

1/3/89
Amended 1/26/93; Resolution 93-7
Amended 8/28/01; Resolution 01-103
Amended 1/14/03; Resolution 03-03
Amended 10/5/04; Resolution 04-165
Amended 1/9/07; Resolution 07-11
Amended 8/7/07; Resolution 07-99
Amended 12/18/07; Resolution 07-178
Amended 1/27/09; Resolution 09-09
Amended 6/30/09; Resolution 09-101
Amended 5-24-11; Resolution 2011-54
Amended November 3, 2015; Resolution 2015-142
Amended January 10, 2017; Resolution 2017-15

RULES OF CONDUCT OF BUSINESS

RULE 1. Meetings of the Board of Supervisors

- A. Regular Meeting Calendar. Regular meetings of the Board of Supervisors (“Board”) shall begin at the time, date and place specified on the calendar adopted at or before the last meeting in December. When adopted, such annual calendar shall be deemed an amendment of these Rules for the calendar year specified.
- B. Meeting Location in General. Unless specially noticed or otherwise adopted in the annual calendar, meetings shall be held in the Board of Supervisors meeting room, Room 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California.
- C. Cancellation of Meetings. Any meeting of the Board may be cancelled by majority vote of the Board or by the Clerk of the Board (“Clerk”) for lack of a quorum or lack of business.
- D. Duration of Meetings. Once called to order, all meetings shall continue until all business on the agenda is completed unless the Board determines by majority vote to continue some or all of the remaining items to a later meeting.

RULE 2. Bringing Matters Before the Board of Supervisors

- A. Compliance with Agenda Procedures. Any matter to be considered by the Board shall first be properly filed in compliance with the policies, standards and procedures established by the County. The Clerk shall not accept any matter for presentation to the Board unless set forth on the prescribed forms, if any, properly filled out with all required data attached. Late submission (i.e., at a Board meeting or immediately prior to a Board meeting) of lengthy written reports or technical material by any person may be considered by the Chair as grounds for automatic continuation to the Board's next regular meeting of the item to which such reports or materials relate.
- B. Items not on the Agenda. Any matter that comes before the Board orally which is not shown on the agenda shall not be acted or commented upon by the Board until it is heard as a regular agenda item at a future meeting of the Board, but may be referred by the Board to staff.

C. Withdrawal of Agenda Items. The applicant for an agenda item, or appointed representative, may withdraw any matter pending before the Board at any time prior to the Board acting on such matter. If the request is oral, written confirmation of the request may be required.

D. Availability of Supporting Materials to the Public. All materials that are provided to a majority of the members of the Board by any person in connection with a matter subject to discussion or consideration at an open meeting of the Board shall be made available immediately for public inspection and distribution upon request in accordance with the Public Records Act. This includes materials in whatever media. "Any person" includes other Board members, staff, or the public. Materials that relate to an agenda item for an open session of a regular meeting of the Board that are distributed to the Board members less than 72 hours prior to the meeting shall be made available for public inspection in the office of the Clerk at the time the materials are distributed to all or a majority of the members of the Board. Materials that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by County staff or a member of the Board, or after the meeting if prepared by some other person. These materials shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the federal rules and regulations adopted in implementation thereof. However, no surcharge over the fees for copies of public records authorized by Government Code section 6253 shall be imposed in such instance upon such persons in connection with such alternative formats.

RULE 3. Order of Business

The regular order of business of the Board shall be:

- Call to Order, Roll Call, Pledge of Allegiance, Approval of Minutes of previous meeting(s), Presentations and Commendations, Department Heads Reports and Announcements, Consent Items, Public Comment on matters not on the agenda;
- Agenda of the Board; and
- Adjournment

RULE 4. Resolutions

Draft resolutions of the Board may be adopted conditionally and referred to the appropriate department for drafting in final form to be returned to the Board for final adoption.

RULE 5. Agendas

The County Executive Officer shall prepare the agenda for each meeting of the Board.

RULE 6. Election of Officers

A. Each January, the Board shall elect a Chair and Vice-Chair. The terms "Chair" and "Vice-Chair" shall include the terms "Chairman" and "Chairperson" and "Vice-Chairman" and "Vice-

Chairperson". If one or more supervisors have been elected the previous year, the election shall take place at the first Board meeting following the newly elected supervisors taking office. However, if the sitting Chair and Vice-Chair are both leaving office, the Clerk shall call the meeting to order and call for motions for the election of a Chair and Vice-Chair immediately following the newly elected supervisor(s) taking office.

B. Since January 1, 1994, it has been the policy of the Board to rotate the positions of Chair and Vice-Chair on an annual basis. It is also the policy of the Board that the Vice-Chair should always be the supervisor who will serve as Chair the year following the supervisor's period of service as Vice-Chair. If a supervisor does not wish to act as Chair, and so advises the Board prior to the election of officers, that supervisor shall be passed over and the supervisor that would otherwise have served as Vice-Chair during the coming year shall be elected Chair.

C. Notwithstanding subsection (B), in the event a newly elected supervisor is scheduled to serve as Chair during that supervisor's first year in office, that supervisor may instead elect to serve as Vice-Chair during that year, and then serve as Chair the following year. Thereafter, the normal rotation for election of Chair and Vice-Chair shall resume.

D. Each Chair and Vice-Chair shall serve until their respective successors are elected to and assume the positions of Chair or Vice-Chair except in the circumstance described in (A) of this Rule.

E. If both the elected Chair and Vice-Chair are unavailable during a meeting, or are anticipated to be unavailable at a future meeting, or if both the Chair and Vice-Chair will be unavailable to execute documents during some discrete period of time, any of the supervisors present at a meeting of the Board during which the issue has arisen may make a motion, which may be seconded by any of the other supervisors present, to elect an Acting Chair to preside over any such meeting at which the Chair or Vice-Chair will be unavailable and/or to execute any documents in the name of the Board which would otherwise have been executed by the Chair or Vice-Chair during the period of the unavailability of the Chair and Vice-Chair.

RULE 7. Legal Counsel

The County Counsel of the County of Napa shall be the legal counsel of the Board.

RULE 8. Participation of the Chair

The Chair of the Board may make or second any motion, and present and discuss any matter on the agenda as any other member of the Board without having to step down as Chair. The Chair shall have all the rights and duties enjoyed by any other member of the Board.

RULE 9. Recordation/Roll Call Vote

All official actions or decisions by the Board shall be entered in the minute book of the Board. The vote of each member on every question shall be recorded. Any supervisor present and sitting as a

member of the Board who does not vote either by audible voice or by electronic display apparent to the members of the Board and other persons present in the meeting, shall be recorded as voting "aye". A roll call vote may be required in voting upon any motion of the Board at the discretion of the Chair, and shall be required on any motion where voting by roll call is required by law.

RULE 10. Duties and Powers of the Chair

The Chair of the Board shall preserve order and decorum, and shall decide questions of order subject to being overruled by at least a four-fifths vote of the Board and shall perform such other duties as are required by law. The Chair shall have the power to order the removal from the room of any persons who become abusive or disruptive during any portion of a Board meeting, including during any public hearing or public comment period before the Board. For the purposes of these Rules, disruptive conduct shall mean a breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting.

RULE 11. Persons Addressing the Board

Any person desiring to address the Board when recognized by the Chair shall give their name for the purpose of the record. In the interest of facilitating the business of the Board, the following shall apply:

- A. Each speaker shall be permitted to be heard once for up to three minutes on any Board agenda item unless the Chair affirmatively grants additional time. The three-minute per speaker time limit for public input on any agenda item may be reduced by the Board Chair to less than three minutes (but in no event to less than two minutes per speaker) as may be reasonably necessary for the orderly and efficient conduct of Board meetings. Any reduction of the time limit should be announced by the Board Chair prior to the beginning of the public speaking segment of each item to which the reduction applies. The per person time limit shall not apply to applicants or appellants who are parties to matters that are the subject of noticed hearings.
- B. Speakers who have written material to present to the Board are requested to provide ten (10) copies to the Clerk.
- C. Speakers shall address the Board when he/she has first been recognized by the Chair and shall not address their comments or questions directly to staff or to members of the audience.
- D. Speakers are requested to keep their comments brief and not to repeat previous testimony.
- E. All pagers, cell phones or other electronic communicative devices belonging to the public, press or County personnel must be placed on silence mode or be turned off while a Board meeting is in session.
- F. Written materials submitted to the Board electronically or as hard copies in advance of a public hearing shall be made available to the public for review and inspection, consistent with requirements of the Brown Act. Specifically, the Clerk shall cause a copy of such materials to be

made available for inspection in Room 310 of the County building during normal business hours, and may also post such materials on the County's website.

G. Presenters wishing to utilize power point presentations or other electronic media must make arrangements with the Clerk at least twenty-four (24) hours in advance.

RULE 12 Procedures for Consideration by the Board of Agenda Items Not Involving Noticed Public Hearings

A. Discussion or Presentation Items

No action required.

B. Action Items Not Involving Public Hearings

1. Staff report.
2. Public comment.
3. Motion, second, discussion and vote on the item.

RULE 13 Order of Testimony – Noticed Public Hearings

A. Noticed Public Hearings – Ordinances - First Reading of the Title

1. Open public hearing.
2. Staff reports.
3. Public comment.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote on intention to adopt the ordinance.

B. Noticed Public Hearings which are not Appeals

1. Open Public Hearing.

2. Staff reports.
3. Public Comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the item.

C. Noticed Public Hearings which are Appeals

1. Staff report (based upon the documentary record) gives the procedural background of the case.
2. Appeal from a ministerial decision shall be limited to a review of the record and will be overturned only upon a finding of an erroneous factual determination or processing error.
3. If the hearing before the approving authority was recorded electronically or by a certified court reporter and notice of that hearing had been given in the manner set forth in Section 18.136.040, the decision of the Board on appeal shall be based on a review of the documentary record, including a transcription of the hearing, and such additional evidence as may be presented which could not have been presented at the time the decision appealed was made. No other evidence shall be permitted to be presented except as provided in subsection (5) of this section.
4. If the hearing held before the approving authority was not recorded electronically or by a certified court reporter, or if notice of the hearing was not required to be given in the manner set forth in Section 18.136.040, the hearing on appeal shall be heard de novo.
5. Upon a showing of good cause, the Chair of the Board may authorize a de novo review and/or the presentation of additional evidence which could not have been presented at the time of the decision appealed from. This decision by the Chair may be overruled by a majority of the remaining Board members present at the hearing.
6. After the Board has heard testimony and/or received evidence from the appellant, staff and interested parties supporting each, Chair closes the public hearing.
7. A member of the Board makes, and a second member seconds a motion of intent to either deny or uphold the appeal and refer the matter to County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.

8. Chair calls for the Vote on the motion of intent to either deny or uphold the appeal and refer the matter to the County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.

D. Procedures for Adopting Findings on Appeal (Subsequent to Public Hearing)

1. Staff reports.
2. Chair invites interested parties to comment on the proposed findings.
3. Motion, second, discussion and vote on findings.

RULE 14. Appeals; Transcripts

- A. When there is an appeal to the Board of the decision of an approving officer or body made following a public hearing that was recorded electronically, a verbatim transcript shall be prepared and certified by the Clerk or the Clerk's designee. When there is an appeal to the Board of the decision of an approving officer or body made following a public hearing that was recorded by a court reporter retained by the clerk of the hearing officer, the court reporter shall provide a certified transcript.
- B. No appeal of a decision made following a public hearing recorded pursuant to this Rule shall be heard by the Board until the appellant and any interested persons as defined in Section 2.88.010 of the Napa County Code who have requested such notice in writing have been notified in writing that the transcript has been prepared and is available for inspection.

RULE 15. Presentation of Testimony and Evidence at Appeal Hearings

- A. The Chair may set in advance of the presentation of testimony reasonable equal time limits for oral presentations by applicants and appellants. The Chair may determine not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral testimony if the Chair determines that a reasonable opportunity for oral presentations has been provided, and in such a case, the hearing will be continued to a date that will allow such submittals to occur.
- B. Each speaker, other than applicants or appellants, desiring to address the Board shall be required to comply with Rule 11.
- C. No testimony shall be accepted after the close of the public hearing.
- D. Counsel and staff for the Board may be consulted on legal issues or matters of clarification after the public hearing has been closed without reopening the public hearing. However, any objections alleging that counsel or staff are discussing or testifying as to factual matters shall be

heard and if the Chair finds such objections to be well-founded, the Chair shall re-open the public hearing.

RULE 16. Evidence

A. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. Evidence may be received subject to a later ruling regarding its admissibility. Erroneous admission of evidence shall not invalidate any action taken unless it is shown to have prejudiced the substantial rights of a party.

B. All exhibits shall be marked upon submission to provide identification in the event the matter is litigated. If no litigation occurs requiring lodging of the exhibits with a court, the Clerk shall retain the exhibits until expiration of the applicable statute of limitations, at which time the applicant may reclaim them. The Clerk will dispose of unclaimed exhibits if not reclaimed by the applicant within ten days after the expiration of the applicable statute of limitations.

RULE 17. Burden of Proof

Except as otherwise provided by law, (1) the applicant shall bear the burden of proof that the proposal is in compliance with applicable laws, standards, ordinances and policies; and (2) the appellant shall bear the burden of proving that the decision appealed was erroneous.

RULE 18. Failure to Comply with the Rules of Conduct

Failure to comply with any of these Rules shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

RULE 19. Recording of Meetings

While it shall be the general practice of the Board to record the open portions of its meetings, this shall not prevent any member of the public from recording such portions as well, unless the Board determines that such recording by a member of the public could constitute a disruption of the proceedings or interfere with the Board's own recording of the proceedings.

RULE 20. Changes to the Rules

Any of these Rules may be altered, amended, or repealed by majority vote of the Board. However, any such alteration, amendment, or repeal shall not be effective retroactively and shall affect a matter being considered on the same agenda as the Rule change only if the Rule change is approved prior to the consideration of such agenda item or prior to close of such public hearing.

RULE 21. Motion to Reconsider

A. With regard to any matter for which public notice was required by ordinance or statute in addition to the notice required by Government Code section 54954.2, including all appeals, a final vote on such matter may be reconsidered during the meeting at which the vote was taken provided all persons who were present when the matter was discussed, whether or not they spoke, are still present. A member of the Board who voted with the majority on the final vote must make the motion for reconsideration. Such motions for reconsideration shall have precedence over every other motion except a motion to adjourn. If all such persons are no longer present, motions for reconsideration of such matters may be made within seven (7) working days only pursuant to the procedure described in Napa County Code section 2.88.110, as such may be amended from time to time.

B. With regard to any matter for which public notice was not required by ordinance or statute other than the notices required by Government Code sections 54954.2 or 54970 et seq., a final vote may be reconsidered at any time upon request by a member of the Board who voted with the majority on the original matter. The procedure for such requests for reconsideration shall be as follows:

1. No public notice of such requests for reconsideration need be given other than as required by the Brown Act.
2. The Board shall first act on the request for reconsideration by motion, discussion and vote on the request.
3. If the Board votes to reconsider the matter, the Board shall immediately reopen discussion of the original item.
4. Following discussion of the original item, on motion of any supervisor, seconded by any other member of the Board or the Chair, the Board shall vote to confirm, modify or reject the action taken on the original item.

C. Any Board member may second the motion for reconsideration. If reconsideration is approved, any supervisor may make the motion to confirm, modify or reject the action taken on the original item.

RULE 22. Voting

A. A majority of the members of the Board shall constitute a quorum for the transaction of business. No action or recommendation of the Board shall be valid and binding unless at least three (3) members of the Board concur therein.

B. In any case where, due to the absence of one or more supervisors, three votes cannot be obtained on a question before the Board, the Clerk shall automatically cause the matter to be

placed on the next agenda for further consideration and vote. No motion shall be required to take such action.

C. Notwithstanding subsection (B), if three votes cannot be obtained because a conflict of interest exists that prevents the absent supervisors from voting on the matter, and the conflict is such that the absent supervisors will be unable to vote at a later date even if the matter is continued, the matter shall not be continued and the following rules shall apply. Action shall be deemed taken by the Board to ensure that the circumstances as they existed prior to the attempt of the Board to act on a legislative matter, or prior to the decision of the approving officer or body in the case of an appeal, will not be changed. In the latter instance, if the decision being appealed was approval of a permit, the appeal shall be deemed granted resulting in denial of the permit, and if the decision being appealed was denial of a permit, the appeal shall be deemed denied resulting in upholding the denial of the permit. In unusual circumstances, where these actions would not preserve the status quo, the decision on the appeal shall be whatever action is necessary to maintain the status quo.

D. No Board member shall participate as a Board member in any discussion or voting if to do so would constitute a conflict of interest.

E. Any member who has received evidentiary information outside of a Board meeting or has viewed the property or site related to a matter pending before the Board or is familiar with the property or site, should publicly disclose the fact of such information, viewing or familiarity with the site prior to the Board's final vote on the matter.

F. As is required by the "Read and Understand" initiative adopted in 2005, every County Supervisor who votes to approve any new ordinance, regulation, or resolution shall first have thoroughly read and understood it, including its direct and indirect impacts on the citizens of Napa County, and shall certify in writing at the time of voting in favor of the ordinance, regulation, or resolution; and prior to its going into effect, that they have read it thoroughly and thoroughly understood its direct and indirect impacts on the citizens of Napa County prior to voting to approve it.

RULE 23. Parliamentary Procedure

Unless otherwise provided by these Rules, all proceedings before the Board shall be conducted in accordance with and pursuant to the Parliamentary Rules of Procedure as prescribed in the published edition of "Sturgis Standard Code of Parliamentary Procedure" that is most current at the time of the proceedings.

RULE 24. Guidelines for Appointment of Board Members to Serve on Committees, Commissions, and Other Boards.

At the first Board meeting following the first Monday in January, and thereafter in accordance with the Maddy Act, where applicable (Government Code section 54970 et seq.) when new

positions are created or unexpected vacancies occur, the Board shall make appointments to those various boards, commissions, committees and authorities on which Board members are asked to serve. The Board will make such appointments in accordance with the following guidelines, unless in specific instances the Board determines by majority vote that a different procedure should be followed:

A. Appointments to existing positions made vacant by expiration of the term of the appointment will be made as follows:

1. To promote continuity, the incumbent supervisor will be reappointed unless they chooses not to serve a subsequent term or are otherwise unavailable.
2. If the incumbent supervisor chooses not to be reappointed or is unavailable, the Board may appoint any other supervisor expressing an interest in serving.

B. Appointments to new positions and to positions resulting from unexpected vacancies during a term will be made as follows:

1. The Board may appoint any supervisor expressing an interest to an existing committee or commission to fill an unexpected vacancy during the term.
2. If a new committee, commission or board was created at the request of a particular supervisor, that supervisor shall be appointed, unless they decline to serve; otherwise the Board may appoint any other supervisor expressing an interest in serving.

C. Notwithstanding (A) and (B), no supervisor shall be appointed to serve on a committee, commission or board whose regular meeting dates and times conflict on three or more consecutive occasions with those of one or more other committees, commissions or boards to which that supervisor has already been appointed, unless the supervisor resigns from the conflicting appointment or appointments.

D. Unless otherwise provided by the rules or law governing the committee, commission or board to which the appointment is being made, the appointment of a supervisor under this Rule shall automatically terminate if any of the following occur:

1. The supervisor has been absent from three consecutive regular meetings of the committee, commission or board during a calendar year, unless such absences were excused due to illness or for a reason reported to and approved by the affected committee, commission or board. Notwithstanding the foregoing sentence, if the absences of the supervisor occur on dates when the absence of the supervisor from meetings of the Board are noted as excused in the minutes of the Board, the absences of that supervisor from the meetings of the committee, commission or board shall also be deemed excused, without further action by the supervisor being required.

2. The supervisor has submitted a written resignation to the chair of the affected committee, commission or board and to the Clerk.
3. The supervisor vacates their office as supervisor, for any reason.

E. Notwithstanding the foregoing Guidelines, appointments to represent the County at the Great Wine Capitals General Assembly will be as follows:

1. The Board's designated representative shall be appointed in the same manner as other appointments of Board members under this Rule 24, but shall serve a four-year term as the Designated Great Wine Capitals Committee Representative.
2. The Board shall appoint a second representative to serve a one-year term in the same manner as other appointments of Board members pursuant to Rule 24.
3. The subsequent four-year term shall be filled by the representative currently serving a one-year term as the second seat during the final year of the Designated Great Wine Capitals Committee Representative's four-year term,
4. The Board may request that staff attend the GWC annual meeting and related events..

RULE 25. Signature Authority

Documents explicitly authorized by the Board to be executed by the Chair may be executed by the Vice-Chair in the event the Chair is unavailable at the time of such execution, or by the Acting Chair elected pursuant to Rule 6 (E) and presiding at the time of the authorization, if both the Chair and Vice-Chair are unavailable at the time of the authorization and time of execution.