

# COUNTY OF TRINITY BOARD OF SUPERVISORS



## **Governance Manual and Board of Supervisors Operating Rules and Procedures**

(containing ethics standards, references to policies and procedures for Board operation, and serving the function of Bylaws for the Board of Supervisors)

Adopted by Resolution No. 2013-60 of the County of Trinity at the regular meeting on Jul 23, 2013

Amended by Resolution No. 2015-029 of the County of Trinity at the regular meeting on Mar 17, 2015

Amended by Resolution No. 2017-077 of the County of Trinity at the regular meeting on Aug 15, 2017

Amended by Resolution No. 2019-099 of the County of Trinity at the regular meeting on Nov 5, 2019

Amended by Resolution No. 2020-084 of the County of Trinity at the regular meeting on Oct 20, 2020

Amended by Resolution No. 2022-101 of the County of Trinity at the regular meeting on June 7, 2022

Amended by Resolution No. 2023-072 of the County of Trinity at the regular meeting on Jan 3, 2023

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## **PREFACE**

This Governance Manual is not intended to serve as an all-inclusive or comprehensive collection of every past or present policy, procedure and practice utilized in the operation of the County of Trinity (“County”). The development of such a document would be well beyond the scope of any single, brief manual. Rather, the objective of this Governance Manual is to provide members of the County’s Board of Supervisors with a handy summary of and reference to the general manner in which the County and its Board of Supervisors does now and should continue to operate. In addition, this manual sets forth a code of conduct and ethical standards applicable to members of the County’s Board of Supervisors.

# ETHICAL REQUIREMENTS

## Personal Financial Gain

- Laws Prohibiting Bribery (Pen. Code § 68)  
Pen. Code § 68: Any employee, elected official or appointee is prohibited from accepting a bribe. Doing so may constitute a felony and is punishable by prison time and fines.
  
- Conflicts of Interest under the Political Reform Act (Gov. Code § 87100, 87103)  
Gov. Code § 87100: No government employee, official or appointee shall make, or in any way attempt to use, his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has any financial interest.  
Gov. Code § 87103: No employee, official or appointee shall make a decision with a financial interest if it is reasonably foreseeable that the decision will have a material financial effect on the official, a member of his/her immediate family.
  
- Contractual Conflicts of Interest (Gov. Code § 1090)  
Gov. Code § 1090: No government employee, official or appointee may be financially interested in any contract created by them in their official capacity. Neither will they be purchasers or vendors at any sale made in their official capacity.
  
- Conflicts of Interest and Campaign Contributions (Gov. Code § 84308)  
Gov. Code § 84308: Employees of a government agency shall not receive contributions in excess of \$250 during the time that any permit or license is pending approval by said agency.
  
- Conflicts of Interest When Leaving Office (Gov. Code §§ 87406.3, 87407)  
Gov. Code § 87406.3: For a period of one year after leaving office or employment, no elected official who formerly worked for a government agency shall make an appearance for another person in front of that agency.  
Gov. Code § 87407: No public official shall make, participate in making or use their official position to influence any governmental decision that directly relating to any person with whom he/she is negotiating, or has any arrangements concerning prospective employment.

## **Limitations on Accepting Contributions**

- Gov. Code § 86203: Lobbyists are prohibited from making any gift worth upward of \$10 in any given month.
- Gov. Code §89503: No elected official shall accept gifts totaling over \$250 from a single source in one calendar year.
- Gov. Code § 89506: Payment from agencies for travel and lodging and food expenses are not considered a gift under Gov. Code §§ 86203 and 89503.
- Honoraria Ban (Gov. Code § 89502): No government official shall accept any honorarium.
- Misuse of Public Funds (Pen. Code § 424; Gov. Code § 8314; *Fair Political Practices Commission v. Suitt* (1979) 90 Cal.App.3d 125; *Stanson v. Mott* (1976) 17 Cal.3d 206): Use of public funds for personal benefit or for the benefit of friends or families is punishable by imprisonment. The official will be disqualified from holding public office in the state.
- Prohibitions Against Gifts of Public Funds (Cal. Const., art. XVI, § 6): The legislative body will not have the authority or power to give or lend public funds to any person except for a public purpose
- Mass Mailing Restrictions (Gov. Code § 89001): No newsletter or mass mailing shall be sent at public expense.
- Prohibition against acceptance of free transportation by transportation companies (Cal. Const., art. XII, § 7): A transportation company may not offer free transportation to any person holding office in California. The acceptance of free transportation will be deemed a forfeiture of office.

## **Government Transparency Laws**

- Economic interest disclosure under the Political Reform Act (Gov. Code § 87200): Candidates for government office must file a statement disclosing financial and real property interests. Also a statement of income for the prior 12 months is required.

- Brown Act (Gov. Code § 54950 et seq.): Public agencies exist to serve the people and should conduct their meetings openly.
- Public Records Act (Gov. Code § 6250): Information relating to the conduct of people's business as produced by any government agency is the people's right to know.

### **Fair Process Laws**

- Common Law bias provisions: A decision maker who stands to gain or lose from a decision is disqualified from acting as a decision maker.  
*Breakzone Billiards v. City of Torrance*, 81 Cal.App.4th 1205(2000)
- Due Process Requirement: A hearing officer whose potential future income derives from work that an agency might give based on his or her performance in a hearing at hand is not giving due process.  
*Haas v. County of San Bernardino* 27 Cal.4th 1017 (2002)
- Doctrine of Incompatible Offices (Gov. Code § 1099): A government officer may not hold two offices in government that are incompatible.
- Competitive Bidding Requirements for Public Contracts: In projects in excess of \$5,000 the County may award the project to the lowest bidder. County may reject any and all bids and re-advertise in an effort to get new bids. The County may by four-fifths (4/5) vote turn the project over to a governmental agency.  
[AB1234 requires that a Supervisor receive ethics training every two years.]

# **CONDUCT OF MEETINGS**

## **Rules of the County of Trinity**

### **Purpose**

These rules shall apply to all proceedings and meetings of the Board of Supervisors of the County of Trinity (County).

### **Meetings**

#### **Brown Act**

All meetings of the Board shall be conducted in accordance and in compliance with the Ralph M. Brown Act.

#### **Regular Meetings**

The regular meetings of the Board of Supervisors (Board) shall be held in accordance with the duly adopted meeting schedules. Meetings shall commence at 9:00 a.m. unless otherwise directed by the Chair of the Board. In the Chair's discretion and prior to posting of the Agenda, regularly scheduled meetings may be cancelled. Cancellation of agenda meetings or noticed hearing requires majority approval.

#### **Special Meetings**

A special meeting may be called at any time by the Chair of the Board of Supervisors or by the County Administrative Officer (CAO). Notice of a special meeting shall be written and shall specify the time and place of the meeting and the business to be transacted. Such notice shall be delivered to or mailed to each Supervisor at least 24 hours before the time of the special meeting and be supplied to the local newspaper of general circulation and radio or television if such entities have previously requested notice in writing. The notice shall be posted by the Board Clerk to the County at least 24 hours prior to the special meeting in a location that is freely accessible to the public.

#### **Adjourned Meetings**

Any regular or special meeting of the County may be adjourned to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the Board are absent, the Board Clerk to the County may adjourn the meeting to



a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as is required for special meetings.

### **Administrative Sessions and Information Hearings**

The County may, from time to time, schedule administrative sessions and informational hearings with staff or the public for the purpose of receiving information on and discussing subjects of interest to the County. No action shall be taken on any item at any such meeting. Such meetings may be called by the Supervisors during any regular, adjourned, or special meeting. Otherwise, such meetings shall be called in the same manner as special meetings.

## **Officers**

### **Chair**

At the first regular meeting of each calendar year, the Supervisor who served as Chair Pro Tem during the preceding calendar year shall be seated as Chair. If for any reason the Chair Pro Tem is unable to be Chair, then the Supervisor who was next in order to be Chair Pro Tem during the preceding year shall be Chair, provided that no Supervisor shall be Chair who has not completed one (1) year of service on the County.

The Chair shall hold office for one (1) year and until the qualification of his or her successor. The Chair shall be the presiding officer of the Board and shall have all lawful authority to preserve order at all meetings. The Chair shall announce all matters as they come before the Board, shall restate all motions before they are submitted to vote, and shall announce the Board's vote on all subjects. Whenever the Board Clerk calls the roll, the Chair's name shall be called last. The Chair shall sign all ordinances, resolutions, minutes, contracts, and other documents, with the exception of those documents authorized for signature by the CAO, when authorized to sign by the Board.

### **Chair Pro Tem**

The Chair Pro Tem shall be selected by rotation. If for any reason a Supervisor is unable to serve when it is his or her turn, that Supervisor shall be skipped and the office shall fall on the Supervisor next in order. The Chair Pro Tem shall be seated at the first regular meeting of each

calendar year and shall hold office for one (1) year and until qualification of his or her successor. The Chair Pro Tem shall, in the absence of the Chair, have and perform all powers and duties of the Chair. Initially, the rotation of Chair Pro Tem shall be determined by lottery.

**Administrative Officer**

The Administrative Officer shall be the County Administrative Officer and shall perform the duties prescribed by law and the County. The CAO may review and make recommendations on questions that come before the County.

**Board Clerk to the County**

The Board Clerk to the County shall perform the duties prescribed by law and the County.

**Legal Counsel**

The County Counsel shall be legal counsel to the Supervisors and shall perform all duties prescribed by law and the County. The County Counsel shall act as board parliamentarian.

**Quorum**

A quorum shall consist of three (3) Supervisors.

**Meeting Protocol**

The Chair shall convene all meetings and shall call the Supervisors to order. In the absence of the Chair and the Chair Pro Tem, the Board Clerk shall convene the meeting and call the Supervisors to order, whereupon a temporary chair shall be selected by the Supervisors present. The temporary chair shall relinquish the chair upon arrival of the Chair or Chair Pro Tem and after the conclusion of the question then being considered by the Supervisors.

The Board Clerk shall enter in the minutes the names of those Supervisors that are present, absent or those who arrive late.

To facilitate the conduct of meetings, a consent calendar may be used. The consent calendar normally contains items that are considered to be routine. Action for all items on the consent calendar is taken by one motion. Items on

the consent calendar shall be considered first and shall be acted upon in one motion. Any Supervisor may request that any item be removed from the consent calendar and placed on the agenda for discussion.

Items on the agenda shall be considered in order, except that the Chair may take items out of order when necessary to accommodate persons appearing before the County. Items scheduled for a particular time shall be taken up as close to the designated time as is possible. In no case shall a timed item be taken up before the designated time.

The order of procedure at all public hearings and quasi-judicial hearings shall be as follows: The County officer responsible for the matter shall present his or her report and recommendation; all persons wishing to speak in favor of the question shall be heard; persons wishing to speak in opposition to the question shall be heard; rebuttal will follow. No new matter may be introduced during rebuttal except with the consent of the Chair, in which case the opposition shall be given an opportunity to rebut the new matter. The question shall then be submitted to the Supervisors for discussion and decision.

Every agenda for regular meetings shall provide a time for members of the public to directly address the County on matters within the County's jurisdiction that are not on the agenda. Each speaker shall be limited to three (3) minutes unless the Chair authorizes additional time.

Executive/closed sessions may be used by the Board of Supervisors for deliberations involving personnel, certain negotiation matters and litigation. The Board of Supervisors may make motions or vote on any matters considered in closed session. However, such action must be specifically reported to the public upon coming out of closed session.

The Chair may reasonably limit the time allotted to any speaker or party including a Supervisor. Whenever any group of persons wishes to address the Board, the Chair may require that the group designate a spokesman to represent the group before the Board. Time limits proposed on a speaker must be announced prior to consideration of the agenda item.

No person, including Supervisors, shall address the Board without permission of the Chair. Supervisors shall limit their individual comments to a

presentation of their respective position on a matter. Supervisors shall not address the issue again except for new matter and as allowed by the Chair.

### **Voting**

The Board shall take no action except upon the affirmative vote of at least three (3) Supervisors unless otherwise provided by law, ordinance or these rules. Unless disqualified or absent, all Supervisors shall vote on all questions coming before the Board. The Chair shall call for a roll call vote. Whenever a roll call vote is requested, the Board Clerk shall call the name of a Supervisor and record the vote of that Supervisor. Except in cases of a tie vote or the failure to obtain a positive quorum vote, the Chair need not vote.

### **Rights and Duties of Supervisors**

When a Supervisor desires to speak, he or she shall address the Chair and be acknowledged. When two (2) or more Supervisors address the Chair at the same time, the Chair shall designate the Supervisor who will speak first. All Supervisors shall confine their remarks to the question then under consideration.

Every motion shall require a second. Discussion on a motion shall not be permitted until the motion receives a second. Motions and seconds may be made by any member of the Board, including the Chair. Speaking motions and seconds are discouraged.

If any Supervisor is unable to attend a meeting, he or she shall notify the Board Clerk as soon as possible and advise the Board Clerk of the reasons therefore.

If in a Supervisor's absence, the Board would lack a quorum, no Supervisor shall leave his or her seat on the dais without first obtaining permission from the Chair.

### **Agenda**

The agenda for all Board meetings shall be prepared by the Board Clerk, in coordination with the County Administrative Officer, with input from County departments and Board members. Matters to be placed on the agenda for a regular meeting must be received as prescribed by the Board Clerk. Any item sought to be placed on the agenda, which item has not been previously approved by the Board must be approved by the Chair. Individual

Supervisors, other than the Chair, must seek approval of the Chair or the Board to place an item on the agenda.

The Board shall not take action on any item that is not on the agenda at a regular meeting, except under any of the following conditions:

- a. The Board, by majority vote, determines that an “emergency situation” exists. An emergency situation means (a) work stoppage or other activity which severely impairs public health, safety or both, as determined by a majority of the Board, or (b) crippling disaster which severely impairs public health, safety or both, as determined by a majority of the Supervisors; or
- b. The Board, by four-fifths (4/5) vote, determines that there is a need to take immediate action on the item and that the need for action came to the Board’s attention after the agenda was posted; or
- c. The item was on the posted agenda for a prior meeting which was held no more than five (5) calendar days earlier, and at that earlier meeting the item was continued to the later meeting.

### **Findings**

Written findings shall be adopted by the Board as part of its decision whenever required by law (Quasi-evidential Hearings). After receiving evidence, the Board may continue such an item to a future meeting for the adoption of written findings. The Board’s decision shall not be final until the findings have been adopted.

### **Advisory Committees, Appointments and Officers**

The Board may appoint such committees as it deems necessary to advise the Board. The qualifications of persons appointed to such committees shall be as prescribed by the Board. All such persons shall serve at the pleasure of the Board and may be removed at any time by a majority vote, unless state law prescribes a different method for creation or removal, in which case such procedure shall take precedence over these rules. Any member of the Board may be appointed or assigned by the Chair to a committee, except that no Supervisor may serve on more than two (2) committees. The Chair’s

assignments shall be ratified by a majority vote of the Board and Supervisors may be removed from committee assignments by a majority vote of the Board.

### **Rosenberg's Rule of Order**

Except as otherwise provided in these Rules, the most current edition of Rosenberg's Rules of Order (Exhibit "1" incorporated by reference) shall constitute the rules of order of the Board. The following rules apply to the special actions described and take precedence over Rosenberg's Rules of Order to the extent they differ in text or application.

#### **Motion to Reconsider**

A motion to reconsider an item upon which the Board has acted may only be made at the meeting in which the action was taken. Such motion may only be made by a Supervisor who voted on the prevailing side of the question. Adjournment of the meeting effectively extinguishes a Supervisor's opportunity to move for reconsideration of any item on that specific agenda.

#### **Motion to Rescind**

A motion to rescind any action of the Board may be made by any Supervisor at any time. The grounds for such motion are limited to an error in the adoption of the item either through rule violation or procedural mistakes. The motion may be made to rescind an item on further grounds that the facts underlying the Supervisor's decision were misrepresented or determined later to be incorrect.

### **Amendment**

These rules may be amended from time to time by the Board.

### **Failure to Follow Rules**

Failure to follow these rules shall not invalidate or otherwise affect any action or decision of the Board.

# **AGENDA PROCEDURES**

## **Members of the Public/Agenda Items**

As a member of the public wishing to place an item on the agenda, there are three routes you could take:

- a. Address the Board during Public Comment Period and ask that they agendaize the topic.
- b. Work with the department responsible for the subject matter of the item and get them to sponsor the item.
- c. Work with a member of the Board and get them to sponsor the item.

## **Requirements/Procedures for Scheduling Agenda Items**

Agenda Items and all Backup Material shall be entered into NovusAgenda, and approved by the department head, no later than 9:00 a.m. on the Wednesday prior to the Tuesday meeting. A late item will be placed on the agenda as an addendum and will be “Subject to routing and approval as to form and content”.

Budget adjustments and contracts are to be routed and submitted to NovusAgenda. Budget adjustments and Contracts must have completed all inside routing (approved by the department head) by the deadline listed above and must complete outside routing no later than 3:00 p.m. on the Thursday prior to the meeting. Items not meeting these deadlines will not be placed on the Agenda. In certain, rare circumstances, and with approval of the County Administrative Officer, contracts may be placed on the agenda without completing routing but will be considered for approval “Subject to routing and approval as to form and content”.

All items requiring the transfer of funds from one budget to another must be accompanied by a budget adjustment signed by the Auditor or his/her designee.

The final Board Agenda will be available to the Board, County Administrative Officer, County Counsel, Public, and Press by no later than 9:00 a.m. on Saturday as required by Government Code Section 54954.2(a). Every effort will be made to have the agenda and backup available by noon on Friday.

## **Agenda Format**

A prescribed scheduling format shall be followed in assigning items to the Board Agenda. This format shall, to the greatest extent possible, be as follows:

- a. Call Meeting to Order in Open Session
- b. Pledge of Allegiance
- c. Presentations
- d. Reports/Announcements
- e. Public Comment
- f. Consent Calendar
- g. Public Hearings
- h. The Board Sitting as Other Legislative Body:
  - i. Transportation Commission
  - ii. In-Home Support Services Authority
  - iii. Consolidated Transit Service Agency
  - iv. Board of Equalization
  - v. Housing Authority
  - vi. Solid Waste Local Task Force
  - vii. Etc.
- i. County Matters
- j. Addenda
- k. Closed Session

If an individual item listed above is not to be scheduled at a particular meeting, the next item in order shall be assigned.

As necessary, the Clerk of the Board, Deputy Clerk, County Administrative Officer, or Board Chairman may alter the prescribed schedule in order to meet the demands of a particular meeting.

Meetings shall commence at 9:00 a.m. on the first and third Tuesday of the month, unless altered to accommodate a holiday and shall commence at 9:00 a.m. the first Wednesday following the first Tuesday meeting of the month, as needed.

The Deputy Clerk, in reviewing matters to be included on the Agenda, will consider and suggest placement. The Clerk of the Board, County Administrative Officer, or Board Chairman may alter the placement as necessary.

## **Agenda Item Definitions**

### **Consent Calendar**



Matters of routine, non-controversial nature, or matters which have been predisposed by the Board of Supervisors because of a prior action or policy and which are not expected to require further discussion, shall be listed in the section of the agenda called “Consent Calendar”.

Prior to the approval of the Consent Calendar a member of the Board, Director, or Staff may request an item be pulled and considered separately. Those items that are pulled will be heard directly after the approval of the remainder of the Consent Calendar. During public comment, the public may discuss a consent item, state issues or support regarding the item. The board will then chose whether or not they feel the consent item should be pulled, members of the public may request the board pull an item during their public comment, but it will only be pulled if a board members choses to pull the item. The board may not participate in an open dialog with the public during any public comment period.

### **Closed Session**

Closed sessions shall be restricted to discussion as provided in Government Code Section 54956.8-54959. Those activities currently permissible include:

- a. License/Permit Determination
- b. Conference with Real Property Negotiators
- c. Conference with Legal Counsel—Existing Litigation
- d. Conference with Legal Counsel—Anticipated Litigation
- e. Conference with Legal Counsel—Initiation of Litigation
- f. Liability Claims
- g. Threat to Public Services or Facilities
- h. Public Employee Appointment
- i. Public Employment
- j. Public Employee Performance Evaluation
- k. Public Employee Discipline/Dismissal/Release
- l. Conference with Labor Negotiators
- m. Case Review/Planning
- n. Report Involving Trade Secret
- o. Hearings
- p. Charge or Complaint Involving Information Protected by Federal Law
- q. Conference Involving Joint Powers Agency
- r. Audit by California State Auditor’s Office

Persons desiring a closed session hearing with the Board of Supervisors shall request a closed session hearing via the County Administrative Officer or County Counsel the Wednesday prior to the agenda deadline.

### **Announcements from Closed Session**

After each closed session, the Trinity County Board will report in open session certain final actions taken in closed session, and the vote of each member, including:

- a. Approval of an agreement concluding real estate negotiations;
- b. Approval for legal counsel to defend and initiate litigation;
- c. Final settlement of any litigation;
- d. Disposition of claims;
- e. Action to appoint, employ, dismiss, release, accept resignation of, or affect the status of any employee;
- f. Final approval of labor negotiation agreements.
- g. When possible, contracts will return to the Board in closed session for final approval.

Final is defined as after it has been approved and signed by the opposing side and the court, if appropriate.

Reporting out may be deferred under certain circumstances and in compliance with the Brown Act. Reports out of closed session can also be done in writing, and reviewed by County Counsel.

### **Closed Session Confidentiality**

No person may disclose confidential information that has been acquired by being present in an authorized closed session to unauthorized persons, unless the legislative body formally authorizes disclosure of confidential information. "Confidential information" means a communication made in a closed session that is specifically related to the basis for the closed session.

### **Public Hearings**

Public Hearings are published in the newspaper of general circulation and scheduled for 9:00 a.m. or as soon thereafter as may be heard. Public Hearings will be held when that section is reached on the agenda. The Public Hearing is opened by the Chairman and the public is invited to participate in discussion of the item before the Chairman closes the Public Hearing and the Board makes a final decision.

### **County Matters**

Controversial or non-routine matters which require some discussion, clarification and/or debate, including matters in which funding may be significant or staff may require direction from the Board of Supervisors, shall be placed on County Matters.

Ordinances will be placed on County Matters for both introduction and enactment.

Items will not necessarily be heard in the order in which they are placed under County Matters. A member of the Board, Director, or Staff may request that an item be heard out of order.

### **Addenda (Addenda—plural/Addendum—singular)**

Addenda may be added to the Agenda at the end of County Matters for those items submitted to the Deputy Clerk prior to the posting of the agenda, but after the agenda deadline.

### **Subsequent**

Subsequent items are items that came to the attention of the Board subsequent to the posting of the agenda and require immediate action. These items require a 2/3 vote of the Board, pursuant to Government Code Section 54054.2(b)(2), to add the item to the agenda and will be heard following any County Matters and Addenda items.

### **Board Sitting as Other Body**

The Board may recess as the Board of Supervisors and convene as any of the following legislative bodies:

- a. Transportation Commission
- b. In-Home Support Services Authority
- c. Consolidated Transit Service Agency
- d. Board of Equalization
- e. Housing Authority
- f. Solid Waste Local Task Force

Once business is done the legislative body may adjourn and reconvene as the Board of Supervisors or any other legislative body necessary in order to do business.