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ORDINANCE NO.

**An ordinance of San Bernardino County, State of California,
to amend Section 12.0101 of the San Bernardino County
Code, relating to rules applicable to meetings.**

The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

SECTION 1. Section 12.0101 of the San Bernardino County Code is amended to
read:

Section 12.0101 Rules Applicable to Meetings.

Rule 1. Regular Meetings. Regular meetings of the Board of Supervisors of San
Bernardino County shall generally be held on Tuesdays at 9:00 a.m. Regular meetings
will not be held on Tuesdays when the preceding Monday is a legal holiday. All meeting
dates shall be determined by an annual meeting calendar, as adopted and amended by
the Board of Supervisors each year.

Rule 2. Meeting Place. Regular meetings of the Board of Supervisors of San
Bernardino County shall be held in the Covington Chambers in the County Government
Center, 385 North Arrowhead Avenue, First Floor, San Bernardino, California, unless the
annual meeting calendar as adopted or amended identifies another location within the
County for a particular regular meeting. Closed sessions shall be held in the Magda
Lawson Room of the County Government Center, unless another location is designated
by the Chair of the Board of Supervisors. When a closed session is scheduled, the regular
meeting of the Board of Supervisors shall be convened in the Magda Lawson Room and
adjourned to the Covington Chambers following the closed session.

Rule 3. Order of Business. The regular order of business of the Board of
Supervisors shall be:

- (a) Closed session;

- 1 (b) Invocation;
- 2 (c) Pledge of allegiance to the flag;
- 3 (d) Agenda of the Board of Supervisors;
- 4 (e) Adjournment.

5 *Rule 4. Chair and Vice-Chair.* A Chair and a Vice-Chair shall be elected at the
6 first regular meeting of the Board of Supervisors in each odd-numbered calendar year
7 and shall hold office for two-year terms and until their successors are elected. The Chair
8 of the Board of Supervisors shall preserve order and decorum and shall decide questions
9 of order subject to appeal to the Board of Supervisors. In the Chair's absence, the Vice-
10 Chair shall act as Chair. If both the Chair and Vice-Chair are absent, the Board of
11 Supervisors shall elect an acting Chair for that meeting. All documents approved by the
12 Board of Supervisors which require signature shall be signed by the Chair, or in the
13 Chair's absence the Vice-Chair, or by such other person designated by the Board of
14 Supervisors or allowed by law.

15 *Rule 5. Questions of Law.* All questions of law shall be referred by the Board of
16 Supervisors to the County Counsel for opinion. All contracts and proposed ordinances
17 shall be referred to the County Counsel for approval as to form.

18 *Rule 6. Preparation of Agenda and Fair Statement.* An agenda shall be prepared
19 by the Clerk of the Board of Supervisors for each meeting of the Board of Supervisors
20 and shall contain a brief general description of each item of business to be transacted or
21 discussed at the meeting. The agenda shall specify the time and location of the regular
22 meeting and shall be posted at least 72 hours before the meeting in a location that is
23 freely accessible to members of the public and on the County website. All proposed
24 agenda items shall be approved for placement on the agenda by the Chief Executive
25 Officer and the Chair of the Board of Supervisors, or their designees, before being placed
26 on the agenda by the Clerk of the Board of Supervisors. Notwithstanding the foregoing,
27 any member of the Board of Supervisors, or his or her designee, may place an item on
28 the agenda after presenting that item to the Chair and the Chief Executive Officer, or their

1 designees. The Clerk of the Board of Supervisors shall prepare a fair statement of
2 proceedings of the meetings of the Board of Supervisors.

3 *Rule 7. Agenda Procedure.* Except as otherwise provided herein, any matter to
4 be presented to or acted upon by the Board of Supervisors at a regular meeting must be
5 filed in the Office of the Clerk of the Board of Supervisors no later than 5:00 p.m. on the
6 Tuesday preceding the Tuesday meeting. Unless so filed the matter will not be
7 considered by the Board of Supervisors until the next succeeding meeting of the Board
8 of Supervisors; provided, however, with the consent of the Chair and the Chief Executive
9 Officer, or their designees, a matter may be placed on the agenda at any time prior to 72
10 hours before the regular meeting. No action shall be taken on any item not appearing on
11 the posted agenda; provided, however the Board of Supervisors may take action on items
12 of business not appearing on the posted agenda under any of the following conditions:

13 (a) Upon determination by a majority vote of the Board of Supervisors that an
14 emergency situation exists, as defined in Government Code section 54956.5;

15 (b) Upon a determination by a two-thirds vote of the Board of Supervisors, or,
16 if less than two-thirds of the Board of Supervisors members are present, a unanimous
17 vote of those members present, that there is a need to take immediate action and that the
18 need for action came to the attention of the responsible County staff subsequent to the
19 posting of the agenda;

20 (c) The item was posted on the agenda for a prior meeting of the Board of
21 Supervisors occurring no more than five calendar days prior to the date action is taken
22 on the item, and at the prior meeting the item was continued to the meeting at which
23 action is being taken.

24 *Rule 8. Referrals.* Any matter coming before the Board of Supervisors may, if
25 deemed necessary, be referred to the appropriate officer or department.

26 *Rule 9. Reconsideration.* At the same meeting or at the meeting succeeding that
27 at which a final vote on any question has been taken, said vote may be reconsidered on
28 the motion of any member of the Board of Supervisors, if notice of intention to move such

1 reconsideration has been given at the meeting at which such final vote was taken by a
2 member voting with the majority.

3 *Rule 10. Addressing the Board of Supervisors.* Any member of the public may
4 address the Board of Supervisors: (1) on an agenda item before or during the Board of
5 Supervisor's consideration of the item, and (2) on any matter not on the agenda that is
6 within the subject matter jurisdiction of the Board of Supervisors at the time provided on
7 the agenda for public comment, provided the person submits a request to speak utilizing
8 the speaker kiosk, or other format as designated by the Clerk of the Board of Supervisors,
9 or his or her designee, prior to the time the Chair calls the item for the Board of
10 Supervisors' consideration. The person wishing to address the Board of Supervisors
11 shall, when recognized by the Chair, go to the podium and begin speaking.

12 The Chair shall, in the interest of facilitating the business of the Board of
13 Supervisors, limit the amount of time a member of the public may use to address the
14 Board of Supervisors as follows:

- 15 (1) Three minutes total on the consent calendar.
- 16 (2) Three minutes total during general public comment.
- 17 (3) Three minutes total for each item on the discussion calendar.
- 18 (4) A total of 12 minutes on all agenda items, including general public comment.
- 19 (5) The Chair, or a majority of the Board of Supervisors, has discretion to revise
20 the above time limits as appropriate.
- 21 (6) When a speaker utilizes a translator to address the Board of Supervisors,
22 the individual shall receive twice the time as otherwise allowed.

23 *Rule 11. Disruptive Conduct – Removal from Chambers.* In the event that any
24 meeting of the Board of Supervisors is willfully disrupted by a person or by a group or
25 groups of persons so as to render the orderly conduct of the meeting impossible, the
26 Chair may recess the meeting or order the person, group or groups of persons willfully
27 disrupting the meeting to leave the meeting or be removed from the meeting. Disruptive
28 conduct includes addressing the Board of Supervisors without first being recognized, not

1 addressing the subject before the Board of Supervisors, repetitiously addressing the
2 same subject, failing to relinquish the podium when requested to do so, otherwise
3 preventing the Board of Supervisors from conducting its meeting in an orderly manner, or
4 as defined under California law.

5 *Rule 12. Sergeant-at-Arms.* The Board of Supervisors shall designate a
6 sergeant-at-arms of the Board of Supervisors who shall attend meetings at the request of
7 the Chair of the Board of Supervisors. The sergeant-at-arms shall be available to respond
8 to all meetings immediately upon call. The sergeant-at-arms shall carry out all instructions
9 given by the Chair, Vice-Chair or Acting Chair for the purpose of maintaining order and
10 providing security at the Board of Supervisors meetings.

11 *Rule 13. Committees.* The Board of Supervisors shall appoint such standing and
12 special committees as it may deem necessary.

13 *Rule 14. Waiver of Rules.* Any of the rules in this section not required by law may
14 be waived by the Chair of the Board of Supervisors or by a majority of the members of
15 the Board of Supervisors.

16 *Rule 15. Open Meetings.* All meetings of the Board of Supervisors shall be open
17 and public, and all persons shall be permitted to attend any meeting of the Board of
18 Supervisors, except as otherwise provided herein.

19 *Rule 16. Closed Sessions.* The Board of Supervisors may hold closed sessions
20 as provided by law.

21 *Rule 17. Adjourned Meetings.* The Board of Supervisors may adjourn any
22 regular, adjourned regular, special or adjourned special meeting to a time and place
23 specified in the order of adjournment. Less than a quorum may so adjourn from time to
24 time. If all Board of Supervisors members are absent from any regular or adjourned
25 regular meeting, the Clerk of the Board of Supervisors may declare the meeting adjourned
26 to a stated time and place, and the Clerk of the Board of Supervisors shall cause a written
27 notice of the adjournment to be given in the same manner as provided herein for special
28 meetings, including posted on the County website, unless such notice is waived as

1 provided for special meetings. A copy of the order or notice of adjournment shall be
2 conspicuously posted on or near the door of the Covington Chambers or placed where
3 the regular, adjourned regular, special or adjourned special meeting was held within 24
4 hours after the time of the adjournment. When a regular or adjourned regular meeting is
5 adjourned as provided herein, the resulting adjourned regular meeting is a regular
6 meeting for all purposes. When an order of adjournment of any meeting fails to state the
7 hour at which the adjourned meeting is to be held, it shall be held at the hour specified
8 for regular meetings.

9 *Rule 18. Special Meetings.* A special meeting may be called at any time by the
10 Chair of the Board of Supervisors, or by a majority of the members of the Board of
11 Supervisors, by delivering written notice to each member of the Board of Supervisors
12 and to each newspaper of general circulation, radio or television station requesting notice
13 in writing and posting a notice on the County's website. Such notice shall be delivered
14 personally, by email or by any other means and shall be received at least 24 hours before
15 the time of the meeting as specified in the notice. The call and notice shall specify the
16 time and place of the special meeting and the business to be transacted or discussed. No
17 other business shall be considered at such meeting by the Board of Supervisors. The
18 written notice may be dispensed with as to any member of the Board of Supervisors who
19 at, or prior to, the time the meeting convenes files with the Clerk of the Board of
20 Supervisors a written waiver of notice. The waiver may be given by telephone or electronic
21 mail. The written notice may also be dispensed with as to any member of the Board of
22 Supervisors who is actually present at the meeting at the time it convenes. The call and
23 notice of the special meeting shall be posted at least 24 hours prior to the meeting in a
24 location that is freely accessible to members of the public and on the County website.

25 *Rule 19. Emergency Meetings.* For purposes of this Rule an emergency situation
26 means both of the following:

27 (a) An emergency, which is defined as a work stoppage, crippling activity, or
28 other activity that severely impairs public health, safety, or both, as determined by a

1 majority of the members of the Board of Supervisors.

2 (b) A dire emergency, which is defined as a crippling disaster, mass
3 destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and
4 significant that requiring one-hour notice before holding an emergency meeting may
5 endanger the public health, safety, or both, as determined by a majority of the members
6 of the Board of Supervisors.

7 In the case of an emergency situation involving matters upon which prompt action
8 is necessary due to the disruption or threatened disruption of public facilities, the Board
9 of Supervisors may hold an emergency meeting without complying with either the 24-hour
10 notice requirements or the 24-hour posting requirement of Rule 18. Each local newspaper
11 of general circulation and radio or television station that has requested notice of special
12 meetings pursuant to Rule 18 shall be notified by the Chair of the Board of Supervisors,
13 or the Chair's designee, one hour prior to the emergency meeting, or, in the case of a dire
14 emergency, at or near the time that the Chair, or designee, notifies members of the Board
15 of Supervisors of the emergency meeting. The required notice shall be given in one of
16 the following manners:

17 (a) By telephone and all telephone numbers provided in the most recent
18 request of a newspaper or station for notification of special meetings shall be exhausted;
19 or

20 (b) The Chair, or designee, may send notifications by email instead of
21 telephone, to all local newspapers of general circulation, radio or television stations, that
22 have requested notifications by email, and all email addresses provided by
23 representatives of those newspapers or stations shall be exhausted.

24 In the event that internet services and telephone services are not functioning, the
25 notice requirements of this rule shall be deemed waived, and the Board of Supervisors,
26 or its designee, shall notify those newspapers, radio stations, or television stations of the
27 fact of holding of the emergency meeting, the purposes of the meeting, and any action
28 taken at the meeting as soon after the meeting as possible.

1 TO THE CHAIR OF THE BOARD

2 LYNNA MONELL, Clerk of the
3 Board of Supervisors

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5 By: _____
6 Deputy Clerk of the Board

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1 STATE OF CALIFORNIA)
2 SAN BERNARDINO COUNTY) ss.
3)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 20__, at which meeting
7 were present Supervisors: _____

8 _____,
9 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
10 wit:

11 AYES: SUPERVISORS:

12 NOES: SUPERVISORS:

13 ABSENT: SUPERVISORS:

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Supervisors this ____ day of _____, 20__.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of
18 San Bernardino County,
19 State of California

20 _____
21 Deputy

22 Approved as to Form:

23 LAURA FEINGOLD
24 County Counsel

25 By: _____

26 Deputy County Counsel

27 Date: _____

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