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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 ~~the County of~~ San Bernardino County shall generally be held on Tuesdays at 9:00 a.m. ~~Meetings 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 ~~the County of~~ San Bernardino County shall be held in the Covington ~~chamber of the Board of Supervisors~~Chambers in the County Government Center, 385 North Arrowhead Avenue, First Floor, ~~City of San Bernardino, County of San Bernardino, State of~~ 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 ~~Chairperson~~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 ~~chamber~~Chambers following the closed session.

*Rule 3. Order of Business.* The regular order of business of the Board of

1 Supervisors shall be:

- 2 (a) Closed session;
- 3 (b) Invocation;
- 4 (c) Pledge of allegiance to the flag;
- 5 (d) Agenda of the Board of Supervisors;
- 6 (e) Adjournment.

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

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

22 *Rule 6. Preparation of Agenda and Fair Statement.* An agenda shall be prepared  
23 by the Clerk of the Board of Supervisors for each meeting of the Board of Supervisors  
24 and shall contain a brief general description of each item of business to be transacted or  
25 discussed at the meeting. The agenda shall specify the time and location of the regular  
26 meeting and shall be posted at least 72 hours before the meeting in a location that is  
27 freely accessible to members of the public and on the County website. All proposed  
28 agenda items shall be approved for placement on the agenda by the County

1 ~~Administrative~~Chief Executive Officer, ~~and~~ the ~~Chairperson~~Chair of the Board of  
2 Supervisors, or their designees, before being placed on the agenda by the Clerk of the  
3 Board ~~of Supervisors~~. Notwithstanding the foregoing, any member of the Board of  
4 Supervisors, or his or her designee, may place an item on the agenda after presenting  
5 that item to the ~~Chairperson~~Chair and the ~~County Administrative~~Chief Executive Officer,  
6 or their designees. The Clerk of the Board of Supervisors shall prepare a fair statement  
7 of proceedings of the meetings of the Board of Supervisors.

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

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

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

26 (c) The item was posted on the agenda for a prior meeting of the Board of  
27 Supervisors occurring ~~not~~no more than five calendar days prior to the date action is taken  
28 on the item, and at the prior meeting the item was continued to the meeting at which

1 action is being taken.

2 *Rule 8. Referrals.* Any matter coming before the Board of Supervisors may, if  
3 deemed necessary, be referred to the appropriate officer or department ~~concerned~~  
4 ~~therewith.~~

5 *Rule 9. Reconsideration.* At the same meeting or at the meeting succeeding that  
6 at which a final vote on any question has been taken, said vote may be reconsidered on  
7 the motion of any member of the Board of Supervisors, if notice of intention to move such  
8 reconsideration has been given at the meeting at which such final vote was taken by a  
9 member voting with the majority.

10 *Rule 10. Addressing the Board of Supervisors.* - Any member of the public may  
11 address the Board of Supervisors: (1) on an agenda item before or during the Board of  
12 Supervisor's consideration of the item, and (2) on any matter not on the agenda that is  
13 within the subject matter jurisdiction of the Board of Supervisors at the time provided on  
14 the agenda for public comment, provided the person submits a ~~completed~~ request to  
15 speak ~~form~~ toutilizing the speaker kiosk, or other format as designated by the Clerk of the  
16 Board of Supervisors, or his or her designee, prior to the time the ~~Chairperson~~ Chair calls  
17 the item for the Board of Supervisor's' consideration. The person wishing to address the  
18 Board of Supervisors shall, when recognized by the ~~Chairperson of the Board, step~~  
19 up ~~Chair, go~~ to the ~~rostrum and announce his or her name and address. Podium and~~  
20 ~~begin speaking.~~

21 The ~~Chairperson~~ Chair shall, in the interest of facilitating the business of the Board  
22 of Supervisors, limit the amount of time ~~which~~ a member of the public may use in  
23 addressing the Board of Supervisors ~~to three minutes total on the consent calendar and~~  
24 ~~to three minutes on each discussion item as follows, unless the Chairperson, or a majority~~  
25 ~~of the Board determines that a different limit is appropriate. In addition, the Chairperson~~  
26 ~~shall, in the interest of facilitating the business of the Board, limit the total amount of time~~  
27 ~~which a member of the public may use in addressing the Board on all agenda items to 12~~  
28 ~~minutes, unless the Chairperson, or majority of the Board, determines that a different limit~~

1 ~~is appropriate.;~~

2 (1) Three minutes total on the consent calendar.

3 (2) Three minutes total during general public comment.

4 (3) Three minutes total for each item on the discussion calendar.

5 (4) A total of 12 minutes on all agenda items, including general public comment.

6 (5) The Chair, or a majority of the Board of Supervisors, has discretion to revise

7 the above time limits as appropriate.

8 (6) When a speaker utilizes a translator for addressing the Board of  
9 Supervisors, the individual shall receive twice the time as otherwise allowed.

10 *Rule 11. Disruptive Conduct – Removal from Chambers.* - In the event that any  
11 meeting of the Board of Supervisors is willfully disrupted by a person or by a group or  
12 groups of persons so as to render the orderly conduct of the meeting impossible, the  
13 ~~Chairperson~~Chair may recess the meeting or order the person, group or groups of  
14 persons willfully disrupting the meeting to leave the meeting or be removed from the  
15 meeting. Disruptive conduct includes addressing the Board of Supervisors without first  
16 being recognized, not addressing the subject before the Board of Supervisors,  
17 repetitiously addressing the same subject, failing to relinquish the podium when  
18 requested to do so, ~~or~~ otherwise preventing the Board of Supervisors from conducting its  
19 meeting in an orderly manner, or as defined under California law.

20 *Rule 12. Sergeant-at-Arms.* The Board of Supervisors shall designate a  
21 sergeant-at-arms of the Board of Supervisors who shall attend meetings at the request of  
22 the ~~Chairperson~~Chair of the Board of Supervisors. The sergeant-at-arms shall be  
23 available to respond to all meetings immediately upon call. The sergeant-at-arms shall  
24 carry out all instructions given by the ~~Chairperson~~Chair, Vice-Chair or Acting  
25 ~~Chairperson~~Chair for the purpose of maintaining order and providing security at the Board  
26 of Supervisors meetings.

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

1           *Rule 14. Waiver of Rules.* Any of the ~~within~~-rules in this section not required by  
2 law may be waived by the ~~Chairperson~~Chair of the Board of Supervisors or by a majority  
3 of the members of the Board of Supervisors.

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

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

9           *Rule 17. Adjourned Meetings.* The Board of Supervisors may adjourn any  
10 regular, adjourned regular, special or adjourned special meeting to a time and place  
11 specified in the order of adjournment. Less than a quorum may so adjourn from time to  
12 time. If all Board of Supervisors members are absent from any regular or adjourned  
13 regular meeting, the Clerk of the Board of Supervisors may declare the meeting adjourned  
14 to a stated time and place, and the Clerk of the Board of Supervisors shall cause a written  
15 notice of the adjournment to be given in the same manner as provided herein for special  
16 meetings, including posted on the County website, unless such notice is waived as  
17 provided for special meetings. A copy of the order or notice of adjournment shall be  
18 conspicuously posted on or near the door of the Covington Chambers or placed where  
19 the regular, adjourned regular, special or adjourned special meeting was held within 24  
20 hours after the time of the adjournment. When a regular or adjourned regular meeting is  
21 adjourned as provided herein, the resulting adjourned regular meeting is a regular  
22 meeting for all purposes. When an order of adjournment of any meeting fails to state the  
23 hour at which the adjourned meeting is to be held, it shall be held at the hour specified  
24 for regular meetings.

25           *Rule 18. Special Meetings.* A special meeting may be called at any time by the  
26 ~~Chairperson~~Chair of the Board of Supervisors, or by a majority of the members of the  
27 Board of Supervisors, by delivering ~~\_personally or by mail~~ written notice to each member  
28 of the Board of Supervisors and to each newspaper of general circulation, radio or

1 television station requesting notice in writing- and posting a notice on the County's  
2 website. Such notice shall be delivered personally, by email or by mail any other means  
3 and shall be received at least 24 hours before the time of the meeting as specified in the  
4 notice.

5 — The call and notice shall specify the time and place of the special meeting and  
6 the business to be transacted- or discussed. No other business shall be considered at  
7 such meeting by the Board of Supervisors. The written notice may be dispensed with as  
8 to any member of the Board of Supervisors who at, or prior to, the time the meeting  
9 convenes files with the Clerk of the Board of Supervisors a written waiver of notice. The  
10 waiver may be given by telegram, telephone or electronic mail. The written notice may  
11 also be dispensed with as to any member of the Board of Supervisors who was is actually  
12 present at the meeting at the time it convenes. The call and notice of the special meeting  
13 shall be posted at least 24 hours prior to the meeting in a location that is freely accessible  
14 to members of the public and on the County website.

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

17 (a) An emergency, which is defined as a work stoppage, crippling activity, or  
18 other activity that severely impairs public health, safety, or both, as determined by a  
19 majority of the members of the Board of Supervisors.

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

25 For purposes of this rule, **EMERGENCY SITUATION** means any of the following:

26 — ~~(a) Work stoppage or other activity which severely impairs public health, safety,~~  
27 ~~or both, as determined by a majority of the Board;~~

28

1 ~~—(b) Crippling disaster which severely impairs public health, safety, or both, as~~  
2 ~~determined by a majority of the Board.~~

3 In the case of an emergency situation involving matters upon which prompt action is  
4 necessary due to the disruption or threatened disruption of public facilities, the Board of  
5 Supervisors may hold an emergency meeting without complying with either the 24-hour  
6 notice requirements or the 24-hour posting requirement of Rule 18.

7 ~~—However, each~~Each local newspaper of general circulation ~~or~~and radio or  
8 television station ~~which~~that has requested notice of special meetings pursuant to Rule 18  
9 shall be notified by the ~~Chairperson~~Chair of the Board of Supervisors, or the  
10 ~~Chairperson's~~Chair's designee, one hour prior to the emergency meeting ~~by, or, in the~~  
11 ~~case of a dire emergency, at or near the time that the Chair, or designee, notifies~~  
12 ~~members of the Board of Supervisors of the emergency meeting. The required notice~~  
13 ~~shall be given in one of the following manners:~~

14 (a) By telephone and all telephone numbers provided in the most recent  
15 request of ~~such~~a newspaper or station for notification of special meetings shall be  
16 exhausted~~;~~ or

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

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

26 The Board of Supervisors shall not may meet in closed session ~~during a meeting~~  
27 ~~called pursuant to this rule.~~ as allowed by California law.

28 All special meeting requirements, as prescribed in Rule 18, shall be applicable

1 to a meeting called pursuant to this rule, with the exception of the 24-hour notice  
2 requirement.

3 The minutes of a meeting called pursuant to this rule, a list of persons who the  
4 ~~Chairperson~~Chair of the Board of Supervisors, or the ~~Chairperson's~~Chair's designee,  
5 notified or attempted to notify, a copy of the roll call vote, and any actions taken at the  
6 meeting shall be posted for a minimum of ten days in a public place as soon after the  
7 meeting as possible and on the County website.

8  
9 SECTION 2. The Board of Supervisors declares that it would have adopted this  
10 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the  
11 fact that any one or more sections, subsections, clauses, phrases or portions of it be  
12 declared invalid or unconstitutional. If for any reason any portion of this ordinance is  
13 declared invalid or unconstitutional, then all other provisions of it shall remain valid and  
14 enforceable.

15  
16 SECTION 3. This ordinance shall take effect thirty (30) days from the date of  
17 adoption.

18  
19 \_\_\_\_\_  
20 DAWN ROWE, Chair  
Board of Supervisors

21 SIGNED AND CERTIFIED THAT A COPY  
22 OF THIS DOCUMENT HAS BEEN DELIVERED  
23 TO THE CHAIR OF THE BOARD

24 LYNNA MONELL, Clerk of the  
25 Board of Supervisors

26 By: \_\_\_\_\_  
27 Deputy Clerk of the Board

28

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

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

10 AYES: SUPERVISORS:  
11 NOES: SUPERVISORS:  
12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal  
14 of the Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

19 \_\_\_\_\_  
20 Deputy

21 Approved as to Form:

22 LAURA FEINGOLD  
23 County Counsel

24 By: \_\_\_\_\_

25 Deputy County Counsel

26 Date: \_\_\_\_\_

28