:	Federal Aviation Administration
Amount Requested/ Awarded:	$6,924,776
Application Due Date:	December 31, 2016
Board Date when Board Approved this Application:*	*
Awarded Funding Amount:*	*
Notification Date of Funding Award:*	*

Is this an Authorized Retroactive Grant Application/Award? No, this is not a retroactive award authorization.

Does this grant require CEQA findings? No

What Type of Grant is this?	Competitive ☐	Other Type ☒	Explain: FAA Airport Improvement Program grant agreements are standard agreements that all airport sponsors must execute to receive Federal grant funds for eligible projects.
County Match?	Yes ☒	No ☐	Amount: $1,667,824 Budgeted? Yes
Recurrence of Grant	New ☒	Recurrent ☐	

Explain: This Grant will provide funding for the Taxiway B Rehabilitation project within the Airport Improvement Program.

Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.

The grant will reimburse costs for the construction of the Taxiway B Rehabilitation capital improvement project. The grant will fund approximately $6,924,776 (80.59%) of the total eligible project cost of $8,592,600. The Airport is required to fund $1,667,824 (19.41%), which is budgeted in FY 2016-17 Fund 281 – Airport Construction fund.
Taxiway B Rehabilitation: Taxiway B is a full-length, parallel taxiway to Runway 2L/20R. The taxiway serves commercial jets as well as general aviation. The project will rehabilitate Taxiway B pavement from the south end at Taxiway Delta approximately 4,300' north to a previously completed rehabilitation project. The rehabilitation is expected to extend the service life of the taxiway an additional 20 years.

Board Resolution/Special Instructions	Include requirement for a **Board Resolution** or **authorization to accept the grant award without further Board action.** Provide language for Resolution, and the name of **County Counsel staff who reviewed the language/ *or County Counsel who have reviewed other documents. Please specify.**

The AIP grant agreement will be presented to the Board of Supervisors to authorize acceptance of the grant award.

Will the grant/program create new part or full-time positions?	No new positions are required.
Contact:	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.

Barry Rondinella, Airport Director (949) 252-5183, BRondinella@ocair.com

☒ GRANT APPLICATION / ☐ AWARD AUTHORIZATION FORM

Today's Date:	November 1, 2016
Requesting Agency/Department:	Orange County Sheriff's Department
Grant Name and Project Title:	2016 Sex Offender Registration and Notification Act (SORNA) Reallocation Grant
Sponsoring Organization/Grant Source:	Department of Justice (DOJ)
Amount Requested/ Awarded:	$40,000
Application Due Date:	November 10, 2016
Board Date when Board Approved this Application:*	
Awarded Funding Amount:*	TBD
Notification Date of Funding Award:*	TBD

Is this an Authorized Retroactive Grant Application/Award? No

Does this grant require CEQA findings? No

What Type of Grant is this?	Competitive ☐	Other Type ☒	Explain: Formula Program
County Match?	Yes ☐	No ☒	Amount: $ or % Budgeted?
Recurrence of Grant	New ☒	Recurrent ☐	

Explain: The 2016 Sex Offender Registration and Notification Act (SORNA) Reallocation Grant is a new grant opportunity through the California Department of Justice (DOJ).

Purpose of Grant Funds:

The California Department of Justice has been awarded the 2016 Sex Offender Registration and Notification Act (SORNA) Reallocation Grant. The California DOJ will be distributing a portion of these funds to a limited number of registering police and sheriff's agencies through a pilot project, in order to fund local improvements in sex offender registration and notification. Funds can be used for equipment and training-related expenses for sex offender registration and notification purposes. A number of agencies will be selected to receive funds on a cost-reimbursement basis. Fund distribution amounts are estimated to be up to $40,000 per agency. The award amounts will vary by jurisdiction, based on the size of sex offender populations. The grant opportunity is limited to agencies with at least 25 sex offender registrants. Agencies will be notified of the status of their applications no later than December 12, 2016. Awarded agencies will be required to enter into a Memorandum of Understanding (MOU) with the California DOJ regarding their planned purchases.

With Board of Supervisors (Board) approval, the Sheriff-Coroner Department (Sheriff) plans to apply for $40,000 in grant funding. Per the Megan's Law website, there are currently 1,712 registered sex offenders in Orange County, CA and at least 500 within OCSD jurisdiction. Expenditures will be clearly explained and will demonstrate enhancements to notification and registration that benefit Orange County. Allowable expenses include camera and video equipment, computer hardware, Live Scan devices, office equipment (e.g., printers, copiers, etc.) or training (e.g., courses, registration fees and travel).

Board Resolution/Special Instructions

Authorize Sheriff-Coroner, or their designee, to sign all necessary application documents required for the submission of the application and supporting documentation. If awarded, the Sheriff plans to return to the Board of Supervisors to accept the funding and to request approval of the MOU. County Counsel will review and approve the MOU prior to Board approval.	
Will the grant/program create new part or full-time positions?	No
Contact:	
Nancy M. Nguyen, Grants Manager Research and Development Division	714.935.6869 nmnguyen@ocsd.org

Chairwoman Lisa A. Bartlett
Board of Supervisors

S33A

MEMORANDUM

10-31-2016

TO: Clerk of the Board

FROM: Chairwoman Lisa Bartlett

SUBJECT: Revisions to Board Rules of Procedure

Please add a supplemental item of business to the November 8, 2016, Board meeting agenda. The title of the supplemental agenda item should read:

> **Chairwoman Bartlett** – Approve amendments to Rules of Procedure to provide opportunities for public comment at the beginning of each regular meeting effective immediately.

Redline and final versions of the proposed amendments are attached.

Thank you.

Cc: Members of the Board of Supervisors
Frank Kim, CEO
Leon J. Page, County Counsel

2016 OCT 31 PM 2:53

Orange County Board of Supervisors

Adopted By
The Orange County
Board of Supervisors on
1/27/09 and Amended
10/25/11, 12/04/12 &
2/9/16

Rules of Procedure

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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 as the governing body of any other district, authority, or board.

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 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 Clerk of the Board of Orange County;

(d) "CEO" refers to the County Executive Officer of Orange County.

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/

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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. 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 Robert E. Thomas Hall of Administration, 333 W. Santa Ana Blvd., Santa Ana, California. Holidays and periodic breaks, which result in dark (canceled) meetings, will be developed and posted annually by the Clerk. 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

Any regular, adjourned regular, special or adjourned special meeting of the Board may be adjourned to a future date and time (Govt. Code Sec. 54955).

Any adjourned meeting of a regular meeting or adjourned regular meeting is part of the regular meeting. (Govt. Code Sec. 54955).

Any hearing may be continued once or more to a subsequent meeting of the Board in accordance with Government Code Section 54955.1.

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 meeting on the first Tuesday after the first Monday 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

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

Rule 13 Department/Agency Agenda Responsibilities

When submitting an item for consideration by the Board, it is the responsibility of the originating Department/Agency to include, at a minimum, a summary of the requested action, background discussion and any recommended action. The Clerk, consistent with the Brown Act, will provide a brief general description of the recommendation 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/Agencies shall submit sufficient copies 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 for such submissions unless directed by the Board at a Board meeting to develop policy direction for the Board.

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.

Notwithstanding any provision in these Rules of Procedure to the contrary, no Memorandum of Understanding, or 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 ("proposed labor agreement"), shall be heard as an item on a Board agenda until and unless, at the time of the meeting during which the matter is heard by the Board, one week has passed since the later of the following to occur: (1) the Clerk of the Board has published a copy of the proposed document on the County public website; and (2) 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 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 the deadline for revised material in Rule 18 unless authorized in writing by the Chair. This rule is to be distinguished from supplemental items, which are covered by Rule 21.

Rule 18 Revisions to Recommended Action and/or New or Revised Information/Documents After Filing

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

If the CEO approves the addition/revision, the Clerk must receive the recommended change, using the appropriate ASR revision memo, no later than 4:00 p.m., Thursday before the Board meeting at which the item is to be considered.

The Clerk will ensure that the additional or revised recommended action, agenda information/document(s) is distributed to the Board offices, CEO, County Counsel, Grand Jury, and public viewing area no later than 10:00 a.m. 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 <u>Supplemental Correspondence and Information Prior to Board Meeting and During the Board Meeting</u>

☑ ***After Initial Agenda Distribution and Prior to the Meeting Rule*** **-** Agenda materials distributed, via mail, email, or hand delivered by the public to a majority of the Board or their staff that is distributed or redistributed to another County employee, must be concurrently distributed to the Clerk of the Board for public review.

☑ ***At the Meeting Rule*** **-** Documents, including PowerPoint 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 if requested concurrently. 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.

☑ ***PowerPoint Presentations*** **–** 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.

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: 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

Supplemental Agenda items shall be kept to a minimum. With the exception of items submitted by Board members prior to noon 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. Board members and County Department/Agency heads should use the following justification criteria when requesting approval of a supplemental item:

(a) 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.

(b) The item requires immediate action to avert a crippling disaster, work stoppage or other activity that may severely impair public health, safety, or both.

All supplemental items will be placed on the agenda at the conclusion of the discussion calendar or public hearings if required.

The Clerk shall distribute the supplemental items to the Board offices, CEO, County Counsel and Grand Jury no later than 10:00 a.m. the Friday preceding the Board meeting at which the matter will be considered.

Rule 22 Deletions; Continuances

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 10:00 a.m. Friday of the week preceding the meeting at which the item is scheduled to be considered. The originator of any item on the Board's agenda, or the CEO on behalf of any department under his jurisdiction, 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.

CHAPTER VI

Order and Conduct of Business

Rule 23 <u>Order of Business</u>

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

(a) Invocation

(b) Pledge of Allegiance

(c) Emergency Matters

(d) Presentations and Introductions

(e) Public Comments (In accordance with Rule 43, during this time, and except for matters set for public hearings, members of the public are invited to speak on any item on or off the agenda that is within the subject matter jurisdiction of the Board.)

(f) 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

(g) CEO Comments

(h) Board Comments

(i) Memorial Adjournments

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 sufficient 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 function.

Rule 28 Department/Agency 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 a 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 or the County Executive Officer.

The following matters are appropriate for the Consent Calendar:

- Equipment purchases less than $750,000
- Service purchases of less than $750,000
- 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 $750,000
- 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

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

- Any new program or change in policy
- Agreements/contracts or amendments/extensions/change orders, with the exception of Public Works change orders noted above, that individually or cumulatively exceed $750,000
- 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 retroactive agreements and amendments to agreements

Sole Source Agreements - ASRs requesting sole source agreements should contain the justification for sole source within the background information. A copy of the sole source justification should also be uploaded with the ASR.

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 report, the weekly grants report, any status report 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 <u>Ordinances</u>

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

Any motion made by any Board member will require a second. When the main motion is before the Board, no motion will be entertained except as an amendment to the main motion which will be voted on prior to the vote on the main motion unless incorporated into the main motion by the

makers of the main motion. In the event the amendment motion fails to carry, the main motion will resume intact.

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 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 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 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, affected Agency/Department heads, and affected districts, authorities, or boards of which the Board is the governing body. The minutes shall also be 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 record of each Board meeting for a period of not less than three (3) years and will make these 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.

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 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 Heads

Departments/Agencies shall, insofar as practicable, consult with such other Departments/Agencies 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 head, or a designated representative of the Department/Agency 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 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 during the portion of the meeting reserved for public comments to address the Board on any matter being considered by the Board, or 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

Members of the public desiring to address the Board may make comments during the public comments portion of the meeting, and/or during any public hearing. Members of the public desiring to address the Board must complete a speaker request form and deposit the completed form with the Clerk prior to the end of the public comments portion of the meeting, or, in the event of a public hearing, prior to the start of the public hearing. 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; 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/Time Limits

During the public comments portion of a meeting, a member of the public may directly address the Board on any (or multiple) items on the agenda (excluding public hearings) or on any issue 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.

The public comments period during a regular meeting and the public comments portion during each public hearing shall be limited to twenty (20) minutes cumulative total for all speakers, unless extended by the Chair.

Rule 46 Addressing the Board

At the beginning of the public comments portion of the meeting, and at the beginning of any public hearing, 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, 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 as a whole and not to any individual Board member. No question shall be asked of any Board or staff member without first obtaining permission of the Chair. 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. 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.

Rule 47 Time Limits

(a) Public Comments During Regular Meeting

Each person desiring to address the Board during the public comments portion of the meeting shall be allotted no more than three (3) minutes to speak.

(b) Public Comments During Public Hearings

Each person wishing to address the Board during a public hearing shall be allotted no more than three (3) minutes to speak.

(c) The Chair retains the authority, in his or her discretion, to reduce the time allotted for each individual speaker (during either public comments or a public hearing) to less than three minutes if the number of persons desiring to speak would exceed the cumulative time limit of Rule 45.

(d) 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.

(e) A speaker's time (generally three minutes) 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 48 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 which could impair the safety of individuals in the event of an emergency are prohibited in the Board Room. All 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 hazardous object which could impair the safety of individuals in the event of an emergency will be prohibited in the Board Room.

Orange County Board of Supervisors

Adopted By
The Orange County
Board of Supervisors on
1/27/09 and Amended
10/25/11, 12/04/12 &
2/9/16

Rules of Procedure

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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 as the governing body of any other district, authority, or board.

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 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 Clerk of the Board of Orange County;

(d) "CEO" refers to the County Executive Officer of Orange County.

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/

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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. 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 Robert E. Thomas Hall of Administration, 333 W. Santa Ana Blvd., Santa Ana, California. Holidays and periodic breaks, which result in dark (canceled) meetings, will be developed and posted annually by the Clerk. 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

Any regular, adjourned regular, special or adjourned special meeting of the Board may be adjourned to a future date and time (Govt. Code Sec. 54955).

Any adjourned meeting of a regular meeting or adjourned regular meeting is part of the regular meeting. (Govt. Code Sec. 54955).

Any hearing may be continued once or more to a subsequent meeting of the Board in accordance with Government Code Section 54955.1.

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 meeting on the first Tuesday after the first Monday 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

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

Rule 13 Department/Agency Agenda Responsibilities

When submitting an item for consideration by the Board, it is the responsibility of the originating Department/Agency to include, at a minimum, a summary of the requested action, background discussion and any recommended action. The Clerk, consistent with the Brown Act, will provide a brief general description of the recommendation 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/Agencies shall submit sufficient copies 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 for such submissions unless directed by the Board at a Board meeting to develop policy direction for the Board.

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.

Notwithstanding any provision in these Rules of Procedure to the contrary, no Memorandum of Understanding, or 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 ("proposed labor agreement"), shall be heard as an item on a Board agenda until and unless, at the time of the meeting during which the matter is heard by the Board, one week has passed since the later of the following to occur: (1) the Clerk of the Board has published a copy of the proposed document on the County public website; and (2) 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 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 the deadline for revised material in Rule 18 unless authorized in writing by the Chair. This rule is to be distinguished from supplemental items, which are covered by Rule 21.

Rule 18 Revisions to Recommended Action and/or New or Revised Information/Documents After Filing

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

If the CEO approves the addition/revision, the Clerk must receive the recommended change, using the appropriate ASR revision memo, no later than 4:00 p.m., Thursday before the Board meeting at which the item is to be considered.

The Clerk will ensure that the additional or revised recommended action, agenda information/document(s) is distributed to the Board offices, CEO, County Counsel, Grand Jury, and public viewing area no later than 10:00 a.m. 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 <u>Supplemental Correspondence and Information Prior to Board Meeting and During the Board Meeting</u>

☑ ***After Initial Agenda Distribution and Prior to the Meeting Rule*** - Agenda materials distributed, via mail, email, or hand delivered by the public to a majority of the Board or their staff that is distributed or redistributed to another County employee, must be concurrently distributed to the Clerk of the Board for public review.

☑ ***At the Meeting Rule*** - Documents, including PowerPoint 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 if requested concurrently. 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.

☑ ***PowerPoint Presentations*** – 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.

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: Consent Calendar~~ followed by Public Hearings~~, 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

Supplemental Agenda items shall be kept to a minimum. With the exception of items submitted by Board members prior to noon 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. Board members and County Department/Agency heads should use the following justification criteria when requesting approval of a supplemental item:

(a) 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.

(b) The item requires immediate action to avert a crippling disaster, work stoppage or other activity that may severely impair public health, safety, or both.

All supplemental items will be placed on the agenda at the conclusion of the discussion calendar or public hearings if required.

The Clerk shall distribute the supplemental items to the Board offices, CEO, County Counsel and Grand Jury no later than 10:00 a.m. the Friday preceding the Board meeting at which the matter will be considered.

Rule 22 <u>Deletions; Continuances</u>

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 10:00 a.m. Friday of the week preceding the meeting at which the item is scheduled to be considered. The originator of any item on the Board's agenda, or the CEO on behalf of any department under his jurisdiction, 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.

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) Invocation

(b) Pledge of Allegiance

(c) Emergency Matters

(d) Presentations and Introductions

(e) Public Comments (In accordance with Rule 43, d~~d~~uring this time, and except for matters set for public hearings, ~~–~~members of the public are invited to speak on any item on or off the agenda~~,~~ ~~excluding public hearings, and/or any issue not on the agenda~~ that is within the subject matter jurisdiction of the Board.)~~.~~

~~(e)~~(f) Regularly Scheduled Agenda Items

(1) Consent Calendar

(2) Discussion Calendar

(3) Supplemental Items

(4) Public Hearings

~~(4)~~(i) Public Comments on Items Set for Public Hearing

(5) Closed Sessions

~~(f) Public Comments~~

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(g) CEO Comments

(h) Board Comments

(i) Memorial Adjournments

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 sufficient 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 function.

Rule 28 Department/Agency 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~~ a member of the Board ~~or the public~~ requests removal of specific items from the Consent Calendar for separate discussion and action.

~~Members of the public who wish to discuss a Consent Calendar item should complete a speaker request form and deliver it to the Clerk prior to commencement of the meeting. The Clerk will advise the Board of such request prior to the vote approving the consent calendar.~~

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 ~~normally~~ 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 or the County Executive Officer.~~, staff member or the public.~~

The following ~~budgeted~~ matters are appropriate for the Consent Calendar:

- Equipment purchases less than $750,000
- Service purchases of less than $750,000
- 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 $750,000
- 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

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

- Any new program or change in policy
- Agreements/contracts or amendments/extensions/change orders, with the exception of Public Works change orders noted above, that individually or cumulatively exceed $750,000
- 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 retroactive agreements and amendments to agreements

Sole Source Agreements - ASRs requesting sole source agreements should contain the justification for sole source within the background information. A copy of the sole source justification should also be uploaded with the ASR.

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 report, the weekly grants report, any status report 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 ~~and Avoid Personalities~~

When any Board member is about to speak, the member shall address the Chair. W~~; and w~~hen 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~~ and shall avoid personalities~~.

Rule 34 Motions

Any motion made by any Board member will require a second. When the main motion is before the Board, no motion will be entertained except as an amendment to the main motion which will be voted on prior to the vote on the main motion unless incorporated into the main motion by the

makers of the main motion. In the event the amendment motion fails to carry, the main motion will resume intact.

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

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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 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 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. <u>Preparation and Distribution of Summary Action Minutes</u>

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 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, affected Agency/Department heads, and affected districts, authorities, or boards of which the Board is the governing body. The minutes shall also be 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 record of each Board meeting for a period of not less than three (3) years and will make these 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.

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 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 Heads

Departments/Agencies shall, insofar as practicable, consult with such other Departments/Agencies 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 head, or a designated representative of the Department/Agency 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 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 during the portion of the meeting reserved for public comments to address the Board on any matter being considered by the Board, or on any issue of interest to the speaker that is within the subject matter jurisdiction of the Board. However, if a matter is ~~to be set or 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

Members of the public desiring ~~who wish~~ to address the Board may ~~discuss a consent, discussion, or public hearing item or~~ make comments during the public comments portion of the meeting, and/or during any public hearing. Members of the public desiring to address the Board must complete a speaker request form and deposit the completed form ~~it~~ with the Clerk prior to the end of the public comments portion of the meeting, or, in the event of a public hearing, prior to the start of the public hearing. To ensure the orderly conduct of each meeting and public hearing, the

Chair may deem "out of order" any ~~the Clerk's reading of the agenda item. The Clerk will then advise the Board of such request prior to the vote approving the item.~~

~~A~~ member of the public who attempts to address the Board without having first submitted to the Clerk a completed speaker request form; such a speaker ~~will be called out of order, and~~ 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.

~~Any individual member of the public wishing to comment on an item that is on the consent calendar may pull the item for discussion by submitting a speaker request form on that item and cause a separate vote by the Board. A member of the public may speak to each item for which he/she has submitted a speaker request form for no longer than three (3) minutes prior to the vote being called on the item, subject to the provisions of Rule 47.~~

Rule 45 Public Comments/Time Limits

During ~~Under~~ the p~~P~~ublic c~~C~~omments portion of ~~the~~ a meeting, a member~~s~~ of the public may directly ~~will be allowed to~~ address the Board on ~~regarding~~ any (or multiple) items on the agenda (excluding public hearings) or on any issue that is ~~off agenda item~~ within the subject matter jurisdiction of the Board. However, n~~N~~o action may be taken by the Board on off-agenda items unless authorized by law.

The p~~P~~ublic c~~C~~omments period during a regular ~~portion of the~~ meeting and the public comments portion during ~~any~~each public hearing shall be limited to twenty (20) minutes cumulative total for all speakers, unless extended ~~different time limits are set~~ by the Chair.

Rule 46 Addressing the Board

At the beginning of the public comments portion of the meeting, and at the beginning of any public hearing, ~~appropriate time,~~ the Chair or the Clerk will call the names of members of the public desiring to address the Board. ~~After approaching the lectern,~~ In order to facilitate the orderly conduct of the meeting, the speaker, after approaching the lectern, ~~-~~is requested to announce his or her ~~their~~ name and city of residence for the ~~audio~~ record.

All remarks and questions shall be addressed to the Board as a whole and not to any individual Board member. No question shall be asked of any Board or staff member without first obtaining permission of the Chair. 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. ~~barred from further addressing the Board at the meeting.~~ 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. 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, ~~a speaker will be deemed to~~ "disruption" of a Board meeting may include, but is not limited to, ~~by~~ speaking ~~too long~~ beyond the time limits set by these Rules or the Chair, by being unduly repetitious, by engaging in an extended discussion of irrelevancies, ~~or~~ by violating the requirements of Rule 44, or by failing to yield to the Chair.

Rule 47 Time Limits

(a) Public Comments During Regular Meeting

Each person desiring to address the Board during the public comments ~~addressing the Board~~ portion of the meeting shall be ~~limited to~~ allotted no more than three (3) minutes to speak.

(b) Public Comments During Public Hearings

Each person wishing to address the Board during a public hearing shall be allotted no more than three (3) minutes to speak.

(c) The Chair retains the authority, in his or her discretion, to reduce the time allotted for each individual speaker (during either public comments or a public hearing) to less than three minutes if the number of persons desiring to speak would exceed the cumulative time limit of Rule 45.~~on any agenda item (whether on the consent or discussion calendar) during any public hearing, and during the public comment period, unless a specific extension of time is requested and is granted by the Chair. A member of the public wishing to address the Board on multiple items shall be limited to a cumulative total of nine (9) minutes for the entire meeting.~~

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

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(e) A speaker's time (generally three minutes) will be tolled by the Clerk if the speaker is ~~The~~ question~~s~~ed or interrupt~~ing~~ed ~~of the speaker~~ by the Chair, or by members of the Board, including the time for the speaker to ~~and the speaker's~~ respon~~s~~ed to such questioning ~~shall not reduce the time (generally three minutes) that the speaker is allowed to speak~~.

Rule 48 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 which could impair the safety of individuals in the event of an emergency are prohibited in the Board Room. All 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 hazardous object which could impair the safety of individuals in the event of an emergency will be prohibited in the Board Room.

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OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE
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E-Mail: leon.page@coco.ocgov.com

LEON J. PAGE
COUNTY COUNSEL

Agenda Item No. SCS- 3
November 8, 2016

MEMORANDUM

October 27, 2016

2016 OCT 27 PM 1:36

TO: Robin Stieler, Clerk of the Board of Supervisors

FROM: Leon J. Page, County Counsel

SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session on Tuesday, November 8, 2016, to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

> "CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1).
> Name of Case: *Michael Crawford v. Dillon Alley, et al.*, United States District Court Case No. 8:16-CV-01503-DOC-DFM.
>
> RECOMMENDED ACTION: Conduct Closed Session."

Thank you.

LJP:nr

cc: Members of the Board of Supervisors
Frank Kim, CEO

OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE
333 West Santa Ana Boulevard, Suite 407
Santa Ana, California 92701
Direct No.: (714) 834-3303
E-Mail: leon.page@coco.ocgov.com

2016 OCT 28 AM 9:30

LEON J. PAGE
COUNTY COUNSEL

Agenda Item No. SCS-4
November 8, 2016

MEMORANDUM

October 28, 2016

TO: Robin Stieler, Clerk of the Board of Supervisors

FROM: Leon J. Page, County Counsel

SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session to be held on Tuesday, November 8, 2016, for the Board to consider initiation of litigation, pursuant to Government Code section 54956.9(d)(4).

Accordingly, please prepare the Agenda Item to read:

> "CONFERENCE WITH LEGAL COUNSEL –
> INITIATION OF LITIGATION – Pursuant to Government Code
> Section 54956.9(d)(4).
> Number of Cases: One Case.
>
> RECOMMENDED ACTION: Conduct Closed Session."

Thank you.

PMA:nr

cc: Members of the Board of Supervisors
Frank Kim, CEO

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COUNTY OF ORANGE
333 West Santa Ana Boulevard, Suite 407
Santa Ana, California 92701
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E-Mail: leon.page@coco.ocgov.com

LEON J. PAGE
COUNTY COUNSEL

Agenda Item No. SCS- 5
November 8, 2016

MEMORANDUM

October 28, 2016

TO: Robin Stieler, Clerk of the Board of Supervisors

FROM: Leon J. Page, County Counsel

SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session on Tuesday, November 8, 2016, to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

> "CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1).
> Name of Cases: *Sierra Club, et al. v. City of Highland, et al.*, San Bernardino Superior Court Case Number CIVDS 1615347; and *Greenspot Residents Association, et al. v. City of Highland, et al.*, San Bernardino Superior Court Case Number CIVDS 1615280.
>
> RECOMMENDED ACTION: Conduct Closed Session."

Thank you.

Leon Page

NMW:nr

cc: Members of the Board of Supervisors
Frank Kim, CEO

2016 OCT 28 PM 3:56

County Executive Office

Memorandum

SC86

November 1, 2016

To: Robin Stieler, Clerk of the Board

From: Frank Kim, County Executive Officer

Subject: Request for Supplemental Closed Session on November 8, 2016

2016 NOV 01 AM 9:51

Accordingly, please prepare the Agenda item to read:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR – County Executive Office requests a Closed Session pursuant to Government Code Section 54956.8, to confer with its real property negotiator.

Property Location:	County Owned Property at Former MCAS El Toro
County Negotiator:	Scott D. Mayer, Chief Real Estate Officer
Negotiating Party:	City of Irvine Lowe Enterprises Real Estate Group Future Lessees
Under Negotiation:	Terms of and Value of Development and Future Leases

Recommended Action: Conduct Closed Session

cc: Members, Board of Supervisors
Chief Executives
Leon J. Page, County Counsel