

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY****Subject**

Board of Supervisors' Agenda and Related Processes

**Policy
Number**

A-72

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Purpose

To provide guidelines for activities related to the Board of Supervisors' Agenda. Unless otherwise stated, Board of Supervisors and their staff, Board appointed staff and their deputies and staff, and County elected officials and their deputies and their staff shall comply with the procedures set forth in this policy.

Background

The Board of Supervisors (Board) conducts County and certain special district business during its regular meetings, hearings and conferences (Board meetings). The County Charter, the Board of Supervisors Rules of Procedure, the Administrative Code, and this policy provide authority for the conduct of the Board of Supervisors meetings and related agenda processes.

The Clerk of the Board of Supervisors (Clerk) prepares Board meeting Agendas based on Board, Chief Administrative Officer (CAO), County elected officials, and County Counsel submitted letters (Board Letters). The Clerk prepares the Agenda before each Board meeting. Board Letters document proposed Board actions and provide the Clerk with the necessary information to prepare the Agenda.

Board members, the CAO and certain designees, and the County Counsel receive the Agenda, and the associated Board Letters and supporting material on or before Thursday of the week preceding the Board meeting. The Clerk distributes supporting material for "Administrative Items" upon request. Administrative Items include Proclamations, Awards, second reading of ordinances, and Communications Received.

The Board's Rules of Procedure, Rule 1 establishes the Board meeting times, dates and locations, and the Board shall annually adopt a calendar of regular meeting dates. The Tuesday portion of the meeting is the Legislative Session. The Wednesday portion of the meeting is the Land Use Session. The Legislative Session and Land Use Session shall constitute a single meeting.

The Board's Rules of Procedures set forth the detailed requirements for the Agenda and Board meeting procedures. This Board Policy provides direction on the preparation of the Agenda and Board meeting materials, including how to submit and review Board Letters, ordinances, and other informational items to be presented to the Board at its Legislative Session and Land Use Session.

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AGENDA PROCESS

A. DOCKETING ITEMS FOR BOARD MEETINGS.

1. TIMELY PRESENTATION OF MATTERS ON THE REGULAR AGENDA - APPROVAL OF AGENDA AND OFF-AGENDA ITEMS

In accordance with County Code of Administrative Ordinances, Section 503, and Board Rules of Procedure 2(b) and 2(c), the following provides a summary of the general docket deadlines and which deadlines shall be calculated based on the Board-approved meeting calendar:

DOCKET DEADLINES

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				<u>M-12</u> Deadline: 10 a.m. for 12 Noon for Land Use Session Board Letters	<u>M-11</u>	<u>M-10</u>
<u>M-9</u>	<u>M-8</u> <u>Agenda Publication</u> Deadline: 12 Noon for Legislative Session Board Letters	<u>M-7</u>	<u>M-6</u>	<u>M-5</u>	<u>M-4</u> Deadline: 8:30 a.m. Docket of Closed Session Board Letter <u>and</u> <u>Late Items</u>	<u>M-3</u>
<u>M-2</u>	<u>M-1</u>	<u>Board Meeting:</u> Legislative Session Board Meeting	<u>Board Meeting:</u> Land Use Session Board Meeting			

M-## means the days before the meeting or "Meeting Day minus 1, 2, 3," etc.

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Two Reading/Hearing Agenda Items

If an item docketed for two consecutive sessions, such as ordinances that require two readings, consideration must be made when docketing the items and noticing the two hearings. This may require the second reading to occur at a later date in order to allow any updates to be included in the agenda item after the Board's action at the first reading/hearing.

DOCKET DEADLINES ON HOLIDAYS

~~If Monday is a holiday, the docketing deadline is 12 noon on the Friday of the week preceding the Monday holiday.~~

~~If Thursday is a holiday, the docketing deadline is 12 noon on the Wednesday preceding the Thursday holiday.~~

~~Late docket exceptions are described in Rule 2 of Board of Supervisors Rules of Procedure.~~

~~CONTINUED ITEMS DEADLINES~~

~~Docketing of additional or revised information for continued items is as follows:~~

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			Deadline: 12 Noon for Legislative Session Board Letters	Deadline: 12 Noon for Land Use Session Board Letters		
		Legislative Session Board Meeting	Land Use Session Board Meeting			

~~CLOSED SESSION DOCKET DEADLINES~~

~~County Counsel shall submit the Closed Session Board Letter to the Clerk by 8:30 a.m. on the Friday preceding the Board meeting. If the Friday preceding the Board meeting is a holiday, County Counsel shall submit to the Clerk the Closed Session Board Letter by 8:30 a.m. of the last business day preceding the Friday holiday.~~

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COUNTY CHARTER SECTION 1000.1 DISCLOSURES

The Clerk shall process County of San Diego Charter Section 1000.1 disclosures as required by the Charter. The Clerk will publicly announce supplemental disclosures before the Board considers the applicable item.

PROCLAMATIONS

Supervisors may present proclamations to recognize individuals and organizations. Supervisors may present one proclamation per Legislative Session, except that they may jointly issue one additional proclamation with another Supervisor. Supervisors shall submit proclamations to the Chair's Assistant no later than five (5) business days before the Tuesday Session. (Ref. Administrative Code Section 504.10; Board's Rules of Procedure. Rule 10.)

2. BOARD LETTERS

The Clerk shall maintain and make available templates for the Legislative Session and Land Use Session agendas, including special district agendas. The Clerk shall coordinate development of Board Letter templates in consultation with and subject to the CAO's and County Counsel's approval. The Clerk shall make available all current templates on the Clerk's Intranet Site. Board Letters shall be submitted in the form of the then-current template. The Clerk shall review Board Letters for compliance with the following guidelines. Incomplete Board Letters shall not be accepted.

A. The following information provides guidelines for certain sections of Board Letters:

1. *Recommendations*: Recommendations should be prepared in accordance with standard County language. The Board Letter Manual includes sample recommendation language. County Counsel should be consulted early in the Board Letter development process to assist in developing and reviewing the proposed recommendations.
2. *Fiscal Impact Statements*:
 - i. Identify the department(s) and program(s) affected and whether current or future appropriations have been made or will be necessary to accomplish the proposal's objectives;
 - ii. Identify the source of current and proposed future funding;
 - iii. Identify current and future cost savings;
 - iv. Address requirements of Board Policy B-29: Fees, Grants Revenue Contracts – Department Responsibility for Cost Recovery;
 - v. Address increases or decreases in staff required for the program;
 - vi. Any other fiscal considerations.
3. *Equity Impact Statement*: This statement shall consider equity in decisions, including policy, practices, program selection and design and budgetary decisions.

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4. *Sustainability Impact Statement*: This statement shall consider overarching sustainability within decisions, which includes evaluating environmental, social, economic, and health impacts through an equity lens. This statement shall also determine how the decision or action contributes to the County's sustainability goals, as well as commitments for more sustainable internal operations.
 5. *Business Impact Statement*: Identify the impact the proposed action will have on San Diego County's business community.
 6. *Advisory Board Statement*: The Board has established advisory boards to advise it on areas of importance to the Board. Recommendations brought to the Board should, where possible, be presented to the appropriate advisory board prior to Board consideration, and the advisory board's input should be described.
 7. *Environmental Statement*: For proposed actions that require environmental findings, such as findings required by the California Environmental Quality Act, the findings must be set forth.
 8. *Linkage to the County's Strategic Plan*: This section should include a brief statement on how the proposed action aligns with the County's Strategic Plan.
 9. *Single Subject*: Board Letters shall address a single subject and shall not combine multiple subjects into one letter. This requirement does not prohibit different recommendations within one Board Letter (e.g. development of policy, contracting actions, appropriations).
- B. *Agenda Item Information Sheet*: A completed Agenda Item Information shall accompany each Board Letter submitted to the Clerk. The Agenda Item Information Sheet includes the information set forth below that helps provide additional administrative information about the item:
1. *Four Votes Requirement*: This identifies whether the item requires greater than a majority vote of the Board. This must be checked "Yes" or "No";
 2. *Charter Section 1000.1 Compliance*: This must be checked "Yes" or "No";
 3. *Noticed Public Hearing Requirement*: This identifies items that require notice in addition to that required by the Brown Act and should not be placed on the Consent Calendar. This must be checked "Yes" or "No";
 4. *CEQA Requirement*: Items subject to review by the California Environmental Quality Act and any corresponding environmental document (e.g., environmental impact report, mitigated negative declaration, or negative declaration) should be identified. This must be checked "Yes" or "No";
 5. *Government Code Section 84308 Requirement*: Items subject to the Levine Act should be identified. This must be checked "Yes" or "No";

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6. Previous Relevant Board Actions: All previous Board actions must be identified using the following format – Date of item with the item's agenda number in parentheses, e.g. 01/01/2000 (8);
7. Board Policies Applicable: This should list the applicable Board Policies with which compliance is required;
8. Board Policy Statements: If an applicable Board Policy requires a statement or finding, that statement or finding must be included;
9. Mandatory Compliance: Identify specific County actions that must be taken to comply with any applicable laws, regulations and rules;
10. Contract Information: Provide contract numbers and Oracle information;
11. Originating Department: This identifies the County department(s) that originated the letter, or if an elected official, the elected official's name;
12. Other Concurrences: Departments other than the originating Department that have reviewed the Board Letter;
13. Contact Person(s): Identify the person or persons most knowledgeable to answer questions about the Board Letter; and
14. Any additional requirements identified by the CAO in the Agenda Information Sheet.

C. Department Review and Timeline

1. The following department reviews are required prior to docketing a Board Letter. Board member or other County elected officials-initiated Board Letters will include as part of the review process, but not be limited to, written input on accuracy, completeness, and legality. The CAO and Clerk shall establish a department review process, based upon the general docket deadlines, to verify whether required department reviews occurred prior to docketing a Board Letter and indicate if there are any omissions, conflicts or misinformation.
 - i. Office of Financial Planning;
 - ii. Department(s) with the most subject matter expertise; and
 - iii. County Counsel.
2. *Review Timeline*
The CAO or their designee shall establish timelines for review of Board letters initiated by the CAO or County departments. The following timelines for review shall be adhered to for Board Letters generated by Board Members and Other County Elected Officials:
 - i. *Policy Direction and Routine Matters*: Board Letters providing general policy direction and other routine matters, such as standard procurement, Compensation Ordinance changes, and similar actions that do not require an appropriation, must be provided to the reviewing department(s) through the CAO's Office no later than five (5) business days prior to the docket deadline.

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- ii. *Complex Matters, Ordinances, Resolutions and Appropriations:* Board Letters involving complex matters involving implementation by two or more departments, actions requiring appropriations, or Board letters that require supporting documents, such as ordinances and resolutions, must be provided to the reviewing department through the CAO's Office no later than ten (10) business days prior to the docket deadline. Board offices and other elected officials are to notify County Counsel of any changes to resolutions or ordinances made after completion of review for which County Counsel is approving as to form and legality.
 - iii. *Additional Time for Review:* Board member-initiated actions requiring more than eight (8) hours of department review shall be docketed to request consideration of staff review and direct the CAO to return to the Board at a future Board meeting that provides reasonable time for review, or as otherwise recommended by the CAO.
 - iv. *County Counsel Opinions:* If, in the County Counsel's opinion, a proposed action presents a unique legal risk or involves unique legal issues, County Counsel will provide to the Board with a confidential analysis of the proposed action. County Counsel will also provide a confidential opinion to the Board upon the request of any Board member or the CAO. Opinion requests should be submitted at least four (4) business days before the Board considers the item.
 - v. *Public Review:* Where possible, the input of affected individuals and entities should be obtained prior to docketing a Board Letter.
- D. *Errata and After-Docket Changes:* Changes to Board Letters and proposed recommendations shall be limited to ministerial and non-substantive changes. Any changes shall be provided in a strike-out and clean version to the Clerk who shall distribute the changes to the Board, post online, and make copies available to the public at the Board meeting. If the change substantially modifies the Board Letter or its recommendations, the Board Letter shall be continued to the next Board meeting. This requirement does not prevent Board members from amending, adding, or removing recommendations or proposing changes to ordinances or resolutions during a Board meeting. The Board member should ask for the item to be continued for additional analysis if changes involve significant changes or require additional legal analysis.

3. SIGNIFICANT ISSUES SET FOR DISCUSSION AT BOARD CONFERENCES -- CONFERENCE REPORTS

Board conferences allow the Board to fully understand and discuss complex issues in unique and complex policy areas. The Chair will determine whether and when the Board schedules a Board conference.

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When setting Board of Supervisors' conferences, the Board shall allow sufficient time for staff to prepare the necessary information and reports for such conferences. Such information and reports should be submitted to the Clerk no later than 12 noon on Monday, eight days prior to the Board conference date. The Clerk shall prepare and properly notice the Board conference. (Ref. Board's Rules of Procedure, Rule 8)

4. COMMUNICATIONS RECEIVED FOR BOARD OF SUPERVISORS' OFFICIAL RECORDS

The Clerk shall prepare a list entitled, "Communications Received for Board of Supervisors' Official Records" (CR). These are documents submitted to the Board which do not require formal Board action. The CR list is placed on the Legislative session Agenda for the Board to receive and file. Any member of the Board may pull for discussion an item on the CR list. Staff of the Board member alerts the Clerk in advance to have the item pulled for discussion, for the Clerk to seek the approval of the Chair and distribute copies of the item to Board members, the CAO, and County Counsel.

The CAO shall provide routine informational reports to the Clerk. The Clerk will provide those reports to the Board as "Communications Received for Board of Supervisors' Official Records." The Board and public may request that the Board receive public comment on these items and the Board may discuss these items. Similarly, Board requested reports shall be noticed on the Legislative Session, Land Use Session or Conference Agendas.

5. CAO TO ESTABLISH ADDITIONAL PROCEDURES

The CAO, with input from the Clerk and County Counsel, may establish the necessary docketing procedures furthering this Policy and the Board's Rules of Procedure.

B. PUBLIC INPUT TO AGENDA ITEMS -- ORDER FOR LISTING HEARINGS ON BOARD OF SUPERVISORS' AGENDA

Board deliberations should be structured, where possible, to minimize inconvenience to members of the public attending Board meetings. In order to accommodate persons who may travel long distances to provide input at Board hearings, the Clerk, in consultation with the CAO shall list:

1. In descending order, those hearings set for projects in geographical area located most distant from the site of the Board of Supervisors' meeting Chamber followed by those located closer; then
2. Those hearings set for projects situated in Supervisorial District 5 first, Supervisorial District 2 next, and then Supervisorial Districts 1, 3, and 4 whenever more than one hearing is geographically located at a point approximately of equal distance from the site of the Board of Supervisors' meeting chamber, with the exception that items docketed by the Chair shall be listed first; then

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3. Following the directions prescribed in 1 and 2, hearings continued from a previous date ahead of new hearings; then
4. Those hearings dealing with subjects not involving geographical location last, but if there is known large public interest, they shall be scheduled after consultation with and as directed by the Chair of the Board.

C. OTHER CLERK SUPPORT TO AGENDA PROCESS

1. **PERFORMANCE OF ROUTINE RESPONSIBILITIES FOR THE BOARD OF SUPERVISORS -- EXECUTION OF DOCUMENTS**
Whenever legal and feasible, the Clerk may perform routine functions for the Board. These may include executing or facilitating the execution of documents as the Board directs.
2. **OFFICIAL RECORDS**
The Clerk shall maintain in physical or electronic format, as legally and functionally appropriate, official County records including the Board's public deliberations and actions.

D. CAO REFERRALS AND REQUESTS FOR INFORMATION

The Board may make referrals to the CAO in response to public comments and Board requests for information during a noticed Board meeting. Alternatively, Board members and their staff may make similar written requests to the CAO, independent of a Board meeting. The CAO, or designated staff, will promptly respond to these requests. At the CAO's discretion, after consulting with the Chair and as appropriate County Counsel, responses requiring more than eight (8) hours may require Board direction and therefore would require an item be docketed for an upcoming Board meeting.

E. CAO BOARD MEETING ATTENDANCE

1. The CAO (or in the CAO's absence, the Assistant Chief Administrative Officer) shall personally attend the Board's Legislative Session and the Closed Session.
2. The Chief Administrative Officer may delegate the responsibility of attendance at the Land Use Session to the Deputy Chief Administrative Officer responsible for land use and related matters. The CAO shall attend the Land Use Session at the Board Chair's request, and the Board may trail any matter that requires the CAO's attendance until the CAO is able to attend the meeting.

F. CLOSED SESSIONS

County Counsel prepares, and in accordance with this Policy and the Board's Rules of Procedure, docketed and presents to the Board closed session items. County Counsel or a deputy shall attend closed session and shall prepare or cause to be prepared a complete and accurate record of closed session proceedings (closed session minutes). County Counsel shall maintain a secure record of the closed session minutes and shall only allow legally authorized individuals to review those minutes.

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County Counsel shall maintain or caused to be maintained a list of individuals who accessed the closed session minutes. County Counsel shall prepare, as legally required, and shall publicly read-out closed session actions from each closed session and provide a written copy of the report to each Supervisor.

Responsible Departments

1. Clerk of the Board of Supervisors
2. Chief Administrative Office
3. County Counsel

Sunset Date

This policy will be reviewed for continuance by 12/31/31.

References

9-20-77 (7)
 1-21-78 (61) to be effective 3-9-78
 3-6-79 (5)
 9-25-79 (14)
 11-13-79 (15)
 8-24-82 (20)
 5-3-83 (10)
 7-5-83 (81)
 5-15-84 (32)
 7-3-84 (9)
 1-15-85 (77)
 1-28-86 (89)
 4-7-87 (26)
 8-18-87 (14)
 10-18-88 (48)
 4-19-94 (38)
 9/26/00 (16)
 1/23/01 (26)
 12/9/08 (33)
 12/07/10 (27)
 10/30/12 (18)
 11/05/2013 (19)
 11/14/17 (27)
 06/08/21 (14)
 08/16/22 (12)
 10/08/24 (16)

DATE (##)